

PARK COMMISSION

CHAPTER 96.

(S. B. No. 41—Noltimier and Ployhar.)

PARK COMMISSION.

AN ACT to Amend and Re-enact Section 4059 of the Compiled Laws of North Dakota for the year 1913, as amended by Chapter 71 Session Laws of 1915, and Chapter 178, Session Laws of 1917, relating to Powers of Park Commission, be amended and re-enacted to read as follows:

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

§ 1. That Section 4059 of the Compiled Laws of North Dakota for the year 1913, be amended by Chapter 71, Session Laws of 1915, and as amended by Chapter 178, Session Laws of 1917, relating to powers of Park Commission be amended and re-enacted to read as follows:

§ 4059. Powers of Park Commission. Limited Levy, Bonds; the Park Commission Shall Have Power.

(1) To acquire by purchase, gift, devise, condemnation or otherwise, land within its territorial limits, or within six miles thereof for park, boulevards and ways, and shall have sole and exclusive authority to maintain, govern, erect, and improve the same.

(2) To lay out, open, grade, curb, pave and otherwise improve any path, way or street, in, through or around said parks and to construct, erect, build, maintain, manage, govern, and erect any and all buildings, pavilions, play and pleasure grounds or fields and such other improvements of a like character as may be deemed necessary.

(3) To pass all ordinances necessary, requisite, and needful for regulation and government thereof, and to make, change and enforce any ordinance with reference thereto.

(4) To levy special assessments on all property especially benefited by the purchase, opening, establishment and improvements of such parks, boulevards and ways or streets or ways about the same.

(5) To require the services of the city engineer of the city included in such park district, who shall be ex-officio engineer, and surveyor or such Park Commission and to procure the services of a clerk for such commission and such clerk shall be paid by such commission for his services as clerk a salary not to exceed fifty dollars (\$50.00) per month, to appoint other employes including such police force as may be deemed necessary.

(6) To issue negotiable bonds of such park district in an amount not to exceed one per cent (1%) of the assessed value of the taxable prop-

erty within such park district for the preceding year; provided, further, that no bonds shall be issued as herebefore provided, unless at a general or special election after twenty days notice in a newspaper published in the city, stating the purpose for which such bonds are to be issued and the amount thereof, the legal voters of such park district shall by a majority vote, determine in favor of issuing such bonds; provided, further, that at or before the time of issuing such bonds of incurring the indebtedness for which the same are to be issued provision shall be made for the collection of direct annual tax sufficient to pay the interest upon said debt or such bonds when the same fall due and to pay and discharge the principal thereof when the same becomes due, and such provisions for the collection of such annual tax shall be irrevocable until such debt is paid; provided, further, that the bonds issued under the provisions of this chapter shall be issued for a longer period than twenty years and that such bonds shall bear interest at a rate not to exceed six per cent (6%) and shall be sold for not less than their par value. Bonds as hereinbefore provided to be issued, shall be so issued and used exclusively for the purchasing and acquiring of land, boulevards and ways for such parks or park system or for the permanent improvement thereof including the erection of buildings, pools, ponds and the erection of dams in waters adjacent thereto. The Board of Park Commissioners are hereby empowered and authorized to issue bonds in place of or to supply means to meet maturing bonds or for the consolidation or funding of the same.

(7) To levy taxes upon all property within said district for the purpose of maintaining and improving said parks, boulevards and ways, and to defray the expenses of such board, the proceeds of which said taxes shall also be available for use in payment for any land in such year or theretofore purchased or for improvements theretofore made for park purposes, provided; that such tax so levied shall in no year exceed the sum of two mills on each dollar of taxable property within said district over and above the amount necessary to pay interest and sinking fund on bond; and special assessments lawfully levied against park board property by other departments of government.

(8) To establish building lines for all property fronting on any park, boulevard or way under the direction and control of such commission, and to control the sub-division and platting of property within four hundred feet thereof.

(9) To borrow money in anticipation of taxes already levied to defray the expenses of the year and to issue therefor the notes or obligations of the district.

(10) To connect any park or parks owned or controlled by it with any other park or parks, and for that purpose to select and take charge of any connecting street or streets or parts thereof and the said park commission shall have sole and exclusive charge and control of such street or streets so taken for such purpose.

(11) To plant, set out, maintain, protect and care for shade trees in any of the public streets or highways of their respective districts, and to specify and regulate the kinds of trees that shall be planted or set out in such streets or highways, the size and location of such trees and the methods to be used in the planting and cultivation thereof, and to pass such ordinances as may be requisite, necessary or needful for the protection and control of such trees.

(12) To plat and lay out such portions of park property as is not needed for the accommodation of the general public and to lease, let and demise such lots or portions as are now or may hereafter be laid out for residential or concession purposes, and to provide by ordinances the use that shall be made of said leaseholds, the character of structures that may be reared or placed thereon and to generally regulate the use and enjoyment thereof by the lessees or their successors.

Approved March 9, 1921.

PROHIBITION

CHAPTER 97.

(H. B. No. 5—Miller and Halcrow.)

PROHIBITION.

AN ACT to Prohibit intoxicating Liquors and Beverages and Property intended for the Manufacture of Same; Prohibiting the Transportation of Liquor and Providing for the Forfeiture of Property Used for the Transportation of Same; to Provide for its Enforcement and the Repeal of Laws in Conflict Therewith.

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

§ 1. INTOXICATING LIQUOR DEFINED.] The following liquors are hereby declared to be intoxicating and their intoxicating quality shall, by the courts, be presumed, viz: alcohol, brandy, whisky, rum, gin, beer, ale, porter, and wine, and in additions thereto any spirituous, vinous, malt, or fermented liquor, liquids, and compounds, whether medicated, proprietary, patented, of not, and by whatever name called, containing one half of 1 per centum or more of alcohol by volume which are fit for use for beverage purposes; provided, that the foregoing definition shall not extend to dealcoholized wine nor to any beverage or liquid produced by the process by which beer, ale, porter or wine is produced, if it contains less than one-half of 1 per centum of alcohol by volume, and is made as prescribed by and under the direction of Federal Statute, and is otherwise denominated than as beer, ale, or porter, and is pasturized and contained and sold in, or from, hermetically sealed and labeled bottles.