
CITIES

CHAPTER 53.

[H. B. No. 61—Sgutt]

SPECIAL ASSESSMENTS.

AN ACT to Amend Section 2802 of the Revised Codes of North Dakota for 1905, Relating to Publication of Notice of Special Assessment List by City Auditor and to the Method of Procedure in Perfecting Appeals from Acts of the Special Assessment Commission for Cities.

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

§ 1. AMENDMENT.] Section 2802 of the revised codes of North Dakota for 1905 is amended so as to read as follows:

§ 2802. PUBLICATION OF NOTICE OF ASSESSMENT LIST.] The city auditor shall thereupon publish once, in the official newspaper of the city, a notice stating that such assessment list has been confirmed by the special assessment [commission] and filed in his office, and is open to public inspection, and shall state in said notice the time and place when and where the city council will act upon such assessment list; and in case such notice shall have been given more than fifteen days prior to the next regular meeting of the city council, such assessment list shall be acted upon by such council at its next regular meeting; and in case such notice shall not have been published more than fifteen days prior to the first regular meeting of the city council thereafter, such assessment list shall be acted upon by the city council at its second regular meeting, after the publication of such notice. Any person aggrieved may appeal from the action of such commission by filing with the city auditor prior to the meeting at which the city council will act upon such assessment, a written notice of such appeal, and stating therein the grounds upon which the same are based.

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 All acts or parts of acts in conflict with the provisions of this section are hereby repealed.

§ 3. EMERGENCY.] Whereas, an emergency exists in that the law now provides for notice of hearing to be given by the city auditor in case there is no appeal, this act shall be in force from and after the date of its passage and approval.

Approved March 16, 1909.

CHAPTER 54.

[S. B. No. 49—McArthur]

DEPOSITING GLASS ON STREETS.

AN ACT to Prohibit the Throwing or Depositing of Glassware of Any Kind Upon the Streets of any Village or City or Upon Public Highways and Providing for a Penalty for the Violation Thereof.

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

§ 1. DEPOSITING GLASS ON STREETS UNLAWFUL.] Any person who shall leave, throw or deposit upon the streets of any village or city or upon any public highway, glassware of any kind shall be deemed guilty of a misdemeanor.

§ 2. PENALTY.] Whoever violates the provisions of section one of this act shall be guilty of a misdemeanor, and upon conviction shall be fined not exceeding fifty dollars, nor less than ten dollars.

Approved March 11, 1909.

CHAPTER 55.

[S. B. No. 30—Duis]

REGULATION OF CHARGES FOR GAS.

AN ACT Authorizing Cities Incorporated Under the Laws of This State to Regulate and Fix the Rates to Be Charged by Persons, Firms or Corporations Furnishing Manufactured Gas for Lighting and Heating Purposes to Such Cities and the Inhabitants Thereof.

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

§ 1. CITY MAY PRESCRIBE MAXIMUM RATES.] The city council of any city now or hereafter incorporated under the laws of this state, in which city any person, firm or corporation now is or hereafter may be exercising a franchise, right, license or privilege in or to any street, highway, alley or public place of such city for the furnishing of manufactured gas for lighting and heating purposes to such city and the inhabitants thereof, is hereby empowered to prescribe by ordinance maximum rates and charges for the service, commodity or utility so furnished, and to provide for the enforcement of such ordinance by suitable penalties; provided, that the rates and charges so fixed shall be just and reasonable, and when fixed, shall not be altered by the municipality oftener than once in five years; provided, further, that such rates and charges shall be

fixed by the city council after notice to the person, firm or corporation whose rates and charges are to be affected, and after reasonable opportunity to such person, firm or corporation to appear and be heard in relation to such matter in such manner as the city council may by resolution determine, and on such hearing such city council or its committee appointed for such purpose may by resolution require the production before it of all books of account, records and vouchers of such person, firm or corporation pertaining to the business, rates and charges under investigation.

§ 2. RATES PRIMA FACIE REASONABLE.] All rates and charges fixed hereunder shall, if the validity thereof be contested, be held to be prima facie just and reasonable, but any such person, firm or corporation aggrieved by any rate or charge fixed or established under the provisions of this act, may by suit in the district court of the county have the reasonableness of such rate or charge adjudicated, and may appeal from the decision of such court to the supreme court in the manner provided by law; provided, that no appeal from such rates or charges fixed by the city council pursuant to this act shall be taken by any person, firm or corporation aggrieved thereby, nor shall any action or suit to annul such rates or charges or to enjoin their enforcement or otherwise be brought or maintained by any such person, firm or corporation in any court, if such person, firm or corporation has failed or neglected to comply with any demand made hereunder by the city council or its committee for the production and inspection by the city council or its committee of the books of account, papers, vouchers and records of such person, firm or corporation.

§ 3. ADDITIONAL COUNSEL MAY BE EMPLOYED.] The city council, in exercising the right and powers hereby granted, may, by resolution, employ such legal counsel and other assistance as it may deem expedient.

§ 4. EMERGENCY.] Whereas, there is no law in this state touching the subject matter hereof, therefore, this act shall be in force from and after its passage and approval.

Approved March 11, 1909.

CHAPTER 56.

[H. B. No. 379—Hale]

SPECIAL STREET LIGHTING SYSTEM.

AN ACT Providing That Any City Shall Be Authorized to Install Upon Any of Its Streets or Avenues Any Special System of Street Lighting, and to Assess the Cost Thereof or Any Part Thereof Against the Property Directly Benefitted Thereby.

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

§ 1. SPECIAL SYSTEM AUTHORIZED.] All cities shall have power and authority to install upon any of the streets thereof any special

system or systems of street lighting, and to defray the expenses and cost thereof as hereinafter provided.

§ 2. PROCEDURE TO INSTALL.] Whenever the owners of a majority of the property abutting on any street or streets of any city shall petition the city council, asking that there be installed upon such street lighting, to be therein and by said petition described in general terms, such city council may, at any time within sixty days after the filing of such petition with the city auditor, require plans, specifications and estimates of the probable cost of such improvement to be prepared by the city engineer, or such other person as shall, upon motion or resolution, be designated, and thereafter, and upon the return and filing of such plans, specifications and estimates and probable cost, such city may proceed to provide for the construction of such improvement and to assess the cost thereof against the abutting property in the same manner and with the same notice and according to the same forms and procedure as now provided by statute for the construction and assessment of street paving; and upon such proceedings being taken and completed, the cost of such construction or such part thereof as the council shall deem proper, be assessed against the abutting property in the same manner and according to the same form as now provided by law for the assessment of the cost of street paving.

§ 3. ASSESSMENT FOR COST.] In conducting proceedings under this act, it shall not be necessary to establish any separate lighting or improvement districts, and, in assessing the benefits, no assessment shall be made against any property other than that immediately contiguous to the streets or avenues where such improvement is made.

§ 4. EMERGENCY.] Whereas, an emergency exists in that there is now in existence no provision for the installment of any special system of street lighting by cities and for the assessment of the cost thereof against the adjoining property; therefore, this act shall take effect and be in force from and after its passage and approval.

Approved March 12, 1909.

CHAPTER 57.

[S. B. No. 85—Wallin]

SPECIAL ASSESSMENTS FOR CITY IMPROVEMENTS.

AN ACT to Amend Section 2795 of the Revised Codes of 1905, of the State of North Dakota, Relating to Special Assessment by Cities, for Building of Sidewalks and Grading and Improving Streets.

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

§ 1. AMENDMENT.] Section 2795, of the revised codes of 1905 of the state of North Dakota, is amended and re-enacted to read as follows:

§ 2795. SPECIAL ASSESSMENTS BY CITIES, AND FIXING THE TIME OF PAYMENT THEREOF.] All special assessment for sidewalks and for the expense of opening, widening, grading or extending streets shall be payable in equal annual amounts extending over a period of not exceeding ten years, and shall bear interest at the rate not to exceed seven per cent per annum on the total amount of such assessment remaining from time to time unpaid; providing, however, that any one who chooses to pay such special assessment in one single payment may do so, and any one who has paid one or more annual installments may pay the balance in one single payment.

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

§ 3. EMERGENCY.] Whereas, an emergency exists in this, that there is no law in the state now allowing payments of special assessments in annual installments, this law shall be in force and effect upon its passage and approval.

Approved March 11, 1909.

CHAPTER 58.

[S. B. No. 220—Rice]

CORPORATE LIMIT OF CITIES.

AN ACT to Amend Sections 2825 and 2826 of the Revised Codes of the State of North Dakota for 1905, and Chapter 47 of the Session Laws of the State of North Dakota for 1907, Relating to the Extension of Corporate Limits of Cities and to Provide a Method of Procedure for the Extension of Corporate Limits of Cities.

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

§ 1. AMENDMENT.] Section 2825 of the revised codes of the state of North Dakota of 1905, and chapter 47 of the session laws of the state of North Dakota for 1907 be, and said section is hereby amended so as to read as follows:

§ 2825. EXTENSION OF LIMITS.] Any city of this state, whether organized under the general law or under a special charter, and without regard of the number of its inhabitants, may so extend its boundaries as to increase the territory within the corporate limits not to exceed one-half of its present area, by a resolution of the city council passed by two-thirds of the entire members-elect, particularly describing the land proposed to be incorporated within the city limits, setting forth the boundaries of the territory proposed to be incorporated; and provided, further, that whenever any city in this state is, or shall be separated into two parts, not contiguous at any point, the strip of unincorporated territory so separating and lying between such parts, if the same does not exceed one-fourth of the present limits of such city, may be so incorporated within such limits by the passage of a resolution as is hereinbefore provided for the extension of limits.

§ 2. AMENDMENT.] Section 2826 of the revised codes of North Dakota of 1905, be and said section is hereby amended so as to read as follows:

§ 2826. PUBLICATION OF RESOLUTION.] The resolution of the city council shall be published in the official newspaper of the city twice, once in each week's issue for three successive weeks, and printed or typewritten copies of said resolution shall also be posted in five of the most conspicuous places within the territory proposed to be annexed, and unless a written protest signed by a majority of the property owners of said proposed extension is 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 said city. But in the event such written protest is filed, then the city council shall hear the testimony offered for or against such annexation, and if after hearing such testimony and after a personal inspection has been made of the territory proposed to be annexed, such city council is of the opinion that such territory ought to be annexed, and if such city council by a resolution of the city council, passed by two-thirds of the entire members-elect thereof, orders that such territory shall be so included within the corporate limits of such city, it shall then make and cause an order to be made and entered, describing the territory so annexed, and the territory described in such resolution shall be included within, and become a part of said city; provided, however, if the greater portion of said territory proposed to be annexed consists of lands used for farming or pasturing purposes, then said territory shall not be annexed.

§ 3. RECORD TO BE KEPT.] Upon written demand filed with the city council at or prior to the hearing of any of the parties affected thereby all proceedings, and the testimony submitted shall be reduced to writing and shall be filed with the city auditor, and shall remain on file in the office of said city auditor.

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

§ 5. EMERGENCY.] Whereas, an emergency exists in this that there is now no adequate law providing for the annexation of contiguous territory to cities, therefore this act shall be in full force and effect from and after the date of its passage and approval.

Approved March 15, 1909.

COMMISSIONERS OF DEEDS

CHAPTER 59.

[S. B. No. 137—Ramsett]

APPOINTMENT OF COMMISSIONERS OF DEEDS.

AN ACT to Amend Section 372 of the Political Code of the Revised Codes of 1905, Relating to Commissioners of Deeds.

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

§ 1. AMENDMENT.] Section 372 of the political code of the revised codes of the state of North Dakota for the year 1905 is amended as follows:

§ 372. APPOINTMENT.] The governor may appoint in each of the states of the United States and the territories thereof one or more commissioners under the seal of this state, to continue in office for the term of six years, who shall have the power to administer oaths, and to take depositions and affidavits to be used in this state, and also to take acknowledgments of any deed or other instrument to be used or recorded in this state.

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

§ 3. EMERGENCY.] An emergency exists in this, that the present law only provides for the appointment of one commissioner in each city, therefore this act shall take effect and be in force from and after its passage and approval.

Approved March 11, 1909.