

# MUNICIPAL GOVERNMENT

## CHAPTER 275

H. B. No. 650  
(Hilleboe, Lowe and Van Sickle)

### CHANGE FROM COMMISSION TO CITY COUNCIL

#### AN ACT

To amend and reenact section 40-0408 of the North Dakota Revised Code of 1943 relating to a change from commission system of government upon petition and to amend and reenact section 40-0803 of the North Dakota Revised Code of 1943 relating to the number of alderman required in the governing body of council cities.

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

§ 1. **Amendment.)** Section 40-0408 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

**40-0408. Change From Commission System Of Government; Petition Required.)** Any city which shall have operated for more than six years under the city commission system of government may change its organization thereunder and adopt the city council form of government. The proceeding to change shall be initiated by a petition asking for such change signed by not less than forty percent of the electors of the city. The signatures to such petition need not be appended to a single paper, but one of the signers upon each paper shall make oath before an officer competent to administer oaths that each signature appearing upon such paper is the genuine signature of the person whose name it purports to be. Each petition, in addition to the names of the signers, shall contain the name of the street upon and the number of the house in which each petitioner resides, and the length of his residence in the city. Any petitioner shall be permitted to withdraw his name from a petition within five days after the petition is filed.

§ 2. **Amendment.)** Section 40-0803 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

**40-0803. Number Of Aldermen Determined By Population; Census To Govern.)** The number of aldermen shall be as follows:

1. In cities of six hundred inhabitants or less, four;
2. In cities of more than six hundred and not more than two thousand inhabitants, six;
3. In cities of more than two thousand and not more than four thousand inhabitants, eight;
4. In cities of more than four thousand and not more than ten thousand inhabitants, twelve;
5. In cities of more than ten thousand inhabitants, fourteen.

The population of the cities shall be determined by the last official federal, state, or municipal census. Whenever a census of the city shall show a population requiring more aldermen than are in the council at the time of taking such census, the city council shall not be required to make a change in the number of aldermen and the corresponding change in the number of wards of such city unless a majority of the electors thereof, to be determined by the number of names on the poll list of the last city election, petition therefor.

Approved March 19, 1957.

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## CHAPTER 276

H. B. No. 611

(Renfrow, Sortland, Wambheim, Saugstad and Berntson)

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### ELECTION OF VILLAGE TRUSTEES

#### AN ACT

To amend and reenact section 40-0705 of the North Dakota Revised Code of 1943, relating to the election of village trustees and providing for changes in number and boundaries of trustee districts, for election at large, and for three year terms.

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

§ 1. **Amendment.)** Section 40-0705 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

**40-0705. Village May Adjust System Of Electing Trustees.)** Any village, by a majority vote of the electors thereof voting at any annual village election, may:

1. Change the number and boundaries of the districts of the village but the number of such districts shall be not

less than three nor more than seven and there shall be one trustee for each district, elected at large or from the district;

2. Adopt or discontinue the method of electing all of the village trustees at large without regard to districts; or
3. Increase the term of office of trustees to three years or reduce such increased term to two years.

Any such question may be initiated by a resolution of the governing body or by the filing of a petition signed by not less than thirty percent of the electors of the village as determined by the number of votes cast for the office of governor at the last preceding general election and more than one such question may be initiated in the same resolution or petition. Upon approval by the electors of any question so submitted, the change in districts, boundaries, terms of office, or method of election shall be effective at the next annual election and the board of trustees, by resolution adopted prior to the giving of notice of such election and incorporated in such notice, may determine the number, if any, of trustees to be elected at such election and the respective terms, which shall not exceed three years, to provide orderly rotation in future elections of trustees.

Approved March 5, 1957.

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## CHAPTER 277

H. B. No. 738

(Christopher, Einarson, Snow)

(Halcrow, Nygaard)

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### CONTRACTS WITH PUBLIC OFFICERS

#### AN ACT

To amend and reenact sections 40-0805, 40-0809, 40-1305, 40-1306 and 58-0512 of the North Dakota Revised Code of 1943, and section 12-1006 of the North Dakota Revised Code of 1943, as amended by chapter 120, 1955 Session Laws, relating to contracts by public officers.

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

**§ 1. Amendment.)** Section 40-0805 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

**40-0805. Qualifications Of Aldermen.)** No person shall be eligible to the office of alderman if he:

1. Is not a qualified elector of and resident within the ward for which he was elected, except that in cities where aldermen are elected at large, he shall be a qualified elector of and a resident within the city; or
2. Has been convicted of malfeasance, bribery, or other corrupt practice or crime.

**§ 2. Amendment.)** Section 40-0809 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

**40-0809. Restrictions On Members Of City Council.)** No member of the city council shall be eligible to any other office the salary of which is payable out of the city treasury, nor shall he hold any other office under the city government.

**§ 3. Amendment.)** Section 40-1305 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

**40-1305. Officers Not To Be Interested In Contracts Or Work Of Municipality.)** Except as otherwise provided by law, no municipal officer shall be directly or indirectly interested in:

1. Any contract, work, or business of the municipality;
2. The sale of any article the expense, price, or consideration of which is paid from the municipal treasury or by any assessment levied by any act or ordinance; or
3. The purchase of any real estate or other property belonging to the municipality or which shall be sold for taxes or assessments or by virtue of any process issued in any suit brought by the municipality.

**§ 4. Amendment.)** Section 40-1306 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

**40-1306. Penalty For Illegal Interest In Contract Of Municipality; Contract Void.)** Any officer or member of the governing body of any municipality who by himself or his agent becomes a party to or in any manner interested in any contract work or letting under the authority of the municipality, in violation of law, or who accepts or receives, either directly or indirectly, by himself or through other parties, any valuable consideration or promise for his influence or vote on any such contract or letting, is guilty of a misdemeanor and shall be

punished by a fine in a sum not to exceed one thousand dollars, and the contract shall be null and void.

§ 5. **Amendment.**) Section 58-0512 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

**58-0512. Officers Not To Be Interested In Contracts Of Township.)** Except as otherwise provided by law, no township officer shall become a party to or be interested, directly or indirectly, in any contract made by the board of which he is a member. Every contract or payment voted for or made contrary to the provisions of this section is void. Any violation of this section shall constitute malfeasance in office which will subject the officer so offending to removal from office.

§ 6. **Amendment.**) Section 12-1006 of the North Dakota Revised Code of 1943, as amended by chapter 120, 1955 Session Laws, is hereby amended and reenacted to read as follows:

**12-1006. Personal Interest In Contract By Public Officer; Punishment; Exception.)** Every public officer authorized to sell or lease any property, or make any contract in his official capacity, who contrary to law voluntarily becomes interested individually in such sale, lease, or contract, directly or indirectly, is guilty of a misdemeanor. Provided, however, that contracts of purchase or employment, by a township, or by a municipality having a population of not more than three thousand, according to the last official census, may be entered into with an officer of such township or municipality, for a consideration of not more than five hundred dollars to any one officer in any calendar year, if such contracts are unanimously approved by the other members of the governing body of the township or municipality and declared, by a finding unanimously adopted by such other members and entered in the official minutes of the governing body, to be necessary for the reason that the services or property obtained is not otherwise available at equal cost.

Approved March 4, 1957.

## CHAPTER 278

H. B. No. 648  
(Baldwin and Mueller)

## SALARY OF ALDERMEN AND COMMISSIONERS

## AN ACT

To amend and reenact sections 40-0807 and 40-0906 of the North Dakota Revised Code of 1943, relating to compensation of members of municipal governing bodies.

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

§ 1. **Amendment.**) Section 40-0807 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

**40-0807. Compensation Of Aldermen.)** The aldermen shall receive such compensation for their services as shall be fixed by ordinance, but such compensation shall not exceed the following limitations based upon the population of the city according to the latest state or federal census:

1. In cities not exceeding one thousand in population, to each alderman not to exceed five dollars for each meeting of the city council actually attended by him;
2. In cities over one thousand and not exceeding two thousand in population, to each alderman not to exceed ten dollars per month;
3. In cities over two thousand and not exceeding four thousand in population, to each alderman not to exceed twenty dollars per month;
4. In cities over four thousand and not exceeding six thousand in population, to each alderman not to exceed thirty dollars per month;
5. In cities over six thousand and not exceeding eight thousand in population, to each alderman not to exceed forty dollars per month;
6. In cities over eight thousand and not exceeding twelve thousand in population, to each alderman not to exceed fifty dollars per month; and
7. In cities having a population of over twelve thousand, to each alderman not to exceed sixty dollars per month.

§ 2. Amendment.) Section 40-0906 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

**40-0906. Style Of Board: Oath And Salary Of Commissioners.)** The commissioners and president of the board collectively shall constitute and be known as the "board of city commissioners of the city of . . .", and shall take an oath faithfully to perform the duties of their respective offices. The salaries of the city commissioners shall be fixed by ordinance subject to the following limitations based upon the population of the city according to the latest state or federal census:

1. In cities not exceeding one thousand in population, each commissioner shall receive a monthly salary of not to exceed fifteen dollars;
2. In cities over one thousand and not exceeding two thousand in population, each commissioner shall receive a monthly salary of not to exceed twenty-five dollars;
3. In cities over two thousand and not exceeding four thousand in population, each commissioner shall receive a monthly salary of not to exceed fifty dollars;
4. In cities over four thousand and not exceeding six thousand in population, each commissioner shall receive a monthly salary of not to exceed seventy-five dollars;
5. In cities over six thousand and not exceeding eight thousand in population, each commissioner shall receive a monthly salary of not to exceed one hundred dollars;
6. In cities over eight thousand and not exceeding twelve thousand in population, each commissioner shall receive a monthly salary of not to exceed one hundred fifty dollars; and
7. In cities having a population of over twelve thousand, each commissioner shall receive a monthly salary of not to exceed two hundred dollars.

Approved March 19, 1957.

## CHAPTER 279

S. B. No. 96  
(Brooks)

## MUNICIPAL OFFICIALS' BONDS

## AN ACT

To amend and reenact section 40-1302 of the 1953 Supplement to the North Dakota Revised Code of 1943 relating to the bonds of municipal officials.

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

§ 1. **Amendment.**) Section 40-1302 of the 1953 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

**40-1302. Bonds Of Municipal Officials; Requirements; Approvals: Additional Bonds.)** The treasurer, auditor, clerk, police magistrate, justice of the peace, and assessor of each municipality, the city manager of any city, the marshal of any village, and such other officers as the governing body may direct, before entering upon the discharge of the duties of their respective offices, shall execute and deliver to the municipality their separate bonds payable to the municipality, conditioned for the honest and faithful performance of their official duties. Such bond shall be in an amount fixed by the governing body of the municipality. The bond of the treasurer shall be set by resolution of the governing body of the municipality at a regular meeting in April of each year; in an amount at least equal to twenty-five percent of the average amount of money that has been subject to the treasurer's control during the preceding fiscal year, as determined by the total of the daily balances of the treasurer for the calendar year divided by the figure three hundred or the sum of two hundred fifty thousand dollars whichever is least. All official bonds shall be approved by the executive officer of the municipality and filed in the office of the city auditor or village clerk, as the case may be. Such bonds shall conform to the provisions of law applicable to the bonds of state officers and employees except that no personal surety shall be accepted on any bond. No municipality shall pay the premium on any bond except a bond written in the state bonding fund or a bond procured to replace a bond canceled by the state bonding fund. The governing body at any time may require new and additional bonds of any officer.

Approved March 2, 1957.



## CHAPTER 280

S. B. No. 118  
(Erickstad and Knudson)

## JURORS' FEE

## AN ACT

To amend and reenact section 40-1818 of the North Dakota Revised Code of 1943 relating to fee for jurors in police magistrate or village justice of the peace courts.

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

**§ 1. Amendment.)** Section 40-1818 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

**40-1818. Fee Of Juror In Court Of Police Magistrate Or Village Justice Of The Peace.)** Each person summoned as a juror in any case in the court of a police magistrate or of a village justice of the peace shall be entitled to a fee of four dollars. If the defendant is convicted, the fees of all jurors shall be taxed against him as a part of the costs of the case.

Approved March 2, 1957.

## CHAPTER 281

S. B. No. 217  
(Saumur and Longmire)

## PARKING LOT CHARGE FOR ASSESSMENTS

## AN ACT

To amend and reenact section 40-2216 of the 1953 Supplement to the North Dakota Revised Code of 1943, relating to sewer and water and parking lot improvements to be paid for in part by special assessments and in part by service charges, and declaring an emergency.

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

**§ 1. Amendment.)** Section 40-2216 of the 1953 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

**40-2216. Sewer Or Water Improvements And Parking Lots In Municipalities May Be Paid For By Service Charges.)** A municipality constructing a sewer or water improvement or a parking lot under the special assessment method may resolve in the resolution required by section 40-2215 that a portion of the cost of the improvement shall be raised by service charges for the use of the improvement, and of the utility or parking system of which it forms a part. If the municipality so resolves, it may determine, in its resolutions, ordinances, and other proceedings relating to the levying of special assessments and the issuing of warrants to pay the cost of such improvement, that a specified portion or all of such cost shall be assessed specially against any property specially benefited and may cause to be assessed only the portion so determined. In such event the entire remainder of such cost, including interest as well as principal of any warrants issued, over and above the amount of special assessments actually collected and received from time to time in the fund of the improvement district, plus any general taxes pledged in accordance with section 40-2410 and similarly collected and received, shall be paid from the net revenues derived from said service charges; provided that nothing herein shall affect the power and duty of the governing body to levy a tax from the payment of a deficiency in the improvement district fund at the times and under the conditions set forth in section 40-2608. All of the applicable provisions of this title relating to special assessments shall be applicable to such improvements except as to the portion of the cost thereof resolved or ordained to be paid by service charges. The governing body of the municipality shall provide for the establishment, imposition, and collection of service charges for the services furnished by such improvement and the utility or parking system of which it forms a part, and in connection therewith it shall have all the rights and powers respecting such service charges as it would have with respect to like matters if such improvement were made in accordance with chapter 35 of this title. The net revenues derived from the imposition and collection of such service charges or such portion thereof as shall be determined by the governing body in said resolutions and ordinances, shall be paid into the appropriate improvement district funds created pursuant to section 40-2418. Such revenues when collected shall be used and applied in the same manner as moneys paid into such funds from the collection of special assessments. The governing body of any municipality issuing warrants to finance any such improvement may, in its resolutions and ordinances, establish an assessment reserve in the fund of the improvement district, to which it may appropriate net revenues of the utility or system from time to time received in excess of

amounts required, with special assessments and taxes then on hand, to meet the principal and interest next due on such warrants. Prior to November 1 of any year the governing body may by resolution determine the proportion which the amount then on hand in said assessment reserve, and irrevocably appropriated to the payment of said warrant, bears to the aggregate amount of the installment of the special assessments and taxes levied for the improvement which is payable in the following year, including interest thereon; and the governing body may direct the county auditor to reduce, by not more than a proportionate amount, the total of such installment and interest which would otherwise be placed upon the tax list of the municipality for the current year, against each lot and tract of land assessed or taxed for the improvement. If such installment of the special assessment on any property has been prepaid, the governing body may direct the city treasurer to refund, out of the assessment reserve, to the owner of the property at the time of such refund as indicated in the records of the register of deeds of the county, a sum not exceeding a similar proportion of the principal amount of such installment, excluding interest.

**§ 2. Emergency.)** This Act is hereby declared to be an emergency measure and shall be in full force and effect from and after its passage and approval.

Approved March 15, 1957.

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## CHAPTER 282

S. B. No. 140  
(Garaas)

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### DETERMINATION OF SPECIAL ASSESSMENTS

#### AN ACT

To amend and reenact sections 40-2307 of the 1953 Supplement to the North Dakota Revised Code of 1943 and 40-2308 of the North Dakota Revised Code of 1943, relating to assessment and collection of costs of improvements benefiting real property.

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

**§ 1. Amendment.)** Section 40-2307 of the 1953 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

**40-2307. Regulations Governing Determination Of Special Assessments By Commission; Political Subdivisions Not Exempt.)** Whenever the commission is required to make any special assessment under the provisions of this title, the members thereof personally shall inspect any and all lots and parcels of land which may be subject to such special assessment and shall determine from such inspection the particular lots and parcels of land which, in the opinion of the commission, will be especially benefited by the construction of the work for which the assessment is to be made. The commission shall determine the amount in which each of the 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 shall assess against each of such lots and parcels of land such sum, not exceeding the benefits, as shall be necessary to pay its just proportion of the total cost of such work, or of the part thereof which is to be paid by special assessment, including all expenses incurred in making such assessment and publishing necessary notices with reference thereto and the per diem of the commission. Benefited property belonging to counties, cities, villages, school districts, park districts, and townships, shall not be exempt from such assessment, and such public corporations whose property is so assessed shall provide for the payment of such assessments, installments thereof and interest thereon, by the levy of taxes according to law. Nothing in this section shall be deemed to amend other provisions of law with reference to the levy of assessments on property sold for delinquent taxes.

**§ 2. Amendment.)** Section 40-2308 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

**40-2308. Assessments Collected By Suit From Beneficial User Of Exempt Property.)** Whenever any real property is exempt from special assessments, or cannot be assessed, as provided in this title, for any improvement for any reason, and such real property otherwise would be assessable for such improvement, an assessment may be levied against the occupant or beneficial user of the property and collected by suit from the occupant or person enjoying the beneficial use thereof.

Approved March 2, 1957.

## CHAPTER 283

S. B. No. 134  
(Hernett and Dewing)

## MUNICIPAL IMPROVEMENT WARRANTS

## AN ACT

To amend and reenact sections 40-2419 and 40-2420 of the North Dakota Revised Code of 1943 and 40-2708 of the 1953 Supplement to the North Dakota Revised Code of 1943, relating to the issuance of municipal improvement warrants and refunding improvement warrants and bonds, providing for the negotiability of such warrants and bonds and the eligibility thereof as investments of fiduciary, corporate and public funds, and declaring an emergency.

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

§ 1. **Amendment.**) Section 40-2419 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

**40-2419. Warrants; Issuance; When Payable; Amounts; Interest; Interest Coupons; Negotiability; Eligibility As Investments.)** The municipality, at any time after making a contract or otherwise providing in accordance with section 40-2227 for the construction of any improvement to be financed in whole or in part by assessments, under authority of any chapter of this title, and in anticipation of the levy and collection of such assessments and of any taxes or revenues derived from service charges pledged to pay for such improvement, may issue warrants on the fund created for such improvement. The warrants shall be issued and shall mature in such amounts as in the judgment of the governing body will be provided for, at or before the maturity dates specified, by the taxes and assessments to be levied and spread and the revenues pledged therefor. Such warrants shall bear interest at a rate or rates not to exceed seven percent per annum payable annually or semiannually. Coupons representing the interest for each year or lesser period may be attached to the warrants. All such warrants shall be negotiable within the meaning of and for all the purposes specified in Title 41, and, to the same extent as general obligation bonds of the issuing municipality, shall be valid investments of the funds of any guardian, trustee and other fiduciary of any kind or nature, any insurance company, bank or other financial institution, any charitable, educational or eleemosynary institution, and any public corporation or official, municipality, school district or other political sub-

division, including bond sinking funds, special improvement funds, municipal utility funds, and funds of the state of North Dakota and its instrumentalities and agencies.

§ 2. **Amendment.**) Section 40-2420 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

**40-2420. Contents Of Warrants.)** Improvement warrants shall state upon their face for what purpose they were issued and the fund from which they are payable and shall be signed by the executive officer and countersigned by the city auditor or the village clerk, as the case may be, under the seal of the municipality.

§ 3. **Amendment.**) Section 40-2708 of the 1953 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

**40-2708. Contents Of Refunding Warrants And Bonds; Redemption; Interest; Negotiability; Eligibility As Investments.)** The refunding warrants shall bear such date, be in such denominations, and mature at such time or times, not exceeding thirty years from date of issue, as the governing body shall determine. Such warrants may be made subject to redemption at any specified time or times if it is so provided in the initial resolution. The average annual net rate of interest upon such warrants shall not exceed the rate of interest on warrants to be refunded thereby. Refunding warrants issued pursuant to this chapter may be designated as "refunding improvement warrants" or "refunding improvement bonds" as the governing body shall determine; provided that nothing herein shall be deemed to subject such warrants to the provisions of chapter 21-03 with reference to general obligation bonds of the municipality. All such warrants or bonds shall be negotiable within the meaning of and for all the purposes specified in Title 41, and shall be valid investments for fiduciary, corporate and public funds to the same extent as improvement warrants.

§ 4. **Emergency.**) This Act is hereby declared to be an emergency measure and shall be in full force and effect from and after its passage and approval.

Approved March 16, 1957.

## CHAPTER 284

H. B. No. 587

(Fristad, Rickford and Knudsen of LaMoure)

## CURB AND GUTTER EXPENSE.

## AN ACT

To amend and reenact sections 40-3104 and 40-3106 of the North Dakota Revised Code of 1943, relating to construction and repair of curbing and gutters in cities.

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

§ 1. **Amendment.**) Section 40-3104 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

**40-3104. Letting Contracts For Curbing.)** At least once every year that the city plans to construct or repair curbing or gutters, the city auditor shall advertise in the official newspaper of the city once each week for two consecutive weeks for bids for the construction of the various kinds of curbing in the city during the ensuing year. The bids shall be made in accordance with the plans and specifications set out in the resolution or ordinance provided for in section 40-3101. At a regular meeting of the governing body, the bids shall be received and opened and if accompanied by the requisite check, or check and bond, as required by the resolution of the governing body, the contract shall be awarded to the lowest responsible bidder. Contracts may be awarded to different bidders for the different kinds of curbing required.

§ 2. **Amendment.**) Section 40-3106 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

**40-3106. Assessment Book For Curbing Repairs: Review Of Assessments; Extension; Collection.)** The city auditor shall keep in his office a curbing repair assessment book and shall enter therein curbing costs certified by the street commissioner as an assessment against the lots or parcels of land fronting on or adjoining such curbing, and the name of the owner of such lots or parcels of land if known to him. At a regular meeting, the governing body shall review all assessments and hear all complaints against the same and approve the same as finally adjusted. The city auditor shall deliver to the county auditor a duplicate of all assessment rolls containing assessments made under the provisions of this chapter, and the county auditor shall extend the assessments in the proper

column against the property assessed. Each assessment shall be collected and the payment thereof enforced as county and state taxes are collected and enforced. When collected, the assessment shall be paid over by the county treasurer to the municipal treasurer in the same manner as other taxes.

Approved March 5, 1957.

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## CHAPTER 285

S. B. No. 298  
(Delayed Bills Committee)

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### DISPOSAL PLANT BONDS

#### AN ACT

To amend and reenact section 40-3401 of the North Dakota Revised Code of 1943, relating to municipal sewage and garbage disposal plants and systems and the issuance of bonds to acquire, construct, equip, extend and improve the same, and to provide funds for the redemption or purchase of outstanding bonds, and declaring an emergency.

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

§ 1. **Amendment.)** Section 40-3401 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

**40-3401. Disposal Of Garbage Or Sewage In Municipalities; Acquiring Land.)** Any municipality in this state, either individually or jointly by agreement, may own, acquire, construct, equip, extend, and improve, operate, and maintain, either within or without the corporate limits of the municipality, intercepting sewers, including pumping stations, a plant or plants for the treatment, purification, and disposal in a sanitary manner of the liquid and solid wastes, sewage, and night soil of the municipality, or a plant or system for the disposal of the garbage thereof, and may issue bonds therefor as herein prescribed. Any municipality may acquire by gift, grant, purchase, or condemnation necessary lands therefor, either within or without the corporate limits of the municipality and within or without the state of North Dakota. Municipalities may invoke and shall have all the rights and privileges granted to public corporations under existing laws with reference to eminent domain for the purpose of acquiring land for the uses mentioned in this section. Any municipality



which has outstanding bonds issued pursuant to this chapter may issue additional bonds by the procedure herein prescribed for the purpose of refunding all or any part of such outstanding bonds, whether at or prior to maturity, or for the purpose of providing moneys to be deposited in escrow for the purchase or redemption of such bonds at or prior to maturity. Bonds issued for any of the purposes referred to herein may be combined in a single issue.

**§ 2. Emergency.)** This Act is hereby declared to be an emergency measure and shall be in full force and effect from and after its passage and approval.

Approved March 15, 1957.

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## CHAPTER 286

S. B. No. 180

(Kieley, Longmire, Wartner, Erickstad, Livingston, Saumur,  
(Meidinger)

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### TWO MILL ARMORY OR MEMORIAL LEVY

#### AN ACT

Authorizing municipalities maintaining armories or memorial halls to levy not to exceed two mills for armory or memorial hall maintenance, repair, alteration and reconstruction.

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

§ 1.) The governing body of any municipality maintaining an armory annually may levy a tax in addition to all levies now authorized by law, and not subject to the mill levy limitations prescribed by law, of not to exceed two mills on the net taxable assessed valuation of all property in the municipality for armory or memorial hall maintenance, repair, alteration, and reconstruction.

Provided that a municipality shall in no case levy such tax, unless the governing body of the municipality shall have submitted to the voters of the municipality according to the procedure set forth in sections 2, 3 and 4 of this Act, the question of levying a tax for the purposes authorized by this statute, not to exceed two mills on the dollar in any one year upon the assessed valuation of all property in the municipality. Then, if the majority of the electors voting on the question approved such levy, there shall be levied, spread and collected such tax as other taxes are collected in and for such municipality.

**§ 2. Resolution And Notice Of Election.)** The resolution and order of the governing body of the municipality calling an election pursuant to the provisions of this Act shall contain a general description of the precise purpose for which a tax is to be levied and collected, the maximum mills per annum to be levied not to exceed two mills per annum, and the time when such election shall be held. Notice of the adoption of such resolution and of the election to be held in pursuance thereof shall be published by the clerk or auditor thirty days prior to the day of election.

**§ 3. Form Of Ballot.)** The form of the ballot at an election authorized by this Act shall be prepared by the clerk or auditor and shall be substantially as follows:

Shall a levy of not to exceed two mills be made for the purpose of .....

Yes .....

No .....

There shall be inserted in the blank space in such question appropriate words describing the purpose and nature of the improvement to be undertaken.

**§ 4. Conduct Of Election.)** A special election upon the question of levying taxes for such purpose shall be held at a time to be set by the governing body of the municipality. The votes cast upon the question of the proposed tax levy shall be returned and canvassed as other votes cast at elections are returned and canvassed, and the result of such election shall be certified and spread upon the minutes of the proceedings of the governing body of the municipality at the next regular or special meeting thereafter.

Approved March 14, 1957.

## CHAPTER 287

S. B. No. 184  
(Brooks and Wolf)

## MUNICIPAL PRELIMINARY BUDGET

## AN ACT

To amend and reenact section 40-4005 of the 1953 Supplement to the North Dakota Revised Code of 1943, relating to municipal preliminary budget statements.

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

**§ 1. Amendment.)** Section 40-4005 of the 1953 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

**40-4005. Contents Of Preliminary Budget Statement.)** The preliminary budget shall set forth specifically:

1. The detailed expenses of the municipality for the last fiscal year;
2. The estimated expenditures for the current fiscal year, segregated and itemized under three groups as follows:
  - A. Group A shall cover all maintenance and operation expenses, including all wages, salaries, and other items which comprise the current expenses of the municipality. Although the whole amount paid for wages and salaries may be stated in one sum in the budget statement, there shall be on file with the governing body and open to public inspection a detailed statement showing the names of all persons receiving salaries or wages and the annual amount paid to each person. Cities may include as items of expense the following, which shall be placed in separate funds:
    - (1) Equipment replacement. Such amount shall not exceed the total of the anticipated reasonable costs of depreciation for the ensuing fiscal year, based on current costs, on all equipment owned by the city, and no expenditure shall be paid out of said equipment replacement fund except for the purchase of equipment to replace equipment which is worn out, damaged or obsolete. The term "equipment" shall not include structures or building fixtures.

- (2) Snow removal reserve. Such amount shall not exceed the total of the anticipated reasonable costs of snow removal for the ensuing fiscal year, based on current costs and previous experience, and no expenditure shall be paid out of removal reserve fund except for the removal of snow from public streets or ways.
  - (3) Flood control reserve. Such amount shall not exceed the total of the anticipated reasonable costs of flood control for the ensuing fiscal year, based on current costs and previous experience, and no expenditure shall be paid out of said flood control reserve fund except for the actual costs of flood prevention and control to the municipality.
- B. Group B shall cover all capital and betterment expenditures, including new construction, major repairs, and all other items which go toward adding to the permanent improvement and value of the municipal property and may include an item which shall be placed in a separate fund as a building reserve. The building reserve fund item shall not exceed the total of the anticipated reasonable costs of depreciation for the ensuing fiscal year, based on original costs on all buildings and structures owned by the city, and no expenditures shall be paid out of the said fund except for purchase, construction, or reconstruction to replace buildings or structures which are obsolete, substandard, or generally unfit for public use.
- C. Group C shall cover all debt retirement requirements, including all amounts required to retire floating indebtedness, bonded indebtedness, and to pay interest thereon during the current fiscal year, and also a statement showing the amounts and terms of bond issues, certificates of indebtedness, and warrants or other debts to be taken care of by the levies for debts retirement;
3. The cash balance standing to the debit or credit of the municipality at the end of the last fiscal year;
  4. An estimate of the probable amounts that may be received during the current fiscal year from sources other than direct property taxes, and a statement of all the uncollected taxes due to the municipality.

In addition to the specific sums provided for under groups A and B, the governing body may include in group A, and may

appropriate for contingent expenses not otherwise provided for, a sum not exceeding five percent of the total amount of the sums set forth in groups A and B.

Approved March 2, 1957.

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## CHAPTER 288

S. B. No. 95  
(Brooks)

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### INVESTMENT OF PENSION FUNDS

#### AN ACT

To amend and reenact sections 40-4506 and 40-4608 of the North Dakota Revised Code of 1943, as amended by chapters 277 and 278 of the North Dakota Session Laws of 1955 relating to investment of surpluses in the police pension and the employees' pension funds.

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

§ 1. **Amendment.**) Section 40-4506 of the North Dakota Revised Code of 1943 as amended by chapter 277 of the North Dakota Session Laws of 1955 is hereby amended and reenacted to read as follows:

**40-4506. Investment Of Surplus In Fund; Limitations; Securities Deposited With Treasurer.**) At the end of the fiscal year, the board of trustees may invest any surplus left in the policemen's pension fund, but no part of the moneys realized from any tax levy shall be used for any purpose other than the payment of pensions. Investments shall be limited to interest-bearing bonds of the United States or the state of North Dakota, or bonds or warrants of any county, township, or municipal corporation of this state which constitute the general obligations or contingent general obligations of the issuing tax authority, or investments with any federally insured bank or savings and loan association. All securities shall be deposited with the treasurer of the board for safe-keeping.

§ 2. **Amendment.**) Section 40-4608 of the North Dakota Revised Code of 1943 as amended by chapter 278 of the North Dakota Session Laws of 1955 is hereby amended and reenacted to read as follows:

**40-4608. Investment Of Surplus In Fund; Limitations; Securities Deposited With Treasurer.)** At the end of each fiscal year, the board of trustees may invest any surplus left in the city employees' pension fund, but no part of the moneys realized from any tax levy shall be used for any purpose other than the payment of pensions. Investments shall be limited to interest-bearing bonds of the United States or the state of North Dakota, or bonds or warrants of any county, township, or municipal corporation of this state which constitute the general obligations or contingent general obligations of the issuing tax authority, or investments with any federally insured bank or savings and loan association. All securities in which moneys belonging to the fund are invested shall be deposited with the treasurer of the board for safekeeping.

Approved February 11, 1957.

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## CHAPTER 289

H. B. No. 626  
(Fitch, Hilleboe, Stockman)  
(Aamothe, Baldwin)

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### POLICE PENSION MEMBERSHIP FEE AND ASSESSMENT

#### AN ACT

To amend and reenact section 40-4508 of the 1953 Supplement to the North Dakota Revised Code of 1943, relating to membership fees and assessments under police pension plans.

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

**§ 1. Amendment.)** Section 40-4508 of the 1953 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

**40-4508. Membership Fees And Assessments.)** Every member of the police department shall pay to the treasurer of the pension fund a membership fee to be fixed by the board of trustees in an amount not exceeding five dollars. Each member shall be assessed and required to pay annually an amount not less than three percent or more than five percent per annum as determined by the governing body of the municipality upon the amount of the annual salary paid to him. Such assessment shall be deducted and retained in equal monthly installments out of such salary. No assessments shall be made of any member after he has been employed for a period of twenty-two years.

Approved March 6, 1957.

## CHAPTER 290

S. B. No. 229  
(Brooks)

## ZONING REGULATIONS

## AN ACT

To amend and reenact section 40-4705 of the 1953 Supplement to the North Dakota Revised Code of 1943, relating to zoning regulations.

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

§ 1. **Amendment.**) Section 40-4705 of the 1953 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

**40-4705. Amendments To Or Repeals Of Zoning Regulations; Protest; Required Vote For Passage; Regulations Governing.)** Regulations, restrictions, and boundaries may be amended, supplemented, changed, modified, or repealed from time to time. If a protest against a change, supplement, modification, amendment, or repeal is signed by the owners of twenty percent or more:

1. Of the area of the lots included in such proposed change; or
2. Of the area adjacent, extending one hundred and fifty feet from the area to be changed, excluding the width of streets,

the amendment shall not become effective except by the favorable vote of three-fourths of all the members of the governing body of the city. The provision of section 40-4704 relating to public hearings and official notice shall apply equally to all changes or amendments provided in this section, provided that protests in writing must be filed with the city auditor prior to the time set for the hearing.

Approved March 16, 1957.

## CHAPTER 291

S. B. No. 232  
(Knudson and Dolan)

## PARK DISTRICT DESIGNATIONS AND POWERS

## AN ACT

To amend and reenact section 40-4904 of the North Dakota Revised Code of 1943, prescribing designations and powers of city and village park districts.

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

§ 1. **Amendment.**) Section 40-4904 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

**40-4904. Designation Of Park District; General Powers; Definition.)** A park district shall be known as "park district of the city of ....." or "park district of the village of .....", as the case may be. The park district shall have a seal and perpetual succession, and may:

1. Sue and be sued;
2. Contract and be contracted with;
3. Acquire by purchase, gift, devise, or otherwise, and hold, own, possess, and maintain real and personal property in trust for use as parks, boulevards, and ways; and
4. Exercise all the powers designated in this chapter.

"Park", as used in this chapter, and in other statutes relating to park districts, unless from the context a contrary intent plainly appears, shall include, but without limitation thereto, public grounds used or acquired for use as air fields, parade grounds, public recreation areas, play grounds and athletic fields, memorial or cemetery grounds, and sites or areas devoted to use and accommodation of the public as distinguished from use for purposes of municipal administration.

Approved March 6, 1957.



## CHAPTER 292

H. B. No. 707  
(Van Sickle)

## CHANGING CITY WARDS AND PRECINCTS

## AN ACT

To amend and reenact section 40-5204 of the North Dakota Revised Code of 1943, and repealing sections 40-5202 and 40-5203 of the North Dakota Revised Code of 1943, relating to municipal wards and precincts.

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

§ 1. **Amendment.)** Section 40-5204 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

**40-5204. Changing Number And Boundaries Of Wards And Precincts; Regulations Governing.)** The number and boundaries of the wards and precincts in a city may be changed by an ordinance adopted by a majority vote of the members of the governing body. Such ordinance shall be introduced at a regular meeting of the board in May, and before final action is taken on the proposed ordinance, it shall be published in the official newspaper of the city once each week for four successive weeks. When the boundaries of wards are fixed by ordinance, the number of such wards and the boundaries thereof shall not be changed for a period of two years, except by adding thereto territory which is added to the city limits. The territory in a ward shall be contiguous and compact, and no ward having a population of less than one hundred residents shall be created.

§ 2. **Repeal.)** Sections 40-5202 and 40-5203 of the North Dakota Revised Code of 1943 are hereby repealed.

Approved March 18, 1957.