

Sec. 3. After the passage of this Act, any person or persons practicing Chiropractic within this state, shall pay on or before the first day of September of each year after a license is issued to them to the Board of Chiropractic Examiners, a renewal fee of five dollars (\$5.00) or such less sum that the board of Chiropractic Examiners may see fit to levy. The secretary-treasurer shall, thirty (30) days or more before September 1st of each year, mail to all Chiropractics in this state, a notice of the fact that the renewal fee will be due on or before the 1st of September. Nothing in this Act shall be construed so as require that the renewal receipts shall be recorded as original licenses are required to be recorded. Non-payment of fee shall be grounds for revocation of license.

Sec. 4. All examiners and renewal fees required by the State Board of Chiropractic Examiners under this Act shall be paid to the Secretary-Treasurer of said board. Said money so received may be used by the State Board of Chiropractic Examiners in defraying their expenses in carrying out the provisions of this Act.

Sec. 5. PENALTY FOR VIOLATION OF THIS ACT. DUTY OF STATES ATTORNEY.) Any person or persons violating any of the provisions of this Act, shall be deemed guilty of misdemeanor and upon conviction thereof, shall be punished by fine of not less than five dollars (\$5.00) nor more than one hundred dollars (\$100.00) for each offense, and it shall be the duty of the States Attorney of any county in this state to prosecute all persons charged with violation of any of the provisions of this Act, and it shall be the duty of the Secretary-Treasurer of the Board of Chiropractic Examiners under the direction of said board, to aid said attorneys in the enforcement of this Act.

Approved March 3, 1919.

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## CITIES

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### CHAPTER 79.

(S. B. No. 111—Bowman.)

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#### EXCLUDING FARM LANDS FROM LIMITS OF CITIES, TOWNS OR VILLAGES

**An Act to Amend and Re-enact Section 3969, Compiled Laws of 1913, Relating to Excluding Farm Lands from the Limits of Cities, Towns or Villages.**

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

Sec. 1. That Section 3969, Compiled Laws of 1913 of the

State of North Dakota, be and the same hereby is, amended and re-enacted to read as follows:

Sec. 3969. LIMITS MAY BE RESTRICTED.) On petition in writing signed by not less than three-fourths of the legal voters and by the owners of not less than three-fourths, in value, of the property in any territory within any incorporated City, Town or Village, and being upon the border and within the limits thereof. the City council of the city or the board of trustees of the town or village, as the case may be, may disconnect and exclude such territory from such city, town or village; provided, that the provisions of this section shall only apply to lands not laid out into city, town or village lots or blocks.

Provided, further, that when the property or lands described in such petition bordering upon and within the limits of any such incorporated city, town or village, are wholly unplatted, and no municipal sewers, water mains, pavements, sidewalks. or other city, town or village improvements have been made or constructed therein, and this is made to appear upon the hearing upon such petition by the city council, commission or board of trustees of the town or village, as the case may be, it shall be the duty of the city council, commission, or board of trustees to disconnect and exclude such territory from such city, town or village.

Approved February 28, 1919.

## CHAPTER 80.

(S. B. No. 199—Whitman.)

### CITY MANAGERS

An Act Authorizing Cities to Employ City Managers.

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

Sec. 1. That upon the filing with the City Auditor and within thirty days thereafter, of a petition signed by twenty-five per cent of the legal voters as shown by the number of votes cast for Mayor at the last preceding city election, praying therefor, the City Council or City Commissioners shall submit at an election to be held within ninety days thereafter to the electors of the city, the question whether or not the city manager plan shall be put in force in said city; thirty days notice of the date of such election and the purposes thereof shall be given by the City Auditor and which said notice shall briefly state the powers of such city manager if the plan should be adopted; said election shall be held, the votes canvassed and the results declared in the same manner as city elections.

Sec. 2. If four sevenths of the legal vote cast at such election shall be in favor of adopting the city manager plan then the City

Council or City Commissioners shall declare said plan, adopted and fix the time when the same shall go into force and effect which shall not be less than three months nor more than nine months after the election and the City Council or City Commissioners shall have the right to change such date from time to time within the limits above fixed.

Sec. 3. The City Manager shall be the chief Administrative officer of the city and shall be chosen by the council or City Commissioners solely on the basis of his qualifications and in his choice the council or City Commissioners shall not be limited to the inhabitants of the city or state; a majority of the members elect of the council or City Commissioners shall be required to make a choice; the city manager shall receive a compensation of not less than \$1,000.00 per year and shall be chosen for an indefinite term; he may be removed by the council or City Commissioners but if removed at any time after six months he may demand written charges and a public hearing on the same before the council or City Commissioners prior to the date on which his final removal shall take effect; pending the hearing he may be suspended by the council or City Commissioners; during the absence or disability of the City Manager, the council or City Commissioners shall designate some properly qualified person to perform the duties of the office.

Sec. 4. The City Manager shall be responsible to the council or City Commissioners for the proper administration of all of the affairs of the city and to that end shall make all appointments to office and shall have complete power of removal with respect thereto; he shall be entitled to be present at all meetings of the council or City Commissioners and of its committees and may take part in their discussions and may make recommendations to them; he shall prepare and submit to the council or City Commissioners, an annual budget and shall fix the salaries of all officers other than himself and shall have the right to add to, increase, take from, alter and change the duties of the various officers of the city, other than himself, save as the same are fixed by statute.

Sec. 5. At any time after said City Manager plan shall have been in force in any city for the period of five years the city council or City Commissioners may, and upon petition signed by twenty-five per cent of the legal voters shall, submit at an election to be called for that purpose within thirty days after the filing of the petition, the question of whether or not said City Manager plan shall be retained and if a majority of the legal votes cast at such election shall be against retaining said plan, then said city shall revert to the plan theretofore in force therein and the provisions of this law shall thereafter not be applicable thereto save after another compliance with its terms; the council

or City Commissioners shall fix the date at which the plan shall cease to be operative therein which shall not be less than three months nor more than six months after the election.

Approved February 28, 1919.

CHAPTER 81.  
(S. B. No. 214—King.)

RECALL OF CITY OFFICIALS

An Act to Amend and Re-enact Section 3835 of the Compiled Laws of the State of North Dakota for the Year 1913, Relating to Recall of City Officials in Cities Under Commission Form of Government.

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

Sec. 1 AMENDMENT. That Section 3835 of the Compiled Laws of the State of North Dakota for the year 1913, is hereby amended and re-enacted to read as follows:

Sec. 3835 RECALL.) The holder of any elective office in cities which may adopt or have adopted the Commission Plan of Government under any of the laws of this State applicable thereto may be removed at any time by the electors qualified to vote for a successor of such incumbent. The procedure to effect the removal of an incumbent of an elective office shall be as follows. A petition signed by electors entitled to vote for the successor to the incumbent sought to be removed, equal in number to at least thirty per centum of the entire votes for all the candidates for the office of President of the City Commission cast at the last preceding general municipal election, demanding an election of a successor of the person sought to be removed shall be filed with the City Auditor, which petition shall contain a general statement of the grounds for which the removal is sought. The signatures to the petition need not all be appended to one paper, but each signer shall add to his signature his place of residence, giving the street and number. One of the signers of each such papers shall make oath before an officer, competent to administer oaths, that the statements therein are true as he believes and that each signature to the paper appended is the genuine signature of the person whose name it purports to be. After the said petition is filed with the City Auditor no signer of said petition shall be allowed to remove his name or cause to be removed his name from said petition. Within ten days from the date of filing such petition, the city auditor shall examine the same and from the voters' register ascertain whether or not said petition is signed by the requisite number of qualified voters, and if necessary the Board of City Commissioners shall allow extra help for that purpose and he shall attach to the said petition his certificate showing the result of the said examination and said certificate shall show why the said petition is deemed insufficient, provided said Auditor certifies that same is insufficient. If, by the Auditor's certificate, the

petition is shown to be insufficient it may be amended within ten days from the date of said certificate. The auditor shall, within ten days after such amendment, make like examination of the amended petition, and if his certificate shall show the same to be insufficient, it shall be returned to the person filing the same, without prejudice, however, to the filing of a new petition of the same effect. If the petition shall be deemed to be sufficient, the Auditor shall submit the same to the Board of City Commissioners without delay. If the petition shall be found sufficient, the Board of City Commissioners shall order and fix a date for said election, not less than thirty days nor more than forty days from the date of the Auditor's certificate to the Board of City Commissioners that a sufficient petition is filed. The Board of City Commissioners shall make, or cause to be made, publication of notice and all arrangements for holding such election, and the same shall be conducted, returned and the result thereof declared in all respects as are other city elections. The successor of any officer so removed shall hold office during the unexpired term of his predecessor. Any person sought to be removed may be a candidate to succeed himself, and unless he requests otherwise in writing the Auditor shall place his name on the official ballot without nomination. In any such removal election, the candidate receiving the highest number of votes shall be declared elected. At such election if some other person than the incumbent receives the highest number of votes, the incumbent shall thereupon be deemed removed from the office upon the qualification of his successor. In case the party who receives the highest number of votes should fail to comply within ten days after receiving notification of election, the office shall be deemed vacant. If the incumbent shall receive the highest number of votes, he shall continue in office. This said method of removal shall be cumulative and additional to the methods heretofore provided by law.

Approved March 6, 1919.

## CHAPTER 82.

(S. B. No. 193—Drown.)

### EMPOWERING CITIES TO PURCHASE OR CONSTRUCT LIGHT, HEAT AND POWER PLANTS

An Act Empowering Cities to Purchase or Construct Plants for the Manufacture and Distribution of Light, Heat and Power for Municipal and Commercial Purposes and to Assess Abutting Property in Accordance with the Benefits thereto by Reason of such System of Distribution, and Providing for the Method of Such Assessment and the Collection Thereof.

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

Sec. 1. PROCEEDURE TO PURCHASE OR INSTALL.) Whenever the City Council or Commissioners in Cities which have adopted the



Commission System of government, shall deem it necessary to either purchase or install, construct, alter or extend, upon any of the streets or public places of the city a municipally owned lighting, heating and power system for the purpose of lighting the streets and public places of the city and furnishing lights, heat and power to the inhabitants thereof, such council or commission may direct the City Engineer or such other person, as shall, upon motion or resolution be designated, to render a detailed appraisal of the value of an already constructed system, or to prepare plans and specifications for such work and make an estimate of the probable cost, which appraised valuation, plans, specifications and estimates shall be approved by resolution of the city council or City Commission and filed in the office of the City Auditor. The City Auditor shall thereupon publish three times, once each week, in the official newspaper of the city, a notice stating that such appraised valuation, or the plans and specifications and estimates have been approved and filed in his office and are open to public inspection. If the owners of a majority of the property abutting on any street or streets where said lighting, heating and power system is constructed or is to be installed, shall not within ten days after the last publication of said notice protest against such lighting, heating and power system or improvements, then the majority of such owners shall be deemed to have consented thereto, and such city may proceed to provide for the purchase or construction of such improvement through its proper officials and assess so much of the cost of such improvement as relates and refers to the placing, erection and construction of poles, cables, electrical conductions, street lamps, mains and conduits and all other instrumentalities and appurtenances thereto belonging, necessary to conduct and connect the means of lighting, heating and to transmit power to the street and premises benefitted thereby, including the necessary engineer's expenses 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, purchase price, or such part thereof as the council or commission shall deem proper, shall be assessed against the abutting property in the same manner and according to the same form and procedure as now provided by law for the assessment of the cost of street paving.

Sec. 2. EMERGENCY.) This Act is hereby declared to be an Emergency Measure and shall take effect and be in force from and after its passage and approval.

Approved March 7, 1919.