

away, or keep for sale any cigarettes, cigarette paper or cigarette wrappers, or any paper made or prepared for the purpose of being filled with tobacco for smoking.

§ 2. Any person violating any of the provisions of this act shall be punishable by a fine of not less than ten dollars nor more than fifty dollars, or by imprisonment in the county jail for a period of not more than thirty days, or by both such fine and imprisonment.

Approved February 26, 1913.

CITIES

CHAPTER 70.

[H. B. No. 71—Williams.]

REJECTION OF BIDS.

AN ACT Entitled "An Act to Amend and Re-enact Section 2783 of the Revised Codes of the State of North Dakota of 1905, as Amended by Chapter 46 of the Laws of North Dakota for 1907, Relating to Cities."

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

§ 1. AMENDMENT.] That Section 2783 of the Revised Codes of the State of North Dakota of 1905 as amended by Chapter 46 of the Laws of North Dakota for 1907 be and the same is hereby amended and re-enacted to read as follows:

§2783. COUNCIL OR COMMISSION MAY REJECT BIDS AND HAVE WORK PERFORMED BY THE CITY.] The city council or city commission shall have the right to reject any and all bids for work to be done under this Article, if, in its opinion, the interests of the city will be best subserved by so doing, and such work may be performed directly by the city by the employment of labor and purchase of material, or in any other manner in which the city council or city commission may deem proper in each particular case, and payment for the construction thereof may be provided for by special assessment in the same manner as if said work had been performed by contract, or the city council, or the city commission may re-advertise for other bids, but if such bids are not rejected the contract shall then be awarded to the responsible bidder, whose bid is the lowest, upon the basis of cash payment therefor, providing said bidder shall have

complied with the foregoing requirement; *provided*, further, that in case the contemplated improvements consist of paving or re-paving the city council or city commission may, after opening and considering the bids, by resolution, determine the kind or kinds of pavement to be laid, and may then proceed to award a contract or contracts therefor; *provided*, that the city council or city commission shall, before adopting or rejecting any bids require the city engineer, or may employ a competent engineer, to make a careful and detailed statement of the estimated cost of such work.

Approved March 14, 1913.

CHAPTER 71.

[H. B. No. 172—Twichell.]

CITY BONDS FOR AUDITORIUM, GYMNASIUM, PLAY GROUNDS, PUBLIC BATHS, ETC.

AN ACT Authorizing Cities to Incur Indebtedness and Issue Bonds for Certain City Purposes, When Such Proposition for Issuing Such Bonds Shall Have Been Approved by a Majority Vote of the Electors of Such City, and Fixing a Limit to the Indebtedness to be Thereby Incurred.

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

§ 1. BONDED INDEBTEDNESS, PURPOSES FOR WHICH INCURRED.] The board of city commissioners or the city council of any city shall have the power to submit to a vote of the electors at any general or special election propositions for the issuing of bonds for the erection of a municipal auditorium, armory, the erection of a joint auditorium and armory, public play grounds, a public gymnasium, public baths, or other public places of amusements or entertainment, and for the purchase of suitable sites for such erection or purpose; and in case a majority of the electors voting on any such proposition vote for the same at any regular election, or at any special election called for that purpose it shall be the duty of the board of city commissioners, or of the city council and mayor of any city, forthwith to issue such bonds and proceed to carry out such proposition so submitted.

§ 2. BONDED INDEBTEDNESS LIMIT.] Bonds for such purposes shall not be voted or issued in a sum which shall increase the indebtedness of such city to an amount exceeding five per cent of the assessed valuation of the taxable property therein, as determined by the last preceding city

assessment, except when by a two-thirds vote at a general or special election such city has voted, or at the election authorizing such bond issue, votes by a two-thirds vote, to increase such indebtedness three per centum on such assessed value beyond said five per cent limit. Such limitation shall, however, in no manner affect the right of any city when authorized by a majority vote at any general or special election to become indebted in an amount not exceeding four per cent of such value without regard for the existing indebtedness of such city, for the purpose of constructing or purchasing water works for the purpose of furnishing the water supply to the inhabitants of such city, or for the purpose of constructing sewers, as now by law provided, nor shall bonds so issued for the purpose of constructing or purchasing water works for the purpose of furnishing a water supply to the inhabitants of said city, or for the purpose of constructing sewers be considered or included in determining the debt limit of any city in the matter of issuing bonds for any of the purposes hereinbefore provided.

§ 3. BONDS PAID, HOW.] No bonds issued under the provisions of this act shall be sold for less than their par value, and the city issuing such bonds shall, at or before the time of issuing the same or incurring the indebtedness for which the same are to be issued, provide for the collection of a direct annual tax sufficient to pay the interest on such debt or such bond when it falls due, and to pay and discharge the principal thereof when the same becomes due, and such provision for the collection of such annual tax shall be ir-repealable until such debt is paid; *provided*, further, that none of the hereinbefore mentioned bonds shall be issued unless at an election after twenty days' notice in a newspaper published in the city, stating the purpose for which said bonds are to be issued and the amount thereof, the legal voters of the city shall, by a majority vote, determine in favor of issuing such bonds; *provided*, further that no bonds issued under the provisions of this act shall be issued for a longer period than twenty years.

§ 4. EMERGENCY.] Whereas, an emergency exists in that there is now no provision of law for cities issuing bonds for certain purposes above set forth, therefore this act shall take effect and be in force from and after its passage and approval.

Approved March 6, 1913.

CHAPTER 72.

[H. B. No. 92—Twichell.]

COMMISSION FORM OF GOVERNMENT FOR CITIES.

AN ACT to Amend Section 1 of Chapter 77 of the Laws of 1911 of the State of North Dakota, Entitled, "An Act to Provide for a Commission System of Government in Cities Which Shall Adopt the Provisions of this Act."

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

§ 1. AMENDMENT.] Section 1 of Chapter 77 of the Laws of 1911, of the State of North Dakota, is hereby amended to read as follows:

§ 1. CITIES INCORPORATED, HOW.] Any city in this state and any incorporated town or village therein having a population of not less than five hundred inhabitants may become incorporated, under this chapter, as a city, in the manner following:

Whenever one-tenth of the legal voters of such city, or one-tenth of the legal voters of such incorporated town or village, voting at the last preceding general election, shall petition the mayor and council of such city, or the president and trustees of such incorporated town or village to submit the question as to whether such city, incorporated town or village shall become incorporated under this chapter, to a vote of the electors in such city, town or village it shall be the duty of such mayor and council in such city, or the president and trustees of such incorporated town or village, to forthwith submit such question accordingly, and to appoint a time and place or places at which such vote may be taken, and to designate the persons who shall act as judges and clerks at such election; but such question shall not be submitted hereafter oftener than once in four years.

Provided, that cities, towns or villages in this state which have heretofore voted upon and rejected the commission system of government shall not again vote upon the question within a period of three years after such rejection.

§ 2. EMERGENCY.] Whereas, an emergency exists in the fact that the operation of this act will be required before July 1st, A. D. 1913, therefore, this act shall take effect and be in force from and after its passage and approval.

Approved March 6, 1913.

CHAPTER 73.

[H. B. No. No. 355—Dean.]

NON-PARTISAN ELECTIONS.

AN ACT to Provide for the Non-Partisan Nomination and Election of Municipal Officers.

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

§ 1. NO PARTY BALLOT.] In all petitions to be filed by or in behalf of candidates for nomination to a public office in any incorporated city, town or village in this state, no reference shall be made to a party ballot or to the party affiliation of such candidates; *provided*, however, it shall be allowed any such candidate to state, or have stated, in all such petitions, after his name, in not more than twenty words, any particular principle, or principles of local administrative policy or policies he stands for and seeks election to promote.

§ 2. NOMINATIONS, HOW MADE.] A candidate for any public office in an incorporated city, town or village may be nominated by filing with the city auditor, at least twenty days prior to the holding of the election, a petition signed by not less than ten per cent of the qualified electors residing within the ward or precinct in and for which such officer or officers are to be elected, *provided*, however, that in cities operating under the commission plan the required petition may be signed by the electors at large residing within such city, and provided further that in no case shall more than three hundred signatures be required, and such signatures may be on separate sheets of paper. No elector shall sign more than one petition for the same office. Each signer of such petition shall add to his name his postoffice address, giving the street and number of his residence. It shall be the duty of the auditor or clerk of such city, town or village, as the case may be, to place only the names of the person or persons so nominated upon the ballot, with the statement after or opposite the name of the candidate, of the principle or principles which he seeks to promote, in not more than twenty words and as stated in the petition or petitions filed by or on behalf of such candidate, and in such manner as to readily inform the voter of the policy or policies upon which such candidate seeks election; and to arrange the offices upon the ballot in the order in which they are named in the statutes. The arrangement of the names of the candidates upon the ballot shall be determined by the lot by such auditor or clerk in the presence of the candidates or their representatives at noon on the day following the last day for the filing of nomination papers.

§ 3. REPEAL.] All Acts or parts of Acts, in so far as the same conflict herewith, are hereby repealed.

Approved March 12, 1913.

CHAPTER 74.

[S. B. No. 241—Overson.]

IMPROVEMENT DISTRICTS.

AN ACT to Amend Sections 2772, 2775, 2776, 2777 and 2780, Revised Codes of 1905, as Amended by Chapter 70 of the Laws of North Dakota, A. D. 1911, Relating to the Creation of Improvement Districts and the Purpose for Which Special Assessments May Be Levied in This State.

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

§ 1. AMENDMENT.] Section 2772 of the Revised Codes of 1905 is hereby amended to read as follows:

§ 2772. TO CREATE IMPROVEMENT DISTRICTS.] Any city shall have power to create sewer, paving and water main districts and water works districts, for the purpose of constructing a water works system, including the construction and erection of a pumping station, settling basins, filtration plant, stand pipes and water towers, reservoirs and other contrivances and structures necessary for a complete water works system, and for the purpose of laying, extending, improving, enlarging, relaying or replacing water mains and districts, for the purpose of grading, graveling, curbing, planting trees, constructing grass plots, sowing grass seed, constructing gutters, or for the purpose of making any one or more of the improvements herein mentioned and maintaining the same within the limits of such city, which districts shall be consecutively numbered.

§ 2. AMENDMENT.] Section 2775 of the Revised Codes of 1905 is hereby amended to read as follows:

§ 2775. Such water main districts and water works districts for the purpose of constructing a water works system, including the construction and erection of a pumping station, settling basin, filtration plant, stand pipes and water towers, reservoirs and other contrivances and structures necessary for a complete water works system and for the purpose of laying, extending, improving, enlarging, relaying or replacing water mains and districts for the purpose of grading, graveling, curbing, planting trees, constructing grass plots, sowing grass seed and constructing gutters, shall be of such size and number as the city council, after consultation with the city engineer, shall decide most practicable.

§ 3. AMENDMENT.] Section 2776 of the Revised Codes of 1905 is hereby amend to read as follows:

§ 2776. POWER TO MAKE IMPROVEMENTS.] All cities shall have power to grade, curb, pave, repave, gravel, macadamize or gutter any street, highway, avenue, alley or public place in such city, and to plant trees, construct grass plots or to sow grass seed thereon, and to maintain and preserve any one or more of such improvements by causing such trees or grass to be watered, the grass cut and trees trimmed, or otherwise maintaining and preserving the same, as the city council shall deem suitable and proper, and any city shall have power to create sewer, paving and water main districts and water works districts for the purpose of constructing a water works system, including the construction and erection of a pumping station, settling basins, filtration plant, stand pipes and water towers, reservoirs and other contrivances and structures necessary for a complete water works system, and for the purpose of laying, extending, improving, enlarging, relaying or replacing water mains and districts, and to defray the expense of all such work as hereinafter provided.

§ 4. AMENDMENT.] Section 2777 of the Revised Codes of 1905 is hereby amended to read as follows:

§ 2777. PLANS, SPECIFICATIONS AND ESTIMATES.] When the city council shall deem it necessary to construct or alter any sewer or to open, widen, extend, grade, curb, pave, repave, gravel, macadamize or gutter any street, highway, avenue, alley, lane or other public ground within the city limits or to plant trees, construct grass plots, or sow grass seed thereon or to construct a water works system, including the construction and erection of pumping stations, settling basins, filtration plants, stand pipes, water towers, reservoirs and other contrivances and structures necessary for a complete water works system, the city council shall direct the city engineer, or in case the city has no competent city engineer, shall employ a competent engineer, to prepare plans and specifications for such work, including the grading of the street if not already established, if such grade is deemed necessary by such engineer, and all details of the work to be done, and make an estimate of its probable cost, which plans, specifications and estimates shall be approved by resolution of the city council, which approval shall be deemed to establish the grade of the street as shown in such plans and specifications, if the grade of the street has not previously been established by ordinance, providing such grade has been included in such plans and specifications. In case the improvement shall consist in paving or repaving any street, alley or

public place, the city council may require such plans, specifications and estimates to be made of such different kinds of pavement as they may deem advisable. In case the improvement shall consist of planting trees, constructing grass plots, sowing grass seed thereon, or otherwise parking or beautifying any of the streets, highways, avenues, alleys, lanes or other public grounds within the city limits, the said city may require plans, specifications and estimates to be made of the probable cost of making, constructing or maintaining such improvements or any of them. Such plans, specifications and estimates shall be the property of the city and be filed in the office of the city auditor and remain on file in his office subject to inspection of all persons. The city engineer shall retain a copy of such plans, specifications and estimates, and file the same in his office, and shall furnish to any person applying therefor copies of the same, and may charge and receive for such copies at the rate of one dollar an hour for the time necessarily employed in making the same.

§ 5. AMENDMENT.] Section 2786 of the Revised Codes of 1905 is hereby amended to read as follows:

§ 5. AMENDMENT.] Section 2786 of the Revised Codes special assessments levied under the provisions of this Article shall constitute a fund for the payment of the cost of the improvement for the payment of which they are levied, and shall be diverted to no other purpose, and those for the payment of sewer improvement shall be designated respectively. "Sewer District No. Fund," and such funds shall be numbered according to the number of the sewer district in which it is raised. Those collected for paving improvements shall be designated as "Paving District No. Fund," and such fund shall be numbered according to the paving district in which it is raised; and those levied for the payment of water mains shall be known as "Water Main District No. Fund." and such fund shall be numbered according to the number of the water main district in which it is raised, those levied for water works improvements shall be designated as "Water Works District No. Fund," and such fund shall be numbered according to the number of the water works district; and those levied for the payment of grading, curbing, graveling, macadamizing or guttering of any street, highway, alley, lane or public place in such city, or of planting trees, constructing grass plots or sowing grass seed thereon, or of maintaining and preserving any one or more of such improvements, shall be known as "Improvement District No. Fund," and such fund shall be numbered according to the number of the improvement district in which

it is raised; and in anticipation of the levy and collection of such special assessments, the city may, at any time after the making of a contract for any such improvements, issue warrants, on such funds, payable at specified times, and in such amounts as, in the judgment of the city council, the taxes and assessments will provide for, which warrants shall bear interest at the rate of not to exceed seven per cent per annum, payable annually, and may have coupons attached representing each year's interest, provided that special assessments levied for maintaining grass plots or trees, parking or other improvements for the beautifying of the city streets, shall be payable in a single amount. Such warrants shall state upon their face for what purpose they are issued, and the fund from which they are payable, and shall be signed by the mayor and countersigned by the city auditor, under the seal of the city, and be in denominations of not more than one thousand dollars each. Such warrants may be used in making payments on contracts for making such improvements or may be sold for cash, at not less than the par value thereof, and the proceeds thereof credited to such fund, and used for paying such improvements. It shall be the duty of the city treasurer to pay such warrants and interest coupons as they mature and are presented for payment out of the district funds on which they are drawn, and to cancel the same when paid.

§ 6. Whereas, an emergency exists, this Act shall take effect and be in force from and after its passage and approval.

Approved March 14, 1913.

CHAPTER 75.

[H. B. No. 180—Twichell.]

CITY COUNCILS.

AN ACT to Amend Article 4, Chapter 30, of the Political Code of North Dakota, being Section 2678 of the Revised Codes of North Dakota of 1905, Relating to Powers of City Councils.

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

§ 1. That sub-division 75 of Article 4, of Chapter 30 of the Political Code of North Dakota, being sub-division 75 of Section 2678 of the Revised Codes of North Dakota of 1905, be and the same is hereby amended to read as follows:

75. To purchase, erect, lease, rent, manage and main-

tain any system or part of system of water works, street sprinklers, hydrants and supply of water, fire and police signals, telephones and telephone lines, fire apparatus that may be of use in the prevention and extinguishment of fires, electric light and power plants or gas works, and to supply the same for municipal and commercial purposes, and to pass all ordinances, penal or otherwise, that shall be necessary for the full protection, maintenance, management and control of the property so leased, purchased or erected.

§ 2. All laws or parts of laws in conflict herewith are repealed.

Approved March 14, 1913.

CHAPTER 76.

[H. B. No. 218—Williams.]

CITY OFFICERS.

AN ACT Amending Section 2693 of the Revised Codes of 1905, Relating to Cities.

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

§ 1. AMENDMENT.] That Section 2693 of the Revised Codes of 1905 be amended so as to read as follows:

§ 2693. QUALIFICATIONS OF OFFICERS.] No person shall be eligible to election to any office who is not a qualified elector of the city, and who shall not have resided there at least nine months last preceding election, and no person shall be eligible to hold any office by appointment unless he is a citizen of the United States; nor shall any person be eligible to any office who is a defaulter to the corporation.

Approved March 14, 1913.

CHAPTER 77.

[H. B. No. 375—Owens.]

CITY ORDINANCES.

AN ACT to Amend Section 2657 of the Revised Codes of 1905, with Respect to the Revision and Adoption of Ordinances by Cities.

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

§ 1. AMENDMENT.] Section 2657 of the Revised Codes for 1905 of the State of North Dakota, be and the same is hereby amended to read as follows:

§ 2657. ORDINANCES REVISED AND PASSED. How.] He may appoint by and with the advice and consent of the city council one or more competent persons to prepare and submit to the city council for its adoption or rejection, an ordinance for the revision of the enactment of new and additional ordinances and the amendment of existing ordinances of such city for the government thereof. The city attorney shall be appointed as one of the persons to prepare and submit such ordinances so revised, added to and amended, and the compensation of such revisor or revisors, including the city attorney, shall be determined and fixed by the city council and paid out of the city treasury. Such revision, additional ordinances and amendments may be passed as a single ordinance, and be published in pamphlet or book form, by and under the authority of the city council and shall be valid and effective without publication in a newspaper.

§ 2. REPEAL.] All Acts and parts of Acts in conflict herewith are hereby repealed.

§ 3. EMERGENCY.] Whereas, an emergency is hereby declared to exist, therefore this Act shall take effect and be in force from and after its passage and approval.

Approved March 14, 1913.

CHAPTER 78.

[H. B. No. 481—Williams.]

COMMISSION SYSTEM.

AN ACT to Amend Section 16 of Chapter 77 of the Laws of 1911, Entitled "Commission System of Government."

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

§ 1. That Section 16 of Chapter 77 of the Laws of 1911 be amended to read as follows:

§ 16. TERMS OF OFFICE.] Each of said four commissioners and the president of the board shall hold office for four years from and after the date of his qualification and until his successor shall have been duly elected and qualified, except in the first board the two commissioners who received the highest number of votes shall hold four years, the two receiving the next highest for two years; *provided*, that the president or any other member of the commission may resign their office by filing with the city auditor their resignation in writing, which the city auditor shall lay before the city commission at its next regular meeting, or at a special

meeting called for the consideration of such resignation, and when such resignation is accepted by the city commission it shall become effective.

Approved March 14, 1913.

CHAPTER 79.

[H. B. No. 476—Blakemore.]

RECALL CITY OFFICERS.

AN ACT to Provide for a Means of Removal of Elective Officers by the Will of the People and for the Political Reserve Powers of Electors to be Used Through the Initiative and Referendum in City Matters, and the Form of Petitions Applicable to Cities Which Have Adopted or May Hereafter Adopt the Commission System of Government; also to Prescribe the Manner by Which a City, Having Adopted the Commission System of Government, May Return to the Former System.

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

§ 1. 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 a successor to the incumbent sought to be removed, equal in number to at least thirty per centum of the entire vote for all 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 paper shall make oath before an officer competent to administer oaths that the statements therein made 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. Within ten days from the date of filing such petition the city auditor shall examine, and from the voter's register ascertain whether or not said petition is signed by the requisite number of qualified electors, and if necessary, the board of city

commissioners shall allow extra help for that purpose, and he shall attach to said petition his certificate, showing the result of said examination. 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 to be sufficient, the board of city commissioners shall order and fix a date for holding the 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 clerk 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 qualification of his successor. In case the party who receives the highest number of votes should fail to qualify within ten days after receiving notification of election, the office shall be deemed vacant. If the incumbent receives 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.

§ 2. INITIATIVE.] Any proposed ordinance may be submitted to the board of city commissioners by petition signed by electors of the city equal in number to the percentage hereinafter required. The signatures, verification, authentication, inspection, certification, amendment and submission of such petition shall be the same as provided for petition under Section one (1) hereof. If the petition accompanying the proposed ordinance be signed by electors equal in number to fifteen per centum of the votes

cast for all candidates for president of the city commission at the last preceding general municipal election and contains a request that the said ordinance be submitted to a vote of the people if not passed by the board of city commissioners, such board of city commissioners shall either

(a) Pass said ordinance, without alteration, within twenty days after attachment of the auditor's certificate to the accompanying petition, or,

(b) Forthwith, after the auditor shall attach to the petition accompanying such ordinance his certificate of sufficiency, the board of city commissioners shall call a special election, unless a general municipal election is fixed within ninety days thereafter, and at such special or general municipal election, if one is so fixed, such ordinance shall be submitted without alteration to the vote of the electors of said city. But if the petition is signed by not less than twenty-five per centum of the electors, as above defined, then the board of city commissioners shall, within twenty days, pass said ordinance without change, or submit the same at the next general city election occurring not more than thirty days after the auditor's certificate of sufficiency is attached to said petition. The ballots used when voting upon said ordinance shall contain these words: "For the ordinance (stating the nature of the proposed ordinance), and "Against the ordinance" (stating the nature of the proposed ordinance). If a majority of the qualified electors voting on the proposed ordinance shall vote in favor thereof, such ordinance shall thereupon become a valid and binding ordinance of the city, and any ordinance proposed by petition and which shall be adopted by vote of the people, cannot be repealed or amended except by a vote of the people as long as the city is under the commission form of government.

Any number of proposed ordinances may be voted upon at the same election, in accordance with the provisions of this Section, but there shall not be more than one special election in any period of six months for such purposes.

The board of city commissioners may submit a proposition for the repeal of any such ordinance, or for amendments thereto, to be voted upon at any succeeding general city election; and should such proposition so submitted receive a majority of the votes cast thereon at such election, such ordinance shall be thereby repealed or amended accordingly. Whenever any ordinance or proposition is required by this Act to be submitted to the voters of the city at any election, the city auditor shall cause such ordinance or proposition to be published once in each of the daily newspapers published in said city; such publication to be

not more than twenty or less than five days before the submission of such proposition or ordinance to be voted on.

§ 3. REFERENDUM.] No ordinance passed by the board of city commissioners, except when otherwise required by the general laws of the state or by the provisions of this Act, except an ordinance for the immediate preservation of the public peace, health or safety, which contains a statement of its urgency and is passed by a four-fifths vote of the board of city commissioners, shall go into effect before ten days from the time of its final passage; and if during said ten days a petition signed by electors of the city equal in number to at least ten per centum of the entire votes cast for all candidates for president of the city commission at the last preceding general municipal election at which a president of the city commission was elected, protesting against the passage of such ordinance, to be presented to the board of city commissioners, the same shall thereupon be suspended from going into operation, and it shall be the duty of the board of city commissioners to reconsider such ordinance, and if the same is not entirely repealed, the board of city commissioners shall submit the ordinance as is provided by sub-section (b) of Section two of this Act, to the vote of the electors of the city, either at the general election or at a special municipal election to be called for that purpose; and such ordinance shall not go into effect or become operative unless a majority of the qualified electors voting on the same shall vote in favor thereof. Said petition shall be in all respects in accordance with the provisions of said Section two, except as to the percentage of signers, and be examined and certified to by the auditor in all respects as therein provided.

§ 4. FORM OF PETITION.] Petitions provided for in this Act shall be signed by none but legal voters of the city. Each petition shall contain, in addition to the names of the petitioners, the street and house number in which the petitioner resides, his age and length of residence in the city. It shall also be accompanied by the affidavit of one or more legal voters of the city, stating that the signers thereof were, at the time of signing, legal voters of said city, and the number of signers at the time the affidavit was made.

§ 5. RETURN TO FORMER SYSTEM.] Any city which shall have operated for more than six years under the provisions of this Act may abandon such organization hereunder, and accept the provisions of the general law of the state then applicable to cities of its population, or if now organized under special charter, may resume said special charter by proceeding as follows:

Upon petition of not less than forty per centum of the

electors of such city a special election shall be called at which the following propositions only shall be submitted: "Shall the city (name of city) abandon its organization under the commission system and become a city under the general law governing cities of like population?" If a majority of the votes cast at such special election be in favor of such proposition, the officers elected at the next biennial election shall be those then prescribed by the general law of the state for cities of like population and upon the qualification of such officers such city shall become a city under such general law of the state; but such change shall not in any manner or degree affect the property, rights or liabilities of any nature of such city, but shall merely extend to such change in its form of government.

The sufficiency of such petition shall be determined, the election ordered and conducted, and the result declared generally as provided by Section one of this Act in so far as the provisions thereof are applicable.

§ 6. EMERGENCY.] Whereas, an emergency exists in that a doubt exists of there being any law governing said recall commission form of government, therefore this Act shall be in force from and after date of its passage and approval.

Approved March 12, 1913.

CHAPTER 80.

[H. B. No. 392—Twichell.]

COMMISSION SYSTEM GOVERNMENT, IN CITIES.

AN ACT to Amend Sections 20 and 38 of Chapter 77 of the Laws of 1911, Entitled "An Act to Provide for a Commission System of Government in Cities Which Shall Adopt the Provisions of This Act."

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

§ 1. AMENDMENT.] Section 20 is hereby amended to read as follows:

§ 20. STYLE OF COMMISSION. SALARY.] Said commissioners shall collectively constitute and be known as the "board of commissioners of the city of....." They shall take an oath to faithfully perform the duties of their respective offices. The salary of the city commissioner shall be determined by the number of inhabitants found to be therein by the state or federal census last taken. In cities having a population of over five hundred and not exceeding two thousand, each commissioner shall receive

a monthly salary of not to exceed ten dollars; in cities having a population of over two thousand and not exceeding four thousand, each commissioner shall receive a monthly salary of not to exceed twenty dollars; in cities having a population of over four thousand not not exceeding six thousand, each commissioner shall receive a monthly salary of not to exceed forty dollars; in cities having a population of over six thousand and not exceeding eight thousand, each commissioner shall receive a monthly salary of not to exceed fifty dollars; in cities having a population of over eight thousand and not exceeding twelve thousand, each commissioner shall receive a monthly salary of not to exceed seventy-five dollars; in cities having a population of over twelve thousand, each commissioner shall receive a monthly salary of not to exceed one hundred dollars.

§ 2. Section 38 is hereby amended to read as follows:

§ 38. AMENDMENT. REMOVAL FROM OFFICE.] Every person appointed to any office may be removed therefrom by a majority of votes of all the members of the board of city commissioners, but no such officer shall be removed except for cause nor unless charges are preferred against him and an opportunity given him to be heard in his defense. The board of city commissioners may compel the attendance of witnesses and the production of papers when necessary for the purpose of such hearing, and shall proceed within ten days after the charges are filed with the city auditor to hear and determine the case upon its merits. The president of the board of city commissioners may suspend any officer against whom charges have been preferred until the disposition of the same, and appoint any officer to fill the vacancy temporarily until the charges have been disposed of. Any officer appointed by the president of the board of city commissioners without confirmation under the provisions of this chapter may be removed by him when he deems it for the best interests of the city.

§ 3. EMERGENCY.] An emergency is hereby declared to exist, in the fact that the operation of this Act will be required before July 1st, A. D., 1913; therefore this Act shall take effect and be in force from and after its passage and approval.

Approved March 15, 1913.

CHAPTER 81.

[H. B. No. 198—Twichell.]

PROVIDING FOR CITY SCALES.

AN ACT to Amend Article 4, Chapter 30, of the Political Code of North Dakota, Being Section 2678 of the Revised Codes of North Dakota of 1905, Relating to Powers of City Council, as Amended by Chapter 79 of the Session Laws of 1911.

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

§ 1. That subdivision 39 of Article 4 of Chapter 30 of the Political Code of North Dakota, being subdivision 39 of Section 2678 of the Revised Codes of North Dakota of 1905, as amended by Chapter 79 of the Session Laws of 1911, be, and the same is hereby, amended to read as follows:

39. To regulate the inspecting, weighing, and measuring of lumber, firewood, coal, hay and other articles of merchandise, to establish or purchase one or more city scales, and to require dealers in hay, coal, firewood or any other commodity which in the judgment of the city council should be weighed upon the city scales, to use such scales in the sale of such commodity, and such city is authorized to charge a reasonable fee therefor.

2. EMERGENCY.] Whereas, the provision of law is inadequate in relation to the subject matter of the foregoing amendment, an emergency exists, therefore this act shall take effect and be in force from and after its passage and approval.

Approved March 6, 1913.

CHAPTER 82.

[H. B. No. 374—Owens.]

SIDEWALK ASSESSMENTS.

AN ACT to Amend Section 2770 of the Revised Codes of 1905, Amended by Chapter 46 of the Laws of North Dakota, A. D. 1907, Relating to Sidewalk Special Assessment Funds.

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

§ 1. AMENDMENT.] That Section 2770 of the Revised Codes of the State of North Dakota for the year 1905, be amended and re-enacted to read as follows:

§ 2770. SIDEWALK SPECIAL ASSESSMENT FUND.] All moneys collected from special assessments for building or repair-

ing sidewalks shall be kept in a fund to be called "sidewalk special fund" and warrants shall be drawn on such fund for the payment of the costs of building and repairing all sidewalks, and the city shall in no case be liable on any contract for the building or repairing of sidewalks in any sum whatsoever, to be paid by moneys raised by general taxation.

All such sidewalks special assessment warrants shall be payable as specified and in such amounts as in the judgment of the city council the taxes and assessments will provide for, which said warrants shall bear interest at the rate of not to exceed seven per cent, per annum, payable annually, and may have coupons attached representing each year's interest. Such warrants shall state upon their faces for what purpose they are issued and the further fact from which fund they are payable and shall be signed by the mayor and countersigned by the city auditor under the seal of the city and be in denominations of not more than one thousand dollars each. Such warrants may be used in making payment on contracts for making such improvements or be sold for cash at not less than par value thereof and the proceeds thereof credited to such fund, and used for paying such improvements. It shall be the duty of the city treasurer to pay such warrants and interest coupons as they mature and are presented for payment out of the sidewalk special assessment fund, and to cancel the same when paid.

§ 2. AMENDMENT.] Section 2770a. In all cases where snow and ice are not removed from sidewalks within the time and in the manner that is now and hereinafter may be provided by the ordinances of any city, the same may be removed by or under the direction of the street commissioner, and, the necessary expense thereof shall be chargeable against the abutting property. On or before May 1st in each year the street commissioner shall make and file in the office of the city auditor a list of the property chargeable and assessed against each lot and tract separately, and stating the owner's name, so far as known to him. The city auditor shall give notice by publication in the official newspaper of the hearing and confirmation of such report and assessment at the regular June council meeting, notifying all persons objecting thereto to appear and present their objections, such notice to be published twice, once in each week for two consecutive weeks, the last publication to be not less than eight days before the time fixed for the hearing. At the June council meeting or at such later meeting as the hearing, and confirmation of such assessment may be adjourned to, the council shall take up and

consider said assessment and shall hear any objection thereto or to any part thereof, and after revising and correcting the same, if necessary so to do, shall approve and confirm the same. The city auditor shall thereupon attach to such list his certificate that the same is correct as confirmed by the city council and shall thereupon file such assessment list in his office; and such assessment, with interest and penalties thereon, shall be and remain a permanent lien upon the property upon which such assessment is levied, from the time such assessment list is approved by the city council, and shall remain a lien thereupon until fully paid, and shall have precedence over all other liens except ordinary taxes to which it shall be subject, and such lien shall not be divested by any judicial sale, and no mistake in the description of the property or in the name of the owner shall obviate such lien, *provided* the property assessed can be identified by the description in such assessment list. Such assessment shall be certified to the county auditor by the city auditor at the same time and in the same manner that sidewalk assessments are certified by him under the provisions of Section 2804 Revised Codes of 1905.

§ 3. REPEAL.] All acts and parts of acts in conflict herewith are hereby repealed.

§ 4. EMERGENCY.] Whereas, an emergency is hereby declared to exist, therefore this act shall take effect and be in force from and after its passage and approval.

Approved March 14, 1913.

CHAPTER 83.

[H. B. No. 197—Twichell.]

PROVIDING FOR MUNICIPAL SLAUGHTER HOUSES.

AN ACT to Amend Article 4, Chapter 30, of the Political Code of North Dakota, Being Section 2678 of the Revised Codes of North Dakota for 1905, Relating to Powers of City Councils.

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

§ 1. That subdivision 35 of Article 4 of Chapter 30 of the Political Code of North Dakota, being subdivision 35 of Section 2678 of the Revised Codes of North Dakota for 1905, be, and the same is hereby amended to read as follows:

§ 35. To establish, purchase, erect, lease, rent, manage and maintain markets and market houses, municipal

slaughter houses or abbatoirs, and to provide for the regulation and use of.

§ 2. EMERGENCY.] Whereas, the provision of law in relation to the subject matter of the foregoing amendment is inadequate, an emergency exists, therefore, this act shall take effect and be in force from and after its passage and approval.

Approved March 6, 1913.

CHAPTER 84.

[H. B. No. 432—Fritz.]

SPECIAL ASSESSMENTS.

AN ACT to Amend and Re-enact Sections 2792, 2793 and 2804 of the Revised Codes of North Dakota for 1905, Relating to Special Assessments for Sewers, Water Mains, Sidewalks and Other Purposes.

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

§ 1. AMENDMENT.] Section 2792 of the Revised Codes of North Dakota for 1905 is hereby amended and re-enacted to read as follows:

§ 2792. SEWER ASSESSMENTS EXTENDED TWENTY (20) YEARS.] The special assessments herein provided for the payment of the cost of constructing any sewer shall be payable in equal annual amounts extending over a period not exceeding twenty (20) years, and shall bear interest at a rate not to exceed seven per cent (7%) per annum on the total amount of such assessments remaining from time to time unpaid; *provided*, however, that in all cities in this state having less than two thousand (2,000) inhabitants, the city council may by ordinance or resolution provide that any such special assessment, which has heretofore or may hereafter be levied, shall be extended over a period of less than twenty (20) years; and the city council is authorized by ordinance or resolution to fix the period over which such assessments shall be extended not exceeding, however, in all twenty (20) years.

§ 2. AMENDMENT.] Section 2793 of the Revised Codes of North Dakota for 1905, is hereby amended and re-enacted to read as follows:

§ 2793. WATER MAIN ASSESSMENTS EXTENDED TEN (10) YEARS.] The special assessments herein provided for the payment of the cost of any water mains, shall be payable in equal annual amounts, extending over a period of not exceeding ten (10) years, and shall bear interest at a rate

not to exceed seven per cent (7%) per annum on the total amount of such assessments remaining from time to time unpaid; *provided*, however, that in all cities having less than two thousand (2,000) inhabitants, the city council may by ordinance or resolution provide that any such special assessment, which has heretofore or may hereafter be levied, shall be extended over a period of less than (10) years; and the city council is authorized by ordinance or resolution to fix the period over which such assessments shall be extended, not exceeding, however, in all ten (10) years.

§ 3. AMENDMENT.] Section 2804 of the Revised Codes of North Dakota for 1905 is hereby amended and re-enacted to read as follows:

§ 2804. AUDITOR SHALL CERTIFY ASSESSMENTS.] The city auditor shall, annually, at the time he certifies to the county auditor the amount of the city taxes to be levied for the current year, also certify to such auditor all sidewalk, and all sidewalk repair assessments, and all assessments for opening or widening streets, remaining in his office uncertified, and shall also certify to such county auditor a list of the lots and tracts of land specially assessed for any other purpose as hereinbefore provided, designating the purpose of such assessment, and the fund to which it belongs, with the proportion of such assessment for such year against each lot, and shall add thereto one per cent (1%) of all such assessments, so certified; and the county auditor shall thereupon extend the same upon the tax list for the current year, and the amount, with all interest and penalties, shall be collected and paid over to the city treasurer in the same manner as other city taxes, and when so paid over shall be credited by the city treasurer and city auditor to the fund for which it was collected; *provided*, however, that in all cities having less than two thousand (2,000) inhabitants, the city council may by resolution direct and authorize the city auditor to certify at one time any and all special assessments of said city for any purpose; and that when so directed by the city council the city auditor shall certify to the county auditor a list of the lots and tracts of land specially assessed for any purpose, designating the purpose of such assessment, and the fund to which it belongs, with the proportion of such assessment for each and every year when such special assessment will become payable in the future, including interest; and said city auditor shall also add to the assessment payable one per cent (1%) of the amount payable on such assessments for each year; such assessments so certified shall be accompanied by a certified copy of the resolution of the city council directing the assessment to be certified in this manner; and when any special

assessment has been certified in the manner last described, then the city auditor shall not be required to certify any installment of such assessment annually, but the county auditor shall each year extend the amount so certified against each tract of land upon the tax list for the year when the same becomes payable according to the certificate of the city auditor, and the amount, with all interest and penalties, shall be collected and paid over to the said city treasurer in the same manner as other city taxes, and when so paid over shall, be credited by the city treasurer and the city auditor to the fund for which it was collected; *provided*, further, that the county auditor shall have in his office a book entitled, "Special Assessment Record," and when any city causes to be certified the special assessments for a period of more than one year, that then the county auditor shall cause said special assessments so certified to be duly recorded in said book for the respective years and amounts shown in the certificate of the city auditor; *provided*, further, that whenever special assessments of any kind whatsoever, hereafter certified to the county auditor by the city auditors of cities incorporated under the general laws of this state or under the commission form of government, shall be paid to the county treasurer, it shall be the duty of the said county treasurer, at the time set by law for the payment to the city treasure of all taxes and special assessments collected by the said county treasurer during the preceding month, to certify the amounts of such special assessments so collected in duplicate, one copy to be certified to the city treasurer, and one copy to be certified to the city auditor; such certificate to state specifically the lot, or known subdivision thereof, as appears upon the tax books of the county treasurer, the block, addition, amount collected and credited to each lot or known subdivision thereof, and the year for which said sum was so collected.

Approved March 14, 1913.

CHAPTER 85.

[H. B. No. 396—Lewis.]

SPECIAL ASSESSMENTS.

AN ACT to Amend Section 2801 of the Revised Codes of North Dakota of 1905, Relating to Special Assessments in Cities.

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

§ 1. That Section 2801 of the Revised Codes of North Dakota of 1905 be and the same is amended so as to read as follows:

§ 2801. SPECIAL ASSESSMENTS HOW MADE. REVIEW.] It shall be the duty of such commission, whenever required under the provisions of this Article to make any special assessment, to personally inspect any and all lots and parcels of land which may be subject to such special assessment and determine from such inspection the particular lots and parcels of land which will in the opinion of such commission, be especially benefited by the construction of the work for which such assessment is to be made and thereupon determine the amount in which each of said lots and parcels of land will be especially benefited by the construction of the work for which such special assessment is to be made, and thereupon determine the amount in which each of said lots and parcels of land will be especilaly benefited by the construction of the work for which such special assessment is to be made, and thereupon assess against such of said lots and parcels of land such sum, not exceeding such benefits, as shall be necessary to pay its just proportion of the total cost of such work, or part thereof as is to be paid by special assessment, including all expenses incurred in making such assessment, and publishing necessary notices with reference thereto, including the per diem of such commission; and such commission shall thereupon make or cause to be made a complete list of such benefits and assessments, setting forth each lot or tract of land assessed, and the amount each lot is benefited by the improvement, and the amount assessed against each, and shall attach to such lists a certificate signed by a majority of the members of such commission, certifying that the same is a true and correct assessment of the property therein described to the best of their judgment, and stating the several items of expense, included in such assessment, and shall thereupon cause the same to be published twice, once in each week for two consecutive weeks in the official newspaper of the city, together with a notice of the time and place when and where such commission will meet to hear objections which may be

made to any such assessment, by any person therein interested, or his agent or attorney, which time shall not be less than fifteen days after the first publication of such notice; and such commission may thereupon alter the same as may in their opinion be just or as may necessary to correct any errors therein, and they may increase or diminish any such assessment as may be just and as is necessary to make the aggregate of all such assessments equal to the total special assessment to be made for the cost of the work for which they are made; *provided*, that no assessment shall exceed the benefits of the parcel of land assessed, as determined by the commission. Such commission shall thereupon confirm such list and attach thereto their further certificate certifying that the same is correct as confirmed by them. Such commission shall thereupon file such assessment list in the city auditor's office. *Provided*, however, that property belonging to the government of the United States shall be exempt from such assessment.

Approved March 14, 1913.

CIVIL TOWNSHIP

CHAPTER 86.

[H. B. No. 6r—Roble.]

GUIDE POSTS.

AN ACT to Amend and Re-enact Section 3187 and to Repeal Sections 3188, 3189, 3190 and 3191 of the Revised Codes of North Dakota for the Year 1905, Relating to Guide Posts.

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

§ 1. AMENDMENT.] Section 3187 of the Revised Codes of North Dakota for the year 1905, is hereby amended and re-enacted to read as follows:

§ 3187. TOWNSHIP TO ERECT GUIDE POSTS.] Each township shall erect and maintain guide posts on the highways and other ways within the township, at such places as are necessary or convenient for the direction of travelers.

§ 2. REPEAL.] Sections 3188, 3189, 3190 and 3191 of the Revised Codes of North Dakota for the year 1905 are hereby repealed.

Approved March 13, 1913.