

CITIES.

CHAPTER 27.

ASSESSMENT ROLL.

AN ACT to Amend Chapter 142 of the Laws Passed at the 17th Session of the Legislative Assembly of the Territory of Dakota, entitled "An Act to Provide for the Collection of City Taxes in Incorporated Cities of the Territory of Dakota.

Be it Enacted by the Legislative Assembly of the Territory of Dakota:

§ 1. ASSESSMENT ROLL.] That section one (1) of chapter 142 of the laws passed at the 17th Session of the Legislative Assembly of the Territory of Dakota, entitled "An act to provide for the collection of city taxes in Incorporated cities of the Territory of Dakota" approved March 11, 1887, be and the same is hereby amended by adding thereto after the word "assessors" in the last line thereof the following: *Provided*, That in all incorporated cities of this Territory, whether incorporated under special acts, or otherwise, not having city assessors, the assessment roll of all property subject to taxation in any such city made and equalized for county purposes shall be and constitute the assessment roll for said city and the county clerk of the county in which any such city is situated shall, as soon as said assessment roll is completed, certify to the common council of every such city within his county the aggregate amount of the valuation of the taxable property in any such city as shown by said assessment roll; and *Provided, further*, That all taxes in any such city levied before the passage and approval of this act shall be collected as now provided by law or ordinance.

§ 2. REPEAL.] All acts or parts of acts in conflict with the provisions of this act are hereby repealed.

§ 3. EFFECT—WHEN.] This act shall take effect and be in force from and after its passage and approval.

Approved, March 2, 1889.

CHAPTER 28.

APPOINTMENT OF ADDITIONAL ASSESSORS.

AN ACT Authorizing the Mayor of Cities Having Five Thousand Inhabitants to Appoint One or More City Assessors.

Be it Enacted by the Legislative Assembly of the Territory of Dakota :

§ 1. ADDITIONAL ASSESSORS.] The Mayor of any city having five thousand inhabitants, that is incorporated under the provisions of Chapter seventy-three, of the General Laws of 1887, may appoint one or two additional City Assessors; provided, the City Council shall by resolution declare their appointment necessary.

§ 2. IN EFFECT WHEN.] This act shall take effect and be in force on and after its passage and approval.

Approved, March 8th, 1889.

CHAPTER 29.

FEES FOR COLLECTING TAXES.

AN ACT to Amend Section Four (4), Chapter One Hundred and Forty-Two (142) of the Session Laws of 1887, Entitled "An Act to Provide for the Collection of City Taxes in Incorporated Cities of the Territory of Dakota."

Be it Enacted by the Legislative Assembly of the Territory of Dakota :

§ 1. TREASURER'S FEE.] That Section four (4), of Chapter one hundred and forty-two (142), of the Session Laws of 1887, be amended by adding to said section the following clause: And the said County Treasurer shall retain from such moneys collected for such city or cities, as a fee to be turned over to the county, one per cent. of all such moneys collected and no more.

§ 2. REPEAL.] All acts or parts of acts, both special and general, in conflict with this act are hereby repealed.

§ 3. EFFECT WHEN.] This act shall take effect and be in force from and after its passage and approval.

Approved, March 8th, 1889.

CHAPTER 30.

SPECIAL ASSESSMENTS.

AN ACT to Facilitate the Collection of Special Assessments in Cities, Towns or Villages.

Be it Enacted by the Legislative Assembly of the Territory of Dakota:

§ 1. ACTION—JUDGMENT.] Whenever any action or proceeding shall be commenced and maintained before any court or judge to prevent or restrain the collection of any special assessment, or part thereof made or levied by the municipal officers of any city, town or village, organized under and by virtue of a special act or charter, or under and by virtue of any general law of the Territory of Dakota for the improvement of its public streets by grading or paving the same, and it shall appear that the assessment was levied uniformly and at the same rate and in the same amount, upon the abutting property liable to assessment for such improvements per front foot, the true and just amount of the special assessment must be ascertained per front foot and judgment must be rendered and given therefor against the party liable for such special assessment and if the special assessment be delinquent, execution must issue forthwith for the same.

§ 2. PUBLICATION NOTICE.] In all such actions and proceedings commenced to prevent or restrain the collection of any special assessment made by the proper municipal officers of any incorporated city, town or village in accordance with the provisions of Section one, of this act where it shall appear upon trial that the person or persons seeking to avoid the payment of such special assessment, knew that the improvements were being made under a special assessment, and that the abutting property was charged with said improvements, and knowingly permitted said improvements to be made without commencing any proceedings to prevent the same, said assessment shall and is hereby declared to be legal and valid, notwithstanding the provisions of the charter or general law under which the city, town or village was incorporated, required the publication of a resolution by the municipal authorities that they deemed the improvement necessary, and its publication in a newspaper a certain number of successive weeks has not been complied with. Provided, it shall appear that said resolution was passed by said municipal authorities and published the number of times and in the newspaper required, on any day during successive calendar weeks.

§ 3. EFFECT—WHEN.] This act shall take effect and be in force on and after its passage.

Approved, March 8, 1889.

CHAPTER 31.

RE-ASSESSMENT OF ABUTTING PROPERTY.

AN ACT Providing for the Re-Assessment of Abutting Property for Improvement of Public Streets.

Be it Enacted by the Legislative Assembly of the Territory of Dakota :

§ 1. RE-ASSESSMENT.] Whenever any City Council of any city whether incorporated under the general law, or by special act or charter, has heretofore upon a petition of a majority of the abutting property owners upon any street made a special assessment for the grading or paving the same and assessed the abutting property uniformly and in the same amount per front foot, and proceeded to pave or grade the street in accordance with the petition, and it shall appear that the ordinance or other proceedings in making the assessment were for any reason invalid, the City Council is hereby authorized and empowered to re-assess all the real property abutting on such improvement upon which the special assessment for the same, has not been paid upon the front foot plan in such sum as may be sufficient to pay its just proportion of the cost of such improvement.

§ 2. NOTICE.] The City Council shall by resolution declare the entire cost of the improvement for which all the abutting property was liable, with a description of the abutting property which such City Council propose to re-assess for its proportion of the cost of such improvement, also the aggregate sum they propose to assess against said property and the amount per front foot and shall state in said resolution when and where they will meet to hear any objections the abutting property owners may have to such re-assessment, which resolution shall be published two successive weeks in some newspaper published in the city.

§ 3. MODE OF ASSESSING.] At any time after the time fixed for hearing objections as provided in Section two, of this act, the City Council shall by resolution, proceed to re-assess all the abutting property, upon such improvement upon which the special assessment first made has not been paid, its just and equal share of the cost of such improvement per front foot, and shall apportion and assess to

each lot or parcel of land upon which such special assessment has not been paid its just proportion of the amount remaining unpaid per front foot, which assessment shall be and remain a lien upon the respective lots and parcels of land so assessed.

§ 4. PUBLICATION OF ROLL.] After said assessment provided for in Section three shall have been made and approved by the City Council, the City Clerk or Auditor shall forthwith make an assessment roll describing the property so assessed, with the name of the owner if known, and the amount assessed to each lot or parcel of land as approved by the City Council, and attach thereto a copy of the resolution of the City Council approving of the same, and certify that the same is correct, and shall file the same with the City Treasurer for collection. The City Treasurer shall forthwith publish said list three successive weeks, at least once in each week, in a newspaper published in said city, together with a notice that said assessments will become delinquent if the same are not paid within thirty days after the date of the first publication, together with a notice that a penalty of ten per cent. will be added thereto after they become delinquent.

§ 5. INTEREST AND COLLECTION.] All such assessments from and after becoming delinquent shall draw interest at the same rate from the date of such delinquency, as delinquent taxes under the laws of the Territory, and the City Treasurer shall proceed to collect the same, if he cannot make the tax by distress, and sale of personal property in the manner and as prescribed in Sections twenty-five to thirty-seven inclusive in Article fifteen, Chapter seventy-three, of the General Laws of 1887.

§ 6. EFFECT—WHEN.] This act shall take effect and be in force on and after its passage and approval.

Approved, March 8, 1889.

CHAPTER 32.

EXTENSION OF CORPORATE LIMITS.

AN ACT to Authorize Cities Having the Requisite Number of Inhabitants to Extend Their Corporate Limits.

Be it Enacted by the Legislative Assembly of the Territory of Dakota :

§ 1. EXTENSION OF LIMITS.] Any city in the Territory of Dakota having not less than three thousand inhabitants may so extend its boundaries as to increase the territory within the corporate limits, not to exceed one-fourth its present area by a resolution of the city council, passed by two-thirds of the entire council elect, particularly

describing the land proposed to be included within the city limits, setting forth the boundaries and describing the lands platted by blocks and lots.

§ 2. PUBLICATION OF RESOLUTION.] The resolution of the city council shall be published in the official newspaper in the city for three successive weeks, and unless a written protest signed by a majority of the property owners of said proposed extension be filed with the city clerk or auditor within ten days after the last publication of such resolution, the territory described in the resolution shall be included within and become a part of the corporation of said city.

§ 3. PLAT FILED.] When the city limits of any city have been extended, as provided by this act, the mayor shall forthwith cause to be filed in the office of the register of deeds in the county wherein said city is located a plat showing the corporate limits and boundaries of the city.

§ 4. EFFECT WHEN.] This act shall take effect and be in force from and after its passage and approval.

Approved March 8th, 1887.

CHAPTER 33.

GENERAL INCORPORATION ACT.

AN ACT Amending Chapter Seventy-three of the General Laws of 1887, in Regard to the Incorporating of Cities.

Be it Enacted by the Legislative Assembly of the Territory of Dakota:

§. 1. STRICKEN OUT.] That chapter seventy-three of the general laws of 1887 be amended as follows: All of section four of article two is stricken out.

§ 2. PRESIDING OFFICERS.] Section ten of article three be amended to read as follows: It shall at [the] first regular meeting after the annual election in each year, proceed to elect from one of its own members a president and vice-president, who shall hold their respective offices for the municipal year. The president of the council shall, in the absence of the mayor, be presiding officer of the council and shall, during the absence of the mayor from the city or his temporary disability, be acting mayor and shall possess all the powers of the mayor. In the absence or disability of the mayor and president of the council then the vice-president shall perform the duties of the mayor and president of the council.

§ 3. OFFICERS.] Section one of article five is amended to read as follows: There shall be elected in all cities organized under this act the following officers: A mayor, two aldermen from each ward, a city treasurer, police justice and city justice of the peace.

§ 4. TITLE AMENDED.] The title to article ten is amended to read as follows: Article ten, police justice and city justice of the peace.

§ 5. POLICE JUSTICE.] That the words "City Justice of the Peace" be stricken out wherever they occur in sections one, two and twelve in article ten, and the words "Police Justice" be inserted in lieu thereof, and that the words "City Justice" in section thirteen, article ten be stricken out and the words "Police Justice" be inserted in lieu thereof.

§ 6. JURISDICTION.] Insert after section ten in article ten the following section: Section eleven. The city justice of the peace shall have the same jurisdiction as justices of the peace within said county in all civil and criminal cases, and within the jurisdiction hereby conferred the power of said court as a committing magistrate and in the trial of cases shall be the same as now or hereafter provided by the laws of the territory for justices of the peace and the process and proceeding of said court shall be governed by the laws regulating proceedings in justice courts and in all cases tried in said court an appeal may be taken to the district court for said county, in the same manner and upon the same conditions as provided by the laws of the territory in cases of appeal from justices of the peace, and on such appeal the district court shall have the same powers as provided by said laws.

§ 7. VACANCY.] That section eleven of article ten be amended to read as follows: In case of vacancy of the office of police justice by death, resignation or otherwise the city council shall call a special election to fill such vacancy until the next annual election or until his successor is elected and qualified, and in case of temporary absence, interest or disability to perform his duties it shall be the duty of the city justice of the peace to act as police justice during such vacancy, absence or disability in the trial of causes cognizable before said police justice.

§ 8. CHANGE OF GRADE.] That section eighteen, of article fifteen be amended by adding thereto the following: *Provided*, that after the grade of any street has been established as provided in this section the city shall, if they change the grade, be liable to the abutting property owners for any damage they may sustain by reason of any permanent improvements having been made by them to conform to the grade as first established.

§ 9. RE-NUMBERED SECTIONS.] That the sections of the articles in said chapter seventy-three be re-numbered to conform to the foregoing amendment.

§ 10. REPEAL.] That all the provisions of said chapter seventy three in conflict with this act are hereby repealed.

§ 11. EFFECT WHEN.] This act shall take effect and be in force on and after its passage and approval.

Approved March 8th, 1889.