

VILLAGES

CHAPTER 288.

[S. B. No. 290—Jacobsen.]

TRUSTEES INCORPORATED VILLAGES.

AN ACT Extending the Powers of the Board of Trustees of Incorporated Villages, Relative to Sidewalks, Sewers, Paving and Water Mains.

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

§ 1. All powers now by law conferred upon the city council in Articles 17 and 18 of Chapter 30 of the Political Code of 1905 and all acts amendatory thereto, are given to the boards of trustees of incorporated villages.

Approved March 11, 1913.

CHAPTER 289.

[S. B. No. 86—Heckle.]

SPECIAL VILLAGE TAXES.

AN ACT to Authorize Trustees to Levy a Tax to Pay for Water and Light Plants Heretofore Installed.

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

§ 1. The board of trustees of any village in this state having before the passage of this act install a water and light plant in such village is authorized to levy a special tax sufficient to pay the cost therefor not exceeding in any case the sum of one per cent per annum upon the assessed valuation of all the taxable property within such village; said taxes shall be collected and paid over to the village treasurer the same as other taxes, and shall be used for no other purpose.

§ 2. EMERGENCY.] Whereas, there is no law authorizing village trustees to install water and light service, therefore an emergency exists, and this Act shall take effect upon its passage and approval.

Approved March 11, 1913.

CHAPTER 290.

[H. B. No. 229—Walsh.]

VILLAGE PARKS.

AN ACT Creating Park Districts for Villages and Providing for the Government thereof, Creating a Board of Park Commissioners, and Specifying the Power and Authority of Such Commissioners.

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

§ 1. PROCEDURE.] Any incorporated village of the State of North Dakota may, by a majority vote of its board of trustees by yeas and nays at a regular meeting thereof, take advantage of the provisions of this Act.

§ 2. CREATION OF PARK DISTRICTS.] Any village desiring to take advantage of this Act shall do so by ordinance or resolution regularly adopted, expressing its intent or desire so to do, whereupon the territory embraced in such village, or within the park which may be acquired under this Act if not within the village limits, shall be deemed and is hereby declared to be a park district of the state of North Dakota.

§ 3. HOW DESIGNATED. POWER OF.] Each park district under this Act shall be known as "Park District of the Village of....." and as such district shall have a seal and perpetual succession, with power to sue and be sued, contract and be contracted with, acquire by purchase, gift, devise or otherwise, and hold, own, possess and maintain real and personal property in trust for the purpose of parks, boulevards and ways, and to exercise all the powers herein designated, or which may hereafter be conferred upon it

§ 4. COMMISSIONERS, ELECTION THEREOF AND FILLING OF VACANCIES.] The powers of each park district shall be exercised by a board of commissioners consisting of three members, who shall hold office for a period of three years from and after the date of their election and qualification, except the members of the first board, who shall hold office as follows: One member until the first annual village election following their election; one member until one year from the last mentioned date, and one member until two years from such last mentioned date. The members of the park commission shall qualify by taking and filing with the village clerk the oath prescribed by Section 211 of the constitution. The village treasurer shall be ex-officio treasurer of the park district, and he shall take the oath prescribed by Section 211 of the Constitution, and shall furnish and file such bond as may be required by the commis-

sion. The members of the park commission shall be elected by the qualified electors of the village at the annual village election, and shall qualify within ten days after their election, and shall organize within ten days after so qualifying, by the selection of a president, vice-president and secretary. The first board may be elected at a regular or special meeting called therefor by the board of trustees of the village. The members shall receive no compensation for their services, and shall have the qualifications of electors of the village. They shall not be interested in any contract entered into by said commission. Vacancies on the board shall be filled by the remaining members of the board until the next regular village election when such vacancies shall be filled by election.

§ 5. POWERS OF THE COMMISSION.] The park commission shall have power:

(a) To acquire by purchase, gift, devise, condemnation or otherwise, land within its territorial limits or within one mile therefrom, for parks, boulevards and ways, and shall have sole and exclusive power and authority to maintain, govern, erect and improve the same.

(b) 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, any and all buildings, pavilions, play and pleasure grounds or fields, and such other improvements (of) or a like character as they may deem necessary.

(c) To pass and promulgate all rules and regulations, either by ordinance or resolution, requisite and needful for the regulation and government thereof, and to, make, change and enforce any order with reference thereto.

(d) To levy special assessments on all property specially benefitted by the purchase, establishment and improvements of such parks, boulevards and ways, or streets, about the same.

(e) To employ such engineers, surveyors and clerks, or other employees, including such police force as may be necessary, and to define and prescribe their respective duties and to fix their compensation.

(f) To issue negotiable bonds of the park district in a sum not to exceed one and one-half per cent of the taxable property therein situated, for the sole and exclusive purpose of purchasing and acquiring lands for such parks, boulevards and ways, and for the permanent improvements thereof, including the erection of the necessary buildings, pavilions, play and pleasure fields; *provided*, however, that such bonds shall not bear a rate of interest to exceed six per cent per annum.

(g) 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 and their employees; *provided*, however, that such taxes so levied shall in no year exceed the sum of three mills on each dollar of taxable property within said district.

(h) To establish building and street lines for all property fronting on any park, boulevard, or way, under the direction and control of said commission, and to control the subdivision and platting of property within two hundred feet thereof.

(i) To borrow money in anticipation of taxes already levied to defray the expenses of the year, and to issue therefor warrants or other obligation of the district.

(j) To plant, to set out, maintain and protect, and care for shade trees in any of the public streets or highways of said parks or park districts, and to specify and regulate the kind of trees that shall be planted or set out in such streets or highways, the size and location of such trees and the method to be used in planting and cultivating the same, and to pass such resolutions or ordinances as may be necessary or needful for their control and protection.

§ 6. MEETINGS ARE HELD, ORDINANCES AND RESOLUTIONS.] The park commission shall hold a regular meeting on the first Monday of each and every month at such hour as it may deem most convenient, and such special meetings as it shall deem necessary. Special meetings may be called by the president, and shall be subject to the same regulations as the calling of special meetings of the board of trustees of the village. The powers of the commission shall be exercised by resolution or ordinance. All resolutions or ordinances shall be read once, and shall be adopted by the yeas and nays, be approved by the president and upon the same being published once in the official paper of the village, they shall go into effect within three days after the publication thereof. No expenditure of money, or levying of taxes, or the issuance of bonds, or other certificate of indebtedness, shall be made excepting upon the yeas and nays vote of the commission. The letting of all contracts shall be subject to the same regulations and restrictions as provided for the letting of contracts by the village, and shall be signed by the president and secretary. At no time shall the debt of the park district exceed five per cent of the taxable property within the district, according to the last preceding assessment. All bills, claims, and accounts or demands against said district shall be audited, allowed and paid in the same manner as bills against the village,

and no action of any kind shall be maintained unless such claim, bill or demand has been regularly presented.

§ 7. JUSTICE OF THE PEACE. JURISDICTION.] The village Justice of the Peace shall have the full and exclusive jurisdiction to try and determine all causes of action for the violation of any rules, ordinances or resolutions enacted by the board, and all procedure before the justice shall be the same as is now prescribed for the trying of offenses against the village ordinances.

§ 8. GENERAL LAWS GOVERN COMMISSION.] In the issuing of bonds, warrants, certificates of indebtedness, and in levying on taxes or special assessments, and in otherwise carrying on, enforcing, or making effective any of the powers herein granted, the park commissioners and their officers, and the park district, shall be governed by and shall follow the laws enacted for the government of villages, except as herein otherwise specially provided.

§ 9. REPEAL.] All Acts or parts of Acts in conflict herewith are hereby repealed.

Approved March 14, 1913.

CHAPTER 291.

[S. B. No. 29—Cashel.]

VILLAGE TRUSTEES.

AN ACT to Amend Section 2864 of the Revised Codes of North Dakota for 1905, as Amended by Chapter 186 of the Session Laws of 1905, and Re-amended by Chapter 268 of the Session Laws of 1907, Relating to the General Powers of the Boards of Trustees of Incorporated Villages.

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

§ 1. That Section 2864 of the Revised Codes of North Dakota for 1905, as amended by Chapter 186 of the Session Laws of 1905, and re-amended by Chapter 268 of the Session Laws of 1907, be and the same is, amended and re-enacted so as to read as follows:

§ 2864. GENERAL POWERS.] The boards of trustees shall have the following powers:

1. To have a common seal and alter the same.
2. To purchase, hold or convey any estate, real or personal, for the use of the corporation, so far as such purchase may be necessary, to carry out the objects contemplated by this Chapter, to provide for the erection and care of all public buildings necessary for the use of the

village, to purchase such real estate as they may determine shall be necessary for the purposes of streets, alleys, parks and public grounds, and to sell and dispose of the same when the necessity therefor no longer exists, and to control the finances and property of the corporation.

3. To organize fire companies, hook and ladder companies, to regulate their government and the times and manner of their exercise; to provide all necessary apparatus for the extinguishment of fires; to make owners of buildings provide ladders and fire buckets, which are hereby declared to be appurtenances to the real estate and exempt from execution, seizure or sale; and if the owner shall refuse to procure suitable ladders or fire buckets after reasonable notice, the trustees may procure and deliver the same to him; and in default of payment thereof may recover of said owner the value of said ladder and fire buckets, by suit before the justice of the peace of the village, and the costs accruing thereby; to regulate the storage of gunpowder and other material; to direct the construction of a place for the safe deposit of ashes; and may under any order by it entered upon the proper book of the board, visit, or appoint one or more fire wardens to visit, and examine, at all reasonable hours, dwelling houses, lots, yards, inclosures and buildings of every description, discover if any of them are in a dangerous condition, and provide proper remedies for such dangers; to regulate the manner of putting up stoves and stovepipes; to prevent out-fires and the use of fireworks and the discharge of firearms within the limits of said corporation, or such parts thereof as it may think proper; to compel the inhabitants of such village to aid in extinguishment of fire and prevent its communication to other buildings, under such penalties as are in this Chapter provided; to construct and preserve reservoirs, wells, pumps and other waterworks, and to regulate the use thereof and, generally to establish other measures of prudence for the prevention or extinguishment of fires as it shall deem proper.

4. To construct and keep in repair culverts, drains, sewers, catch basins, manholes and cesspools, and to regulate the use thereof, and to regulate the construction and use of any culvert, drain, sewer, catch basin, manhole or cesspool within the corporate limits and to declare what shall constitute a nuisance, and to abate and remove the same, and impose fines upon persons who may create, continue or suffer nuisances to exist, and take such other measures for the preservation of the public health as it shall deem necessary; to license, tax, regulate, suppress and prohibit hawkers, peddlers, salesmen, pawnbrokers,

keepers of ordinaries, and other exhibitions, shows and amusements within the corporation.

5. To regulate, restrain and prohibit the rununing at large of horses, cattle, swine, sheep, goats, geese and dogs, and to impose a tax or license on dogs, not to exceed two dollars on each male dog and three dollars on each female dog owned or kept within such village.

6. To license, regulate, tax or prohibit and suppress pool, billiards, bagatelle, pigeonhole, or any other tables or implements kept or used for a similar purpose in any place of public resort, pin alleys and ball alleys; to restrain, suppress and prohibit gambling and gambling houses, and other disorderly conduct and places, lotteries and all fraudulent devices and practices for the purpose or gambling or obtaining money or property, and to prohibit the sale or exhibition of obscene or immoral publications, print, pictures or illustrations, and authorize the seizure and destruction of gambling apparatus; to suppress bawdy and disorderly houses, houses of ill fame or assignation within the limits of the village, and within one mile of the outer boundaries of the village.

7. To license, regulate or restrain auction establishments, traveling peddlers and public exhibitions within the corporation.

8. To establish and regulate markets and build market houses.

9. To lay out, open, grade and otherwise improve the streets, alleys, sewers, sidewalks and crossings, and to keep them in repair, and to vacate the same.

10. To appoint street commissioners and also fire wardens, not exceeding three.

11. To regulate the building and use of sidewalks and all structures thereunder; to require the owner or occupant of any premises to keep sidewalks in front of or along the same free from snow and other obstructions, and to prohibit the riding or driving thereon, except to cross the same; to provide for the building, use and regulation of cross-walks, curbs and gutters; to regulate and prevent the use of streets, alleys, sidewalks and public grounds for signs, signposts, awnings, telegraph and telephone poles, horse troughs, scales, racks, posting handbills and advertisements; to regulate and prevent the throwing or depositing of ashes, offal, manure, dirt, garbage or anything offensive in, and to prevent injury to any street, avenue, alley or public ground; to regulate and prohibit the exhibition or carrying of banners, placards, advertisements or handbills in the streets or public grounds or upon the sidewalk; to regulate and prevent the flying of flags, banners

or signs across the street or from houses; to regulate traffic and sales upon the streets, sidewalks and public places; to regulate the speed of horses and other animals, vehicles, bicycles, motorcycles, automobiles, cars, locomotives and traction engines within the limits of the corporation.

12. To establish and erect a jail for the confinement of disorderly persons, vagrants, tramps and idle persons, and persons convicted of violating any village ordinance, and make rules and regulation for the government of the same, and appoint necessary jailers and keepers; to prevent and suppress riots, routs, affrays, noises, disturbances and disorderly assemblies in any public or private place.

13. To insure the public property of such village.

14. To establish and regulate cemeteries within, or within one mile of the corporation, and acquire lands therefor by purchase or otherwise, and cause cemeteries to be removed and prohibit their establishment within one mile of the corporation.

15. To plant trees upon public grounds and along the streets of such village, and to provide for their culture and preservation, and to enclose any public square or other public grounds within said corporation.

16. To levy and collect annual taxes, not exceeding twenty mills on the dollar, assessed valuation.

17. To direct the location and regulate the management and construction of packing houses, smoke houses, renderies and slaughter houses; and prohibit any offensive or unwholesome business or establishment within, or within one mile of the limits of the corporation; to compel the owner of any grocery, cellar, stable, pigsty, sewer, or other unwholesome or nauseous house or place; to cleanse, abate or remove the same, and regulate the location thereof.

18. To make and establish by-laws, ordinances and regulations not repugnant to the laws of this state as may be necessary to carry into effect the provisions of this Chapter, and to repeal, alter or amend the same as shall seem to the board of trustees of such village to require; but every by-law, ordinance or regulation, unless in case of emergency, shall be published in a newspaper in such village, if one is printed therein, or posted in five public places, at least ten days before the same shall take effect.

19. To prescribe fines, penalties and forfeitures for violations of this Chapter, or of any by-laws or ordinances by it established, not exceeding ten dollars and the costs of prosecution for any one offense, which may be recovered by action in the name of the corporation, but such board may remit the whole or any part of the fine, costs, penalty or forfeiture; *provided*, that the fine assessed for the viola-

tion of any ordinance requiring a license shall not be less than the amount required to be paid for such license, although it may exceed the sum of ten dollars.

20. To authorize the construction and maintenance of street railways, water mains, water pipes, gas mains, gas pipes, steam heating mains, and steam heating pipes, electric light systems, power systems, and telephone systems, along or through or under the streets and alleys and public grounds within the corporate limits, and to grant franchises and rights to persons, associations, or corporations, for such purposes, for a period not exceeding twenty years, and to regulate the same. *Provided*, however, that all franchises granted pursuant to the provisions of this Act shall not be deemed exclusive or irrevocable, but subject to the regulatory powers of the board of trustees herein.

§ 2. EMERGENCY.] Whereas, an emergency exists, in that villages have now no right or authority to grant franchises for electric light and telephone systems, therefore, this Act shall take effect and be in force from and after its passage and approval.

Approved March 14, 1913.