

TOWNS AND VILLAGES.

CHAPTER 184.

[S. B. No. 10—Sharpe.]

CONSTRUCTION OF VILLAGE SIDEWALKS.

AN ACT Authorizing the Construction or Reconstruction and Repairing of Sidewalks in Incorporated Villages in This State and the Manner of Assessment and Levy Thereof and Collection of the Same.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. SIDEWALKS TO BE BUILT OR REPAIRED. NOTICE OF, HOW GIVEN. POWERS OF TRUSTEES. DUTY OF OWNERS.] It is hereby made the duty of all owners of land adjoining any street, lane or alley in any incorporated village, in this state, to construct, reconstruct and maintain in good repair, such sidewalks along the side of the street, lane or alley next to the lands of such owner respectively as may have been heretofore constructed, or shall hereafter be constructed, or directed by the board of trustees to be built, and of such material and width, and upon such place and grade as the board of trustees may, by resolution prescribe. Whenever the board of trustees shall deem it necessary that any sidewalk shall be constructed or reconstructed, it shall by resolution direct such construction or reconstruction, specifying the width thereof and the material of which the same is to be constructed or reconstructed. The publication of such resolution twice in some paper printed or published in said village shall be sufficient notice to the owner of the land along which such sidewalk is to be built to construct the same, and unless such owners shall, each along his respective land construct and fully complete such sidewalk within two weeks after the last publication of such resolution, as aforesaid, the board of trustees shall cause such portion of such sidewalks as have not been built by the owners of such lands to be built by the street commissioner, or upon contract, or in any other manner as the board may determine. The board of trustees shall assess and levy upon and against such lot and parcel of land along which such sidewalk has been constructed or reconstructed a sum sufficient to cover the cost of such sidewalk along and fronting upon the same lots and parcels of land respectively, which shall be in the following form:

The board of trustees of the village of doth hereby assess and levy upon and against the several lots and parcels of land below described the respective sums of money set against each lot

or parcel. This assessment is made to defray the cost of a sidewalk along the side of from to in accordance with a resolution of the board of trustees, passed the day of A. D. 19...., and duly published in on the days of A. D. 19.... The amount assessed against and levied upon each lot or parcel being the amount that it cost to construct or reconstruct such sidewalk along and fronting upon the same lot or parcel of land.

Name of Owner, if Known	Description of Land		Amount	
	Lot	Block	Dollars	Cents

Done at a meeting of the board of trustees, this day of A. D. 19....

.....
President.

Attest:

.....
Village Clerk.

§ 2. DUTIES OF VILLAGE CLERKS, AND COUNTY AUDITORS.] The village clerk shall on or before the first day of September of each year deliver to the county auditor a duplicate of all such assessment rolls, and the county auditor shall extend the assessments in proper column against the property assessed, and each assessment shall be collected and the payment thereof enforced, as county and state taxes are collected and enforced, and such assessment shall be paid over by the county treasurer when collected to the village treasurer in like manner as other taxes.

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

§ 4. EMERGENCY.] Whereas, an emergency exists requiring that this act take effect immediately, in that there is no valid enactment now in force covering the provisions herein contained, this act shall take effect and be in force from and after its passage and approval.

Approved March 1, 1905.

CHAPTER 185.

[S. B. No. 8—Kraabel.]

POLICE FOR UNORGANIZED TOWNS.

AN ACT to Provide Police for Towns and Villages Not Organized for Civil Government, and Provide Revenues to Support the Same.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. VILLAGE POLICEMEN TO BE APPOINTED BY BOARD OF SUPERVISORS IN UNORGANIZED TOWNS UPON PETITION.] Whenever sixty per cent of the electors of any town or village of this state within the limits of any platted town, which village or town has no organized city or village government, shall petition the board of supervisors of the township in which it, or a greater portion thereof, is situated, praying for the appointment of a village policeman to serve as a night watchman, in such town or village, and for the levy of a tax upon the property therein to pay such officer, which petition shall state the period for which such appointment is to be made, the name of such townsite, in which such police officer is to be appointed, and if it appears that sixty per cent of the electors residing within such townsite, have signed said petition, it shall be the duty of said supervisors to fix the compensation of such officer for the period named in such petition, for which such appointment is asked.

§ 2. POLICE TAX TO BE LEVIED BY BOARD OF SUPERVISORS. DUTY OF COUNTY AUDITOR.] The said board of supervisors, if the petition is by them found sufficient under the provisions of section 1 of this act, shall at the time the general township tax levy is made, levy upon all the property within said townsite from which said petition is received, the specific amount fixed by them as the compensation of such officer, under the provisions of said section 1, and the amount so levied shall be certified at the time of certifying other township taxes, by the proper authority to the county auditor, who shall calculate and fix the rate per cent necessary to raise that sum, and extend the same upon the tax list of such township against the property within said townsite in a column therein to be provided headed "Police Tax."

§ 3. TAX TO BE COLLECTED AND PAID TO TOWNSHIP TREASURER.] The tax so levied shall be collected and paid over as other township taxes are collected and paid, and the treasurer of the township shall keep a separate account thereof.

§ 4. POLICEMEN SHALL QUALIFY AND GIVE BOND IN AMOUNT FIXED BY BOARD.] In season to serve at the time named in said petition, said board of supervisors shall appoint some suitable person as village policeman, who shall give bond and qualify as township

constables are required, which bond shall be in the sum to be fixed by said board and approved and filed as other township officers' bonds.

§ 5. POWERS AND DUTIES OF POLICE.] Said village policeman shall have all the powers, duties and authority as the constable of such township, and during the period for which he is appointed, he shall patrol said townsite each night from eight o'clock p. m. to six o'clock a. m., guard against fire, theft and burglary, preserve the peace and execute the laws of the state therein.

§ 6. HOW POLICEMEN ARE TO BE PAID.] From the fund herein provided such police officer shall be paid the compensation fixed by said supervisors by warrants drawn by their authority each month upon the township treasurer payable out of the fund herein created upon verified bills submitted by him.

§ 7. TAX LEVY AND APPOINTMENT MUST BE MADE BEFORE JULY 1ST. SUPERVISORS SHALL HAVE POWER TO REMOVE OFFICER.] No tax levy or appointment shall be made as herein provided in any year, in which the petition herein provided for shall not be presented to such supervisors before the first day of July in each year, and said supervisors shall have authority to remove such police officer whenever they shall deem it expedient.

§ 8. EMERGENCY.] Whereas an emergency exists in that no adequate provision of law exists, for the proper police protection in villages not having any local civil government, this act shall take effect upon its passage and approval.

Approved February 15, 1905.

CHAPTER 186.

[S. B. No. 22—Cashel.]

VILLAGE TRUSTEES.

AN ACT to Amend Section 2365 of the Revised Codes of 1899. Relating to the Powers and Duties of Boards of Trustees, and the Levy and Collection of Taxes in Villages.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. AMENDMENT.] That section 2365 of the revised codes of the state of North Dakota be amended so as to read as follows:

§ 2365. GENERAL POWERS.] The board of trustees shall have the following powers:

1. To have a common seal, and alter the same.
2. To purchase, hold or convey any estate, real or personal, for the use of the corporation so far as such purchase may be necessary to carry out the objects contemplated by this chapter, to provide for the erection and care of all public buildings necessary for the use of the village, and to control the finances and property of the corporation.

3. To organize fire companies, hook and ladder companies, to regulate their government and the times and manner of their exercise; to provide all necessary apparatus for the extinguishment of fires, to make owners of buildings provide ladders and fire-buckets, which are hereby declared to be appurtenances to the real estate and exempt from execution, seizure or sale; and if the owner shall refuse to procure suitable ladders or fire-buckets after reasonable notice, the trustees may procure and deliver the same to him; and in default of payment therefor may recover of said owner the value of said ladder or fire-buckets, by suit before the justice of the peace of the village, and the costs accruing thereby; to regulate the storage of gunpowder and other materials; to direct the construction of a place for the safe deposit of ashes; and may under any order by it entered upon the proper book of the board, visit, or appoint one or more firewardens to visit and examine at all reasonable hours dwelling houses, lots, yards, enclosures and buildings of every description, discover if any of them are in a dangerous condition and provide proper remedies for such dangers; to regulate the manner of putting up stoves and stovepipes; to prevent out-fires and the use of fireworks and the discharge of firearms within the limits of said corporation, or such parts thereof as it may think proper; to compel the inhabitants of such village to aid in the extinguishment of fire and prevent its communication to other buildings, under such penalties as are in this chapter provided; to construct and preserve reservoirs, wells, pumps and other waterworks, and to regulate the use thereof and generally to establish other measures of prudence for the prevention or extinguishment of fires as it shall deem proper.

4. To construct and keep in repair culverts, drains, sewers, catch-basins, manholes and cesspools, and to regulate the use thereof, and to regulate the construction and use of any culvert, drain, sewer, catchbasin, manhole or cesspool within the corporate limits and to declare what shall constitute a nuisance and to abate and remove the same, and impose fines upon persons who may create, continue or suffer nuisances to exist, and take such other measures for the preservation of the public health as it shall deem necessary; to license, tax, regulate, suppress and prohibit hawkers, peddlers, salesmen, pawnbrokers, keepers of ordinaries, theatricals, and other exhibitions, shows and amusements within the corporation.

5. To regulate, restrain and prohibit the running at large of horses, cattle, swine, sheep, goats, geese and dogs, and to impose a tax or license on dogs, not to exceed two dollars on each male dog, and three dollars on each female dog owned or kept within such village.

§ 6. To license, regulate, tax or prohibit and suppress pool, billiards, bagatelle, pigeonhole or any other tables or implements kept or used for a similar purpose in any place or public resort, pin-alleys and ball-alleys, to restrain, suppress and prohibit gaming and gambling houses, and other disorderly conduct and places, lotteries

and all fraudulent devices and practices for the purpose of gambling or obtaining money or property, and to prohibit the sale or exhibition of obscene or immoral publications, prints, pictures or illustrations, and authorize the seizure and destruction of gambling apparatus; to suppress bawdy and disorderly houses, houses of ill fame or assignation, within the limits of the village, and within one mile of the outer boundaries of the village.

7. To license, regulate or restrain auction establishments, traveling peddlers and public exhibitions within the corporation.

8. To establish and regulate markets and build market houses.

9. To lay out, open, grade and otherwise improve the streets, alleys, sewers, sidewalks and crossings, and to keep them in repair and to vacate the same.

10. To appoint street commissioners and also firewardens, not exceeding three.

11. To regulate the building and use of sidewalks and all structures thereunder; to require the owner or occupant of any premises to keep the sidewalks in front of or along the same free from snow and other obstructions, and to prohibit the riding or driving thereon except to cross the same; to provide for the building, use and regulation of crosswalks, curbs and gutters; to regulate and prevent the use of streets, alleys, sidewalks and public grounds for signs, signposts, awnings, telegraph or telephone poles, horse troughs, scales, racks, posting handbills and advertisements, to regulate and prevent the throwing or depositing of ashes, offal, manure, dirt, garbage or anything offensive in, and to prevent injury to any street, avenue, alley or public ground; to regulate and prohibit the exhibition or carrying of banners, placards, advertisements or hand bills in the streets or public grounds or upon the sidewalks; to regulate and prevent the flying of flags, banners or signs across the streets or from houses, to regulate traffic and sales upon the streets, sidewalks and public places, to regulate the speed of horses and other animals, vehicles, bicycles, cars, locomotives and traction engines within the limits of the corporation.

12. To establish and erect a jail for the confinement of disorderly persons, vagrants, tramps and idle persons, and persons convicted of violating any village ordinance, and make rules and regulations for the government of the same, and appoint necessary jailors and keepers, to prevent and suppress riots, routs, affrays, noises, disturbances and disorderly assemblies in any public or private place.

13. To insure the public property of such village.

14. To establish and regulate cemeteries within, or within one mile of the corporation and acquire lands therefor by purchase or otherwise, and cause cemeteries to be removed and prohibit their establishment within one mile of the corporation.

15. To plant trees upon public grounds and along the streets of such village and to provide for their culture and preservation, and to enclose any public square or other public grounds within said corporation.

16. To levy and collect annual taxes, not exceeding ten mills on the dollar, assessed valuation.

17. To direct the location, and regulate the management and construction of packing houses, smoke houses, renderies and slaughter houses; and prohibit any offensive or unwholesome business or establishment within, or within one mile of the limits of the corporation; to compel the owner of any grocery, cellar, stable, pigsty, privy, sewer or other unwholesome or nauseous house or place, to cleanse, abate or remove the same, and regulate the location thereof.

18. To make and establish by-laws, ordinances and regulations not repugnant to the laws of this state as may be necessary to carry into effect the provisions of this chapter, and to repeal, alter or amend the same as shall seem to the board of trustees of such village to require; but every by-law, ordinance or regulation, unless in case of emergency, shall be published in a newspaper in such village, if one is printed therein, or posted in five public places at least ten days before the same shall take effect.

19. To prescribe fines, penalties and forfeitures for violations of this chapter, or of any by-laws or ordinances by it established, not exceeding ten dollars for any one offense, which may be recovered by action in the name of the corporation, but such board may remit the whole or any part of the fine, penalty or forfeiture; provided, that the fine assessed for the violation of any ordinance requiring a license shall not be less than the amount required to be paid for such license, although it may exceed the sum of ten dollars.

20. To authorize the construction and maintenance of street railways, water mains and water pipes, and gas mains and gas pipes, along or through the streets and alleys within the corporate limits, and to grant franchises and rights to persons, associations or corporations for such purposes, and to regulate the same.

§ 2. EMERGENCY.] Whereas, an emergency exists in that the present law does not provide for a sufficient levy of taxes for villages, therefore this act shall take effect and be in operation from, and after its passage and approval.

Approved February 25, 1905.