

## VILLAGES.

### CHAPTER 148.

[S. B. 33.]

#### TRUSTEES OF VILLAGES.

AN ACT to Amend Section 2365, Article 2, Chapter 29, of the Revised Codes of 1895, Relating to Powers of Board of Trustees of Villages.

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

§ 1. AMENDMENT.] That section 2365 be amended to read as follows:

§ 2365. GENERAL POWERS.] The board 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, 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 firebuckets, 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 firebuckets 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 or firebuckets, by suit before the justice of the peace of the village, and the costs accrued thereby; to regulate the storage of gunpowder and other materials; 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 firewardens, to visit and examine at all reasonable hours dwelling houses, lots, yards, enclosures 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 outfires 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 the 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, catchbasins, manholes and cesspools and to regulate the use thereof, and to regulate the construction and use of any culvert, drain, sewer, catchbasin, manhole or cesspool within the corporate limits, 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, theatricals and other exhibitions, shows and amusements within the corporation.

5. To regulate, restrain and prohibit the running at large of horses, cattle, swine, sheep, goats, geese and dogs, and to impose a tax or license on dogs not to exceed \$2.00 on each male dog and \$3.00 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 or public resort, pin alleys and ball alleys, to restrain, suppress and prohibit gaming and gambling houses, and other disorderly conduct and places, lotteries and all fraudulent devices and practices for the purpose of gambling or obtaining money or property, and to prohibit the sale or exhibition of obscene or immoral publications, prints, pictures or illustrations, and to authorize the seizure and destruction of gambling apparatus, to suppress bawdy or 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 the 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, sign posts, awnings, telegraph or tele-

phone poles, horse troughs, scales, racks, posting hand bills 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 hand bills in the streets or public grounds or upon the sidewalks, to regulate and prevent the flying of flags, banners or signs across the streets 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, 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 regulations 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 provide for their culture and preservation, and to inclose any public square or other public grounds within said corporation.

16. To levy and collect annual taxes not exceeding fifty cents on the hundred dollars 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, privy, 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 such 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 they 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 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, penalty or forfeiture; *Provided*, that the fine assessed for the violation 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 and water pipes, and gas mains and gas pipes, along or through the streets and alleys within the corporate limits, and to grant franchises and rights to persons, associations or corporations for such purposes and to regulate the same.

§ 2. REPEAL.] All acts and parts of acts in conflict with this act are hereby repealed.

Approved February 25th, 1897.

---

## CHAPTER 149.

[H. B. 190.]

### BOARD OF EQUALIZATION.

AN ACT Providing for the Attendance of Certain Township, City, Town and Village Officers at the Meetings of the County Board of Equalization.

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

§ 1. MEETINGS OF BOARD OF EQUALIZATION.] The chairmen of the boards of township supervisors, the presidents of city councils and the presidents of the boards of trustees of towns and villages in each county may attend the meetings of the board of equalization in such county, and it shall be the duty of each of such officers to advise with such board of equalization in regard to the equalization of the assessment of such county, the amount of taxes to be levied in such county, and the best means of caring for the poor of such county. Any such officer who shall attend the meeting of such board, as herein prescribed, shall be allowed as full compensation for all services in connection therewith his actual expenses while in attendance, to be paid as other bills are paid, by such township, city, town or village.

§ 2. EMERGENCY.] *Whereas*, There is no adequate law covering the subject matter of this act, therefore this act shall take effect and be in force from and after its passage and approval.

Approved March 9th, 1897.

## CHAPTER 150.

[H. B. 44.]

## INCORPORATION OF VILLAGES.

AN ACT to Amend Section 2345 of the Revised Codes of North Dakota, Relating to the Incorporation of Villages.

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

§ 1. AMENDMENT.] That section 2345 of the Revised Codes of North Dakota be and the same is hereby amended to read as follows:

§ 2345. CENSUS TO BE TAKEN.] Such persons shall cause an accurate census to be taken of the resident population of such territory as it may be, on some day not more than sixty days previous to the time of presenting such application to the board of county commissioners, as hereinafter provided; which census shall exhibit the name of every head of a family residing within such territory on such day, and the number of persons then belonging to such family; and it shall be verified by the affidavit of the person taking the same.

§ 2. EMERGENCY.] *Whereas*, an emergency exists in that the present law requires a census to be taken in connection with an application to incorporate a village not more than thirty days prior to filing the application; and also requires such census to be exhibited in a public place for not less than thirty days before filing such application and it is manifestly impossible to comply with both provisions, *therefore*, this act shall take effect immediately upon its passage and approval.

Approved February 17th, 1897.