

CHAPTER 10**(HB 115)**

AN ACT relating to local government.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 97.425 is amended to read as follows:

The term "park property" as used in KRS ~~97.425~~~~[97.405]~~ to 97.485 shall be liberally construed, and includes all parks, squares and areas of land within the management of the city; all buildings, structures, improvements, seats, benches, fountains, trees, plants, herbage, flowers and other things thereon and the inclosures of same; all shade trees on street or thoroughfares, resting places, watering stations, playgrounds necessary and incidental to such public parks and property, parade grounds and the like; all connecting parkways and roads or drives between parks, all avenues, roads, ways, drives, walks, with all trees, shrubbery, vines, flowers and ornaments of any description; all birds, animals or curiosities or objects of interest or instruction placed in or on any such inclosures, ways, parkways, roads or places; all maintenance and construction equipment, recreation supplies, and facilities, and any interest or right which the city is able to exercise.

Section 2. KRS 97.455 is amended to read as follows:

There shall be established in each city of the second class electing to operate under KRS ~~97.425~~~~[97.405]~~ to 97.485 a board to be known as the "Board of Park Commissioners." The board shall consist of not less than five (5) nor more than seven (7) members as determined by the legislative body of the city and shall be appointed by the mayor with the approval of a majority of the legislative body for terms of four (4) years, except that the members first appointed shall be so appointed that the terms of not more than two (2) members shall expire in the same year. Any member of the board may be removed by a majority vote of the members of the city legislative body.

Section 3. KRS 97.465 is amended to read as follows:

The board of park commissioners shall be an advisory board only, it being the intention of KRS ~~97.425~~~~[97.405]~~ to 97.485 to vest all powers relating to parks, playgrounds and recreation in the city, subject to the provisions of KRS 97.020. The board of park commissioners, after their appointment, shall convene and elect a president of the board and a secretary. It shall establish rules, not inconsistent with the provisions of KRS 97.405 to 97.485, and shall fix the time and place for the holding of its meetings. The board shall advise the legislative body of the city on appropriate park and recreational programs and projects, and shall promote the full use of all park facilities in the interest of the public.

Section 4. KRS 97.485 is amended to read as follows:

Nothing in KRS ~~97.425~~~~[97.405]~~ to 97.485 shall be construed to conflict with the provisions of KRS 97.020.

Section 5. The following KRS section is repealed:

97.405 Powers and duties of boards of park commissioners vested in cities of second class.

Approved March 19, 2007.