

in part of such corporations and may consist of one bond for said total amount or of more than one bond, each for a lesser amount but aggregating not less than said total amount; and in the case of more than one bond being used, and in case of loss or liability, the liability of each separate bond shall be held to bear the same proportion to the total loss or liability as the amount of each separate bond shall bear to the total aggregate amount of all such bonds. Such bond or bonds shall be approved by the attorney general as to form and by the governor as to the sufficiency of the sureties. In case any such bond is approved, having as sureties one or more corporations as herein provided, then the premium for such bond or bonds shall be audited and paid out of the general fund of the state.

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 All acts or parts of acts in conflict with the provisions of this act are hereby repealed.

Approved March 19, 1907.

PARKS

CHAPTER 179.

[H. B. No. 315—J. A. Sorley]

CREATING PARK DISTRICTS.

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 hereafter be conferred upon it.

§ 4. ELECTION OF COMMISSIONERS. FILLING VACANCIES.] The powers 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 five years from and after the date of their election and qualification and until their successors are duly elected and qualified, except the members of the first board, who shall hold office as follows: One member until the third Tuesday in April of the year following their election, one member until one year from the last mentioned date, one member until two years from the last mentioned date, one member until three years from the last mentioned date, and one member until four years from such last mentioned 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 treasurer shall be ex-officio treasurer of the park district. He shall 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 the qualified electors of the park district at the annual city election held on the first Monday of April of each year, shall qualify within ten days after their election, and shall on the third Tuesday of April organize by the selection of a president and vice president. The first board may be elected at a regular annual city election or at a special election for that purpose called by the city council. The members of the board shall receive no compensation for their services as such, and shall have the qualifications of electors of such district. They shall not be interested in any contract entered into by said commission. Vacancies on such board shall be filled by the board until the next regular election of members of the board, when such vacancies shall be filled by election. Removal 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, establishment 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 and employes, 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 district.

8. To establish building lines for all property fronting on any park, boulevard or way under the direction and control of such commission, and to control the subdivision 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.] 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 called by him 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 ordin-

ance 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 or 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. GENERAL LAW GOVERNS COMMISSIONERS.] 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. REPEAL.] Chapter 143 of the laws of North Dakota of 1905 is hereby repealed, but in so far as said law has not been held to be unconstitutional and void, this act, so far as consistent therewith, shall be held and construed to be a continuation of and not a repeal of such law.

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

Approved March 2, 1907.