

## VILLAGES

### CHAPTER 312.

[S. B. No. 80—Committee on Cities and Municipal Corporations]

#### PAYMENT OF CORPORATE INDEBTEDNESS.

AN ACT to Amend Section 2869 of the Revised Codes of 1905, as Amended by Chapter 265 of the Session Laws of 1907, Relating to the Contracting of Loans for the Payment of Corporate Indebtedness and Providing for the Levy of Taxes to Pay Final Judgments Rendered Against Villages and Providing for the Manner of Collecting the Same.

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

§ 1. That section 2869 of the Revised Codes of the state of North Dakota as amended by chapter 265 of the Session Laws of 1907 be, and the same is hereby amended so as to read as follows:

§ 2869. CONTRACTING LOANS. PAYMENT OF JUDGMENTS.] No village incorporated under this chapter shall have the power to borrow money or incur any indebtedness, liability or issue bonds to fund any existing indebtedness unless five-eighths of the citizen owners of the taxable property of such village as evidenced by the assessment roll of the preceding year, petition the board of trustees to contract such debt, loan or bonds, and such petition shall have attached thereto, affidavits establishing the genuineness of the signatures of the same; and for any debt created thereby the trustee shall add to the tax duplicate of each year successively, a levy sufficient to pay the annual interest on such debt or loan with an addition of not less than five cents on the one hundred dollars to create a sinking fund for the liquidation of the principal thereof; provided, further, that whenever any final judgment has been heretofore or may be hereafter obtained against a village and if there shall not be on hand sufficient funds applicable for the purpose of the payment of the same, the trustees shall in addition to all other levies provided for by law, and at the same time annually, levy a tax upon the taxable property of such village, not exceeding in amount one dollar on each one hundred dollars of the assessed valuation in any one year, which shall be used in the payment thereof; provided, further, that if the judgment, plus one year's interest, be not more than one per cent of the assessed valuation, then such levy shall provide for the payment of the same in one year, but if the judgment with one year's interest exceeds one per cent of the

valuation, then the trustees shall in one resolution levy a tax for a sufficient number of years to pay the entire amount due; in the event that there is more than one judgment the same shall be paid as herein provided in the order of the docketing of the same with the clerk of the district court of the county in which such village is located; provided, further, that no execution shall issue on any such judgment or judgments nor shall the public property of the village be subject to levy or sold in satisfaction of any such judgments.

The county auditor shall make out, charge and extend upon the tax list against each description of real property and against all personal property, and upon all taxable property of the village all such taxes for judgments he is so notified have been levied by the village in which the property is situated and taxable in the same manner in which the village, county and state tax is extended and deliver it to the county treasurer, at the same time.

Provided, further, that when the resolution of the village taxing officers provides for a levy for more than one year, then to annually thereafter and as long as such levy is in force, spread such levy in the manner above set forth without any further notice from such village officers.

After the final entry of any judgment against a village the trustees may issue certificates of indebtedness evidencing the debt, its amount and interest, and payable as funds are collected by the annual levies aforesaid; said certificates may be issued in the total sum of such judgment or may be issued in separate certificates of one hundred dollars each or any multiple or fraction thereof, as the trustees may determine, and shall be presented to the village treasurer on January first and July first of each year until fully paid, for indorsement of funds available on said date, for the satisfaction of the same; such certificates may be at any time, upon there being sufficient funds to fully pay the same, called in by the treasurer for payment, and unless the same shall be surrendered for payment within five days thereafter the interest thereon shall cease; such certificates shall bear the same rate of interest as the judgment or judgments which they represent, and such interest shall be payable semi-annually. Such certificates may be thereafter presented to the clerk of the district court of the county in which such judgment is docketed for certification as to the date of docketing and amount of said judgment, and may thereafter be presented to the auditor of the county in which such village is located who shall certify as to the date and amount of the tax levy provided for its payment. Such certificates so indorsed shall be assignable and negotiable.

The treasurer shall keep separate the funds so raised and to pay out of it the semi-annual interest on such judgments and the balance on the principal as fast as the same is accumulated.

Approved March 3, 1911.

## CHAPTER 313:

[S. B. No. 369—Linde]

## TO LEGALIZE VILLAGE INCORPORATION.

AN ACT to Legalize the Incorporation of Certain Villages into Cities, Attempted Under Article One (1) of Chapter Thirty (30) of the Revised Codes of the State of North Dakota for the Year 1905, and Also to Legalize Elections Held in Such Cities.

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

§ 1. ACTS AND PROCEEDINGS, LEGALIZED.] That in all cases where there has been an incorporation of a village into a city heretofore attempted under the provisions of article one (1) of chapter thirty (30) of the Revised Codes of North Dakota for the year 1905, and the laws amendatory thereof, such attempted incorporation of such village into a city, under the name assumed, shall be, and hereby is legalized in each and every case, and declared a valid and effective incorporation, and this shall be true notwithstanding the omission of any matter and thing by law required as a prerequisite to the incorporation of such village into a city, and notwithstanding any defect in the proceedings had for that purpose, and any election called by the officers of such incorporated city and had therein for any purpose and any by-law, resolution or ordinance heretofore adopted by such city, or corporate act of any character indulged in, is hereby legalized and declared valid; provided that nothing herein contained shall affect any action or proceeding now pending.

§ 2. EMERGENCY.] Whereas, an emergency exists, this act shall take effect and be in force from and after its passage and approval.

Approved March 6, 1911.

## CHAPTER 314.

[S. B. No. 271—Kretschmar]

## ORGANIZATION OF VILLAGES.

AN ACT for the Organization of Villages in Territory Embracing More Than One County.

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

§ 1. WHEN ORGANIZED.] Whenever any area of contiguous territory in this state, not exceeding four square miles, shall have residing thereon a population of not less than one hundred

inhabitants, which shall not already have been included within the corporate limits of any legally incorporated village or city and which territory to be embraced in the limits of said village is in more than one county, such territory may become incorporated as a village, in the manner provided in chapter thirty-one (31) of the political code of North Dakota, governing the incorporation of villages and said chapter 31 of the political code is hereby made applicable to the organization, power, duties and privileges of such village and as to the authority and duties of its officers, except as herein otherwise specifically provided for.

§ 2. CENSUS AND SURVEY.] Prior to the commencement of any proceedings to incorporate such territory as a village, a census as prescribed in section 2844 of the revised codes for 1905 shall be taken and a survey of the territory so to be incorporated shall be made in accordance with section 2845 of said code, and furnish proof thereof in conformity to section 2847 R. C.

§ 3. PETITION FOR INCORPORATION.] A petition signed by not less than one-third (1-3) of the qualified voters, residing within such territory, shall be filed in the office of the county auditor of the county where the greater part of the territory is situated, addressed to the board of county commissioners of such county, which petition shall define the boundaries of such proposed village and state the number of inhabitants residing within such limits, and also state the name of such proposed village, and submit a verified copy of the census taken and a duplicate map of the survey thereof, and such petition shall contain a prayer that the question be submitted to the qualified voters residing within such limits, whether they will organize as a village under said chapter. It shall be the duty of the board of county commissioners to make an order fixing a time and place within the boundaries of such proposed village, at which an election may be held to determine such question (providing that when such territory is situated in more than one county, the commissioners shall designate a separate election place in each county for that portion of territory to be embraced within the limits of the proposed village so to be incorporated) and such commissioners shall name the persons to act as judges in holding such election, and shall give notice thereof by causing the same to be published in a weekly newspaper for a period of ten days, if there is a newspaper published within such territory or by causing five notices to be posted in public places within such proposed village for ten days, and chapter 31 of the political code of 1905 applicable hereto relative to holding elections and manner of voting and form of ballot, except as herein otherwise specifically provided for.

§ 4. COMMISSIONERS CANVASS VOTES.] The returns of such election shall be made to and canvassed by the board of county

commissioners who ordered such election and the result of such election shall be entered upon the records of such county commissioners, and if a majority of the votes cast at such election shall be for incorporation, the board shall make an order declaring that such village has been incorporated by the name adopted (stating such name) and cause such order to be spread on the records of said commissioners, which order shall be conclusive of such incorporation in all suits by or against such village, and the existence of such corporation by the name and style aforesaid, shall thereafter be judicially taken notice of in all courts in this state. A certified copy of such order shall be at once transmitted to each county within which a portion of such territory may be situated and the auditor of such county shall likewise make a record thereof on the commissioners' books.

§ 5. PLACE OF ELECTION.] Whereas, this act provides that villages may be incorporated embracing territory situated within more than one county; and

Whereas, a voter cannot cast his vote in a county other than the one in which he is a qualified voter,

Be it hereby provided for, and made a part of this act, that the territory embraced within the limits of such corporation be divided into as many election places as there are portions of counties embraced and the whole of such territory to be divided into districts in accordance with section 2852 of the revised codes. There shall be a board of election, consisting of two judges, and two clerks for each election place, appointed by the board of trustees at their regular meeting preceding the day of any election to be held within such village, and such election boards to make due returns to the board of trustees immediately after the votes are counted and recorded, and shall receive two dollars per day for their services.

§ 6. OFFICE OF VILLAGE.] The officers of a corporation created under and by virtue of this act may maintain an office for the performance of their duties in any portion of the limits of said corporation, but all official proceedings must be headed with the name of the village, with the name of each county of which a portion is embraced in such corporate limits and the name of the state of North Dakota. The seal to be used by such village shall also contain the names as above set forth.

§ 7. ASSESSOR, HOW ELECTED.] In addition to the officers to be elected by such village in accordance with section 2857, chapter 31 of R. C. of North Dakota, there shall be elected an assessor for each of the counties of which a portion is embraced within the limits of such village, and such assessor shall have the same powers and duties as assessors in villages situated within the limits of one county, and shall be governed accordingly.

§ 8. BOARD OF EQUALIZATION.] The board of equalization shall

consist of the same members as now provided for under chapter 31 governing villages, but the trustees shall require the clerk of such village to transmit assessment books together with a certified copy of the minutes showing the proceedings of the board of equalization, to the county auditor in each county in which such village is situated, and when the trustees have made a levy on the property assessed within such village to correctly proportion the amount to be certified to each county in accordance with the valuation returned by the assessor and as left by the equalization board.

§ 9. DUTIES, COUNTY TREASURER.] The county treasurer shall perform the same duties in relation to the collection of taxes for such villages as is now or may hereafter be provided for.

§ 10. REPEAL.] All acts and parts of acts contained in chapter thirty-one (31), of the political code of North Dakota, relating to incorporation of villages, powers and duties of its officers, not conflicting herewith, are made applicable to the organization of villages hereunder.

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

§ 12. EMERGENCY.] Whereas an emergency exists, therefore, this act shall take effect and be in force from and after its passage and approval.

Approved March 6, 1911.

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## VETO

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### CHAPTER 315.

[S. B. No. 29—Welch]

#### STATE HISTORICAL SOCIETY. POWERS.

AN ACT to Amend Sections 240 and 241 of the Revised Codes of 1905, and Sections 242 of the Same Code as Amended by Chapter 132, Laws of 1907, Relating to the State Historical Society of North Dakota, and Making an Appropriation.

#### VETO.

Bismarck, March 18, 1911.

To the Honorable, Secretary of State:

I file herewith senate bill No. 29, an act to amend section 240 and 241 of the Revised Codes of 1905, and section 242 of the same code as amended by chapter 132, laws of 1907, relating to state his-