

# PARK COMMISSIONERS.

## CHAPTER 143.

[S. B. No. 180—Bacon.]

### PARK COMMISSIONERS.

AN ACT Creating Park Districts and for the Government Thereof, Creating a Board of Park Commissioners, Conferring Power and Authority Upon Such Board and District, and Providing Rules for the Government Thereof.

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

§ 1. PROCEDURE.] Any incorporated city of the state of North Dakota, may, by a two-thirds vote of its council by yeas and nays at a regular meeting thereof, take advantage of the provisions of this act.

§ 2. PARK DISTRICTS, HOW CREATED.] Any city desiring to take advantage of this act shall do so by ordinance expressing its intent and desire so to do, whereupon the territory embraced in such city shall be deemed and it is hereby declared to be a park district of the state of North Dakota.

§ 3. HOW DESIGNATED. POWERS OF.] Each park district of the state shall be known as "park district of the city of . . . . . ." and as such 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 hereinafter designated or which may be hereafter conferred upon it.

§ 4. COMMISSIONERS HOW ELECTED. EX-OFFICIO MEMBERS OF BOARD. VACANCIES, HOW FILLED.] The power of each park district shall be exercised by a board of park commissioners consisting of five members who shall hold office for the period of three years from the date of their appointment, and until their successors are duly appointed and qualified, except the members of the first board who shall hold office as follows: One member until the succeeding January, two members until a year from that date and two members until two years from that date; the members of the park commission shall qualify by taking and filing with the city auditor of the city the oath prescribed by section 211 of the constitution; the city auditor, treasurer, attorney and engineer of the city shall be ex officio clerk, treasurer, attorney and engineer of the park district and for their

services as such shall receive such compensation as may be determined by the park commission. They shall each take the oath prescribed by section 211 of the constitution and shall furnish such bond as may be required by the commission. The members of the commission shall be elected by a majority vote of the city council at the regular January meeting thereof and shall within ten days after such election organize by the selection of a president and vice-president. Within thirty days after accepting the act, the city council shall elect the first board who shall qualify and organize as herein set forth. The members of the commission shall receive no compensation for their services as such and shall have the qualification of electors of the city constituting such district. They shall not be interested in any contract entered into by said commission. Any vacancies in the commission by death, resignation or otherwise for the period of more than three months shall be filled by election of the city council. Change of residence from the park district by any member of the commission shall create a vacancy.

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

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

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

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

4. To levy special assessments on all property specially benefitted by the purchase, opening, establishing and improvement of such parks, boulevards and ways or streets or ways about the same.

5. To appoint such engineers, surveyors, clerks and other officers including such police force as may be necessary and to define and prescribe their respective duties and authority and to fix their compensation.

6. To issue the negotiable bonds of the park district in a sum not to exceed two per cent of the value of the taxable property therein situated, for the sole and exclusive purposes of purchasing and acquiring lands for such parks, boulevards and ways; and for the permanent improvement thereof, including the erection and construction of buildings, pavilions, play and pleasure fields; provided, such bonds shall not bear a rate of interest to exceed six per cent; and provided, further, that upon the affirmative vote of the electors of

such district as by law provided, such commission may be authorized to issue such bonds in an amount in the aggregate, not to exceed five per cent of such assessed value.

7. To levy taxes upon all the property within said district for the purpose of maintaining and improving said parks, boulevards and ways and to defray the expenses of such board; provided, that such tax so levied shall in no year exceed the sum of five mills on each dollar of the taxable property within said division.

8. To establish building lines for all property fronting on any park, boulevard and way under the direction and control, and to control the subdivisions and platting of property within four hundred feet thereof.

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

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

§ 6. MEETINGS, WHERE HELD. ORDINANCES, HOW READ AND ADOPTED.] The park commission shall hold a regular meeting on the first Tuesday of each month at such hour as it may by rule designate and such special meetings as it may deem necessary. Special meetings may be called by the president, and must be by him called upon the request in writing of two members of the board. The commission shall have power to adopt such rules of procedure as it may deem necessary. The powers of the commission shall be exercised by ordinance unless otherwise provided. All ordinances shall be read twice and at least eight days shall intervene between the readings. They shall be adopted by yea and nay vote and shall be approved by the president and published in the official newspaper of the city and shall go into effect upon such publication. The enacting clause of all ordinances shall be as follows: "Be it enacted by the park commissioners of the park district of the city of . . . . . The yea and nay votes shall be taken on all propositions involving the expenditure of money, and levying of taxes or the issuance of bonds or other certificates of indebtedness. All contracts shall be let to the lowest responsible bidder after advertisement in the official newspaper of the city for three successive weeks, once in each week; provided, that such commission shall have the power to reject all bids. All contracts shall be in writing and signed by the president and clerk of the board and unless so executed shall be void. 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. No bill, claim, account or demand against the district shall be audited, allowed or paid until a full itemized statement in writing properly verified shall

be filed with the park commission. All claims against the park district arising out of negligence shall be in writing and verified by the claimant and shall contain a full, clear and concise statement of the transaction out of which it is alleged to arise, giving time, place, extent of injury and damage and shall be filed within thirty days from the date thereof with the clerk of the board. No action shall be maintained unless begun after thirty days and within six months from the date of the filing of the claim.

§ 7. POLICE MAGISTRATE TO HAVE JURISDICTION.] The police magistrate of the city shall have exclusive jurisdiction to try and determine all causes of action for violation of the rules or ordinances enacted by the board and the procedure therein with the right of appeal shall be as prescribed by general law.

§ 8. COMMISSIONERS, HOW GOVERNED.] In the issuing of bonds, warrants, certificates of indebtedness and in levying any tax or special assessment and in otherwise carrying out, 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 cities except as herein otherwise specially provided.

§ 9. EMERGENCY.] Whereas an emergency exists, therefore this act shall take effect and be in force from and after its passage and approval.

Approved March 6, 1905.

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## PERSONAL PROPERTY.

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### CHAPTER 144.

[H. B. No. 149—Martin.]

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#### UNLAWFUL TO DISPOSE OF PERSONAL PROPERTY WITHOUT PAYING TAXES.

AN ACT Making It a Misdemeanor to Move Personal Property From the State or Dispose of the Same, With the Intention of Avoiding the Payment of Personal Property Taxes.

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

§ 1. REMOVAL OR DISPOSAL OF PERSONAL PROPERTY ON WHICH TAXES ARE UNPAID A MISDEMEANOR.] Any person who shall remove from the state or dispose of any personal property that has been assessed for the purposes of taxation while such person shall be owing any personal property taxes within the state shall be deemed