

TOWNSHIPS.

CHAPTER 175.

[H. B. No. 81—Morgan.]

ASSESSMENT ROLLS FURNISHED TOWNSHIP CLERKS.

AN ACT to Provide for Copies of the Assessment Rolls to be Furnished Township Clerks by the County Auditor.

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

§ 1. COUNTY AUDITOR TO FURNISH COPY OF TAX LIST MARCH 1ST TO TOWNSHIP CLERK FOR PRECEDING YEAR.] It shall be the duty of the county auditor of each county within this state to make and transmit to the township clerk of each civil township within such county on the first day of March of each and every year, a copy of the tax list of each township for the preceding year showing the owner and description of each piece or parcel of land assessed and the valuation thereof, also a list of the valuation of personal property assessed to each person or corporation within such township.

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 All acts or parts of acts in conflict with the provisions of this act are hereby repealed.

Approved March 9, 1905.

CHAPTER 176.

[H. B. No. 157—Braaten.]

CARE OF TOWNSHIP ROADS AND BRIDGES.

AN ACT to Amend Section 1114 of the Revised Codes of North Dakota, 1899, Relating to the Duty of Supervisors.

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

§ 1. AMENDMENT.] That section 1114 of the revised codes of North Dakota, 1899, be amended and re-enacted so as to read as follows:

§ 1114. SUPERVISORS HAVE CARE OF ROADS.] The supervisors in the several townships in this state shall have the care and superintendence of roads and bridges therein, shall give directions for the repairing of the roads and bridges in their respective townships, regulate roads already laid out and alter such of them as they deem proper, as hereinafter provided; divide the respective townships into

as many road districts as they deem convenient, by an order in writing under their hands, to be filed with the township clerk and by him entered in the township records, such division to be made annually, if they deem it necessary, and in all cases to be made within at least twenty days before the annual township meeting. They shall assign to each of the road districts such of the inhabitants liable to work on highways as they think proper, having regard to proximity of residents and require the overseers of highways as often as they deem necessary to warn all persons liable to work on roads, to perform work thereon, with such tools, carriages, cattle or teams, as the overseers or either of them shall direct. It shall be the duty of the supervisors of every township to inspect the roads, bridges, and culverts in their respective townships so far as they may deem necessary, between the first day of May and the first day of June, each year, and to ascertain what repairing and grading on roads is necessary; they shall make plans and specifications of all bridges and culverts to be constructed or repaired, stating the size of the same, also to make plans and specifications of the grading of roads, stating the shape, width and length of said grade or grades; and furnish to each of the road overseers in their townships copies of such plans and specifications of the work to be done in their respective road districts on printed or written forms not later than the first day of June of each year. It shall be the duty of such supervisors to see that any grade or grades so started shall be finished according to such plans and specifications. The supervisors shall inspect such roads between the twenty-fifth day of July and the tenth day of September of each year and see that all work is done according to their instructions. The supervisors shall at the annual township meeting make a detailed report of all culverts, bridges and all road work performed by every road overseer, stating in said report whether or not in their opinion said work has been well and properly done in accordance with their plans and specifications. In fulfilling all their duties, as in this act provided, the supervisors of townships shall be governed and guided by the amount of road tax available.

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

§ 3. EMERGENCY.] Whereas there exists an emergency in this, that there is no existing law covering the provisions of this act, relating to the making of plans and specifications by township supervisors, therefore this act shall take effect and be in full force from and after its passage and approval.

Approved March 9, 1905.

CHAPTER 177.

[S. B. No. 142—Hanna.]

CIVIL TOWNSHIPS.

AN ACT to Provide for Paving, Curbing or Macadamizing the Highways in Civil Townships Adjoining Incorporated Cities of Not Less Than 6,000 Inhabitants, and for the Construction of Sewers and Water Mains Therein, Connecting With Such City Sewers and Water Mains.

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

§ 1. WHAT CIVIL TOWNSHIPS MAY PAVE, GRADE OR MACADAM ITS STREETS.] Any civil township in this state adjoining an incorporated city having by the last census at least six thousand inhabitants and which shall have paved, graded, curbed or macadamized its streets leading to the boundaries of such civil township or shall have constructed sewers or water mains in such streets, may pave, grade or macadamize the highways of such township connecting with such city streets, or with such highways so paved or highways running along the boundaries of such city, or construct sewers or water mains therein as provided by this act; provided, that such township shall not so improve any portion of such highways not lying within its boundaries.

§ 2. HOW ACCOMPLISHED.] Whenever the owners of real property abutting on such highway, or part thereof, in such civil township, sought to be improved as provided in this act, and representing a majority by feet of the frontage of said property so abutting, shall desire to improve such highway, or part thereof, as herein provided, they shall petition the board of supervisors of such township in writing, setting forth and describing specifically in such petition, the kind, character and extent of the improvement desired, specifying the width and material of pavement, if any, and the size and material of any sewers or water mains, the number and location of manholes and catch basins for such sewers, and the number and location of fire hydrants for such water mains, which petition shall be accompanied by an affidavit of each signer thereof, stating his place of residence, and that he is the owner of certain real property abutting on the part of such highway sought to be improved, describing such property, and stating the number of feet frontage thereof abutting on such street, which petition shall be filed in the office of the township clerk.

§ 3. TOWNSHIP BOARDS TO HAVE WORKING PLANS MADE.] The board of township supervisors shall, upon the filing of such petition, procure the making, by some competent civil engineer, of complete working plans and specifications for the improvement designated in such petition, together with an estimate of the probable cost thereof,

which plans, specifications and estimate, when completed, shall be filed in the office of the township clerk.

§ 4. TOWNSHIP CLERKS TO ADVERTISE FOR BIDS.] The township clerk shall thereupon advertise in some newspaper of general circulation, published in such adjoining incorporated city, for bids for the construction of such improvement according to such plans and specifications, stating the time and place at which such bids will be received and opened, which time shall not be less than twenty-five days after the first publication of such advertisement, which shall be published in such newspaper three times, once in each week for three successive weeks, and such advertisement shall state that such improvement is to be paid for by special assessments made for that purpose.

§ 5. BIDS TO BE ACCOMPANIED BY CERTIFIED CHECK.] Each bid for such work shall be accompanied by a certified check payable or endorsed to said civil township for at least fifty per cent of the amount thereof and no bid shall be considered which is not accompanied by such check.

§ 6. CONTRACTS, HOW LET.] At the time stated in such advertisement for opening such bids, the board of township supervisors shall meet at the place designated in such advertisement, and open said bids, and award the contract for the construction of such improvements to the lowest bidder therefor, and shall thereupon return to each of the unsuccessful bidders the certified check accompanying his bid, and shall retain the certified check of the successful bidder until the making of the contract and giving of the bond hereinafter provided, and when such contract and bond shall have been executed and filed, the said certified check shall thereupon be returned, but in case the successful bidder fails or refuses to enter into such contract or to give such bond, said certified check shall be retained by said civil township as liquidated damages for such failure to enter into said contract, and give said bond. When such contract has been awarded, the board of township supervisors shall have the same prepared and may employ a competent attorney for that purpose, and such contract shall state the time on or before which such work shall be finished, and shall provide that such work shall be done in accordance with the plans and specifications therefor on file in the office of the township clerk, and in accordance with the bid of the contractor therefor and subject to the approval of such engineer as shall be selected by the board of township supervisors for inspecting and approving such work, and shall further contain a clause that the consideration of said contract is to be paid in warrants, drawn upon the special assessment fund created for the payment of such improvement, and no such civil township shall be or become in any way liable for the payment of any part of the consideration of such contract by general taxation, or from the funds of said township, or otherwise than from such special assessment fund. Such contract shall be entered into in the name of such civil

township and be signed on behalf thereof by the chairman of its board of supervisors, and attested by the township clerk, and when signed by the contractor shall be filed in the office of the township clerk.

§ 7. CONTRACTOR TO GIVE BOND.] The contractor under said contract shall at the time of making the same, execute and file with the township clerk a bond in a penal sum equal to the consideration of said contract, conditioned for the faithful performance of said work according to such plans, specifications and contract, and within the time fixed in said contract, subject to the approval of said engineer, and further conditioned for the payment by said contractor for all material and labor used in said work, which bond shall be signed by the contractor and two sufficient sureties and shall be subject to the approval of the board of township supervisors, and when approved by them shall be filed in the office of the township clerk.

§ 8. TOWNSHIP CLERK TO APPORTION COST OF WORK.] When such contract shall have been fully performed, and the work thereunder approved by such engineer as hereinbefore provided, and the expense connected with such work has been determined, the township clerk shall compute the same, and ascertain the total cost of said improvement, including all expenses in connection therewith of every kind and character, and shall thereupon forthwith calculate the amount to be assessed for such improvement against each lot and parcel of ground abutting on such improvement. And in estimating such assessment he shall take the entire cost of such improvement and divide the same by the number of feet front abutting upon the same, and the quotient shall be the sum to be assessed per foot upon all land so bounding or abutting. And the township clerk shall make and file in his office an assessment list containing the names of the owners of said lands as appears from said affidavits, and of other owners if known to him, together with a description of the lands assessed, which description shall include all such lands between the line of such highway and a line three hundred feet distant therefrom and parallel therewith, and no others. The township clerk shall thereupon cause said assessment to be published in the newspaper in which said advertisement for bids was published, with a notice of the time and place when and where the board of township supervisors will meet to approve such assessment, which notice shall be published in said newspaper once, at least ten days prior to the date fixed therein for the meeting of said township board of supervisors. Said assessment list shall contain or have attached thereto the certificate of the township clerk that the same is correct, and the township clerk shall file in his office with said assessment, an itemized statement of all the expenses of such improvement included therein.

§ 9. COUNTY AUDITOR TO ASSESS AMOUNT AGAINST PROPERTY.] When such assessment shall have been approved by the board of township supervisors, the township clerk shall thereupon transmit to the county auditor a certified copy thereof, and the county auditor

shall thereupon enter the amount of such assessment, against the property assessed therefor, on the tax list of the current year, and shall add thereto one per cent of the amount so assessed for the expense of the collection thereof, and such assessment shall be collected and paid over to the township treasurer, with interest and penalties collected, in the same manner as other township taxes, and shall be credited by the township treasurer to the special assessment fund for such improvement, and shall be diverted to no other purpose.

§ 10. PENALTY FOR NON-PAYMENT.] In case such assessments are not paid the same penalties shall be added thereto and the same proceedings shall be had for the sale of said lands upon which the same are levied, as are had in case of special assessments in incorporated cities, and all the provisions of the statutes with reference to such sales and redemption therefrom in incorporated cities shall apply to special assessments under this act.

§ 11. ASSESSMENTS A LIEN AGAINST PROPERTY.] Such assessments shall be a lien, from the time they are approved by the board of township supervisors, upon the lands abutting upon said improvement to a distance of three hundred feet from the line of such highway and parallel thereto, which lien shall be paramount to all other liens upon such land except ordinary taxes, and such assessments shall become due and payable fifteen days after their approval, and shall bear interest at the rate of seven per cent per annum after they become due.

§ 12. HOW CONTRACTOR PAID.] When any work contracted for under this act shall have been completed according to the contract therefor and approved as hereinbefore provided, the contractor shall be paid therefor in warrants drawn on the special assessment fund herein provided and not otherwise.

§ 13. CITIES AND TOWNSHIPS TO PAY FOR IMPROVEMENTS ON STREETS AND HIGHWAYS. The expense of improving streets and highways lying on the boundary line between any such city and township under this act may be done and paid for by such city and by such township, in such proportion as may be mutually agreed on between them, and any such incorporated city may permit such township to connect with its sewer system and water mains, on such terms as shall be just, and fully compensate said city therefor and for all water furnished to said township mains.

§ 14. EMERGENCY.] There being no method for the improvement of highways as provided herein, in townships adjoining incorporated cities, this act shall take effect and be in force from and after its passage and approval.

Approved March 2, 1905.

CHAPTER 178.

[H. B. No. 265—Ryan.]

CONSOLIDATING TOWNSHIPS.

AN ACT for the Consolidation of a Fractional or One or More Townships Attached to Another Civil Township, by the County Commissioners.

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

§ 1. SUPERVISORS AND CLERKS OF TOWNSHIPS THAT HAVE BEEN DISSOLVED MUST DETERMINE AMOUNT DUE ON ANNEXATION.] When a township or a fraction of a township has been dissolved and attached to another township, by the county commissioners as now provided by law, it shall be the duty of the several boards of supervisors with the clerks of the townships affected by the change to meet prior to the annual town meeting at the usual meeting place and according to the notice of the township clerk of the township to which annexation has been made for the purpose of determining the financial amount due consequent to the said annexation.

§ 2. TO DETERMINE VALUE OF PROPERTY BELONGING TO TOWNSHIP.] At such meeting, such boards of supervisors, with the clerks, shall determine the value of town hall, jail, graders, plows, scrapers and all other property legally owned and used by said township in conducting the business of said township, to which said annexation has been made, together with the moneys in the treasury and also the money due said township from the county and other sources, and also all back or unpaid taxes shall constitute the assets and they shall deduct therefrom all bonds and legal debts against said township which shall constitute the liabilities and the difference between the two shall constitute the net assets or net liabilities.

§ 3. TO DETERMINE THE PRO RATA AMOUNT DUE FROM ANNEXED TERRITORY.] When it is shown that there is a net asset it shall be the duty of the several boards of supervisors with the clerks to determine the pro rata amount due from the annexed territory in proportion of the assessed valuation of one to the other. All questions herein shall be determined by a majority vote of board hereinbefore provided.

§ 4. TAX TO BE LEVIED AGAINST TERRITORY ANNEXED.] At the first annual township meeting there shall be levied against the fractional township or township annexed, the sum hereinbefore found to be due the township affected by the annexation, thereby in addition to the levies provided by law.

§ 5. EMERGENCY.] Whereas there is no law by which a fractional township or township dissolved and annexed to another township pays anything towards the net assets of the township to which

annexed although deriving all the benefits incident thereto and whereas when a fractional township or township withdrawing and organizing under the law demands an equitable settlement of assets and whereas the annual town meetings are held long prior to July 1, 1905, therefore this act to take effect at once, immediately after its passage and approval.

Approved March 7, 1905.

CHAPTER 179.

[S. B. No. 55—Johnson of McLean.]

ORGANIZATION OF TOWNSHIPS.

AN ACT to Amend and Re-enact Section 2526 of the Revised Codes of 1899, Relating to Organization of Townships.

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

§ 1. AMENDMENT.] That section 2526 of the revised codes of 1899 be amended and re-enacted to read as follows:

§ 2526. PETITION FOR ORGANIZATION OF TOWNSHIP.] Whenever a majority of the legal voters of any congressional township in this state having an assessed valuation exceeding forty thousand dollars and containing twenty-five legal voters petition the board of county commissioners to be organized as a township under this article such board shall forthwith proceed to fix and determine the boundaries of such new township and to name the same; and the board shall make a full report of all its proceedings in relation to laying off such township and file the same with the county auditor.

Approved March 9, 1905.

CHAPTER 180.

[S. B. No. 134—Plain.]

PERPETUATING SECTION CORNERS.

AN ACT to Allow Township Boards to Perpetuate the Government Surveys, and to Authorize the Erection of Permanent Monuments on Section Corners, and Providing Penalties for the Destruction of, Damage to, or Removing Said Monuments When So Erected.

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

§ 1. TOWNSHIP SUPERVISORS TO EMPLOY SURVEYORS TO RUN LINES AND ERECT MONUMENTS ON CORNERS.] Whenever it appears advis-

able to any board of township supervisors in this state to erect permanent monuments to perpetuate the boundaries as fixed by the United States survey, they may employ a competent surveyor or civil engineer to run the lines and to mark the section corners, and may on the corners so marked place a stone monument eight inches square on each end, and fifteen inches long, which monument shall be buried in the earth so that one end thereof eight inches square shall be flush with the surface of the road or grade, and so that the center thereof shall mark the intersection of the four section lines converging at that point, and so that the said lines shall run diagonally across the face of the said stone monument.

§ 2. WHEN PETITIONED, SUPERVISORS SHALL CALL ELECTION TO VOTE ON QUESTION OF PLACING MONUMENTS.] Whenever the township supervisors of any organized township in this state shall be petitioned by not less than twelve free holders of the said township to call an election to ascertain the will of the majority of the voters of said township on the question of erecting such monuments, the said board of township supervisors shall submit the question of whether or not such monuments shall be placed in said township, which election shall be held the same time as the usual spring election for township officers, and if a majority of those voting in said township at such spring election vote in favor of erecting said monuments, then the said board of township supervisors shall immediately thereafter cause such monuments to be placed as provided in section 1 of this act.

§ 3. COST OF MONUMENTS TO BE CHARGED TO TOWNSHIPS.] Whenever it is decided by the board of township supervisors of any organized township to erect such monuments, or whenever, as the result of an election, the township board proceeds to erect said monuments the cost thereof shall be a proper charge upon the funds of said township and the township board is authorized to pay the cost thereof, or to lay a tax upon the property of the township for the purpose of paying the same.

§ 4. PENALTY FOR DESTROYING OR REMOVING.] Any person who shall destroy, remove, deface, or in any way injure or damage such monuments, when so erected, shall be deemed guilty of a misdemeanor.

§ 5. BOARD AUTHORIZED TO ESTABLISH MONUMENTS IN UNORGANIZED TOWNSHIPS.] The board of county commissioners shall have the same authority to establish, fix and erect monuments in unorganized townships as is given township boards of supervisors under the provisions of this act, and also for the establishment of lost corners.

§ 6. REPEAL.] All acts or parts of acts in conflict herewith are hereby repealed.

Approved March 7, 1905.

CHAPTER 181.

[S. B. No. 35—Fox.]

ROAD MACHINERY.

AN ACT to Amend Section 2673, Revised Codes of North Dakota, Relating to Township Boards.

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

§ 1. AMENDMENT.] That section 2673, revised codes of North Dakota, be and the same is hereby amended to read as follows:

§ 2673. ROAD MACHINERY.] In townships owning road machinery, the township board shall have authority to make such disposition of the same as in its discretion is best for the interests of the township, or it may purchase or lease such machinery as may be necessary for the purpose of carrying out the provisions hereof, and the performance of contracts in reference thereto; provided, that no machinery shall be purchased or sold, to exceed in value the sum of one hundred dollars, except such sale or purchase shall be ordered at the annual township meeting by a majority vote of the legal voters of such township assembled at such meeting.

§ 2. REPEAL.] All acts and parts of acts inconsistent herewith are hereby repealed.

Approved March 13, 1905.

TOWNSHIP SUPERVISORS.

CHAPTER 182.

[H. B. No. 78—Oveson.]

TERMS OF OFFICE OF TOWNSHIP SUPERVISORS.

AN ACT to Amend and Re-enact Section 2541 of the Revised Codes of 1899, Relating to Election of Township Officers and Their Terms of Office.

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

§ 1. AMENDMENT.] That section 2541 of the revised codes of 1899 of the state of North Dakota be hereby amended to read as follows:

§ 2541. TOWNSHIP OFFICERS, WHEN ELECTED. TERM OF OFFICE.] There shall be elected at the annual township meeting in each town-