

# CITIES

## CHAPTER 66.

[H. B. No. 146—Homan.]

### COMMISSION FORM GOVERNMENT.

AN ACT to Amend Section 3771 of the Compiled Laws of North Dakota for the year 1913, Entitled, An Act to Provide for a Commission System of Government in Cities Which Shall Adopt the Provisions of this Act.

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

§ 1. AMENDMENT.] Section 3771 of the Compiled Laws of North Dakota for 1913 is hereby amended to read as follows:

§ 3771. CITIES INCORPORATED, HOW.] Any city in this state and any incorporated town or village therein having a population of not less than five hundred inhabitants may become incorporated, under this Chapter, as a city in the manner following: Whenever one-tenth of the legal voters of such city, or one-tenth of the legal voters of such incorporated town or village, voting at the last preceding general election, shall petition the mayor and council of such city, or the president and trustees of such incorporated town or village, to submit the question as to whether such city, incorporated town or village shall become incorporated under this Chapter, to a vote of the electors in such city, town or village, it shall be the duty of such mayor and council of such city, or the president and trustees of such incorporated town or village to forthwith submit such question accordingly, and to appoint a time and place or places, at which such vote may be taken, and to designate the persons who shall act as judges and clerks at such election; but such question shall not be submitted hereafter, oftener than once in four years. *Provided*, that cities, towns or villages in this state which have heretofore voted upon and rejected the commission system of government, shall not again vote upon the question within a period of one year after such rejection.

§ 2. EMERGENCY.] Whereas, an emergency exists in the fact that the operation of this Act will be required before July 1st, A. D. 1915, therefore, this Act shall take effect and be in force from and after its passage and approval.

Approved, March 5, 1915.

## CHAPTER 67.

[H. B. No. 201—Purcell.]

## BONDS FROM PUBLIC CONTRACTORS.

AN ACT to Amend and Re-enact Section 6832 of the Compiled Laws of North Dakota, of 1913.

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

§ 1. AMENDMENT.] That Section 6832 of the Compiled Laws of North Dakota, of 1913, be and the same is hereby amended and re-enacted to read as follows:

§ 6832. BONDS FROM CONTRACTORS ON PUBLIC IMPROVEMENTS.] It shall be the duty of every public officer or board authorized to enter into a contract for the erection, repair, alteration or betterment of any public building or any other public improvements, except municipal improvements, before entering into any such contract, to take from the contractor a good and sufficient bond for an amount at least equal to the price stated in the contract, conditioned to be void if the contractor and all sub-contractors shall pay all bills and claims on account of labor or materials furnished in and about the performance of said contract, including all demands of sub-contractors, said bond to stand as security for all such bills, claims and demands until the same are fully paid. The obligee in said bond shall be the State of North Dakota; but any person having any lawful claim against the contractor, or any sub-contractor, on account of labor or materials, or both, furnished in and about the performance of said contract, may institute any action to recover the same in his own name upon said bond in the manner and with like effect as though the said bond were made payable to him.

Approved, March 5, 1915.

## CHAPTER 68.

[H. B. No. 346—Dean.]

## CITY LIMITS EXTENSION.

AN ACT to Amend Sections 3753 and 3754 of the Compiled Laws of North Dakota for the Year 1913, Relating to the Extension of the Corporate Limits of Cities and to Provide a Method of Procedure for the Extension of the Corporate Limits of Cities.

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

§ 1. AMENDMENT.] That Section 3753 of the Compiled Laws of 1913, be and the same is hereby amended to read as follows:

§ 3753. Any city in this state may so extend its boundaries as to increase the territory within the corporate limits thereof not to exceed one-fourth of its area, by a resolution of the City Council

passed by two-thirds of the entire members-elect, particularly describing the land proposed to be incorporated within the city limits, setting forth the boundaries and describing the land, *platted by blocks and lots*; *Provided, that at least two-thirds in area of the territory described in such resolution and proposed to be incorporated within such limits shall have previously been platted into blocks and lots.*

§ 2. AMENDMENT.] That Section 3754 of the Compiled Laws of 1913 be and the same is hereby amended to read as follows:

§ 3754. The resolution of the City Council shall be published in the official newspaper of the city four times, once in each week for four successive weeks, and unless a written protest signed by a majority of the property owners of said proposed extension is filed with the city clerk or auditor within ten days after the last publication of such resolution, the territory described in the resolution shall be included within and become a part of said city. But in the event such written protest is filed, the City Council shall hear the testimony offered for or against such annexation and if after hearing such testimony and after a personal inspection has been made of the territory proposed to be annexed, such City Council is of the opinion that such territory ought to be annexed and by a resolution passed by a vote of two-thirds of the entire members-elect thereof, orders that such territory shall be so included within the corporate limits of such city, the territory described in such resolution shall be included within and become a part of said city; *provided*, however, if the greater portion of said territory proposed to be annexed consists of lands used exclusively for farming or pasturing purposes it shall not be annexed. Any person feeling aggrieved may appeal from the action of a City Council, within ten days from the date thereof, by filing with the County Judge of the county wherein such city is situated, a notice of appeal and stating therein the grounds upon which the same is based. The appeal shall be heard and determined by a commission which is hereby created and designated as the Annexation Review Commission composed of three commissioners of which the County Judge, State's Attorney and Chairman of the Board of County Commissioners of the county wherein such territory is situated, shall by virtue of their office be members, and the County Judge shall be chairman of such commission. A copy of such appeal shall be served upon the proper officers of the city. The chairman of such commission shall designate a time and place for such commission to meet and consider such appeal. At such time and place such commission shall hear the evidence for or against such annexation and render its decision accordingly.

§ 3. EMERGENCY.] Whereas, an emergency exists in that there is no adequate law providing for the annexation of contiguous territory to cities, therefore this Act shall be in full force and effect from and after the date of its passage and approval.

Approved, March 10, 1915.

## CHAPTER 69.

[H. B. No. 200—Moore.]

## INSTALLATION—SPECIAL SYSTEM STREET LIGHTING.

AN ACT to Amend and Re-enact Section 3745 of the Compiled Laws of North Dakota of 1913.

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

§ 1. AMENDMENT.] That Section 3745 of the Compiled Laws of North Dakota of 1913 be and the same is hereby amended and re-enacted to read as follows:

§ 3745. PROCEDURE TO INSTALL.] Whenever the City Council or City Commissioners in cities which have adopted the commission system of government, shall deem it necessary to install, construct, alter or extend, upon any of the streets of the city, a special system or systems of street lighting, such council or commission may direct the City Engineer or such other person as shall, upon motion or resolution be designated, to prepare plans and specifications for such work, and make an estimate of the probable cost, which plans, specifications and estimates shall be approved by resolution of the City Council or City Commission and filed in the office of the City Auditor. The City Auditor shall thereupon publish three times, once each week, in the official newspaper of the city, a notice stating that such plans and specifications and estimates have been approved and filed in his office and are open to public inspection. If the owners of a majority of the property abutting on any street or streets where said lighting system is to be installed, shall not within ten days after the last publication of said notice protest against said lighting system or improvement, then the majority of such owners shall be deemed to have consented thereto, and such city may proceed to provide for the construction of such improvement and to assess the cost thereof against the abutting property in the same manner and with the same notice and according to the same forms and procedure as now provided by statute for the construction and assessment of street paving; and upon such proceedings being taken and completed, the cost of such construction or such part thereof as the council or commission shall deem proper, be assessed against the abutting property in the same manner and according to the same form as now provided by law for the assessment of the cost of street paving.

Approved, March 10, 1915.

## CHAPTER 70.

[H. B. No. 198—L. L. Twichell.]

**MUNICIPALITIES EXEMPT FROM LIABILITY FOR DAMAGES FROM ACCIDENTS.****AN ACT** Relating to the Liability of Municipalities for Injuries Caused by Accumulation of Snow or Ice on Sidewalks.*Be it Enacted by the Legislative Assembly of the State of North Dakota:*

§ 1. **LIABILITY FOR INJURIES CAUSED BY ACCUMULATION OF SNOW OR ICE ON SIDEWALKS.**] All municipalities in the State of North Dakota shall be absolutely exempt from all liability to any person for damages for injuries suffered or sustained by reason of the accumulation of snow and ice upon sidewalks within such municipality, unless actual knowledge of the defective, unsafe or dangerous condition of such sidewalk or cross walk shall have been possessed by the Mayor, Board of City Commissioners, Police Officer or Marshal of such municipality forty-eight hours previous to such damage or injury, and such actual knowledge shall in no case be presumed from the fact of the existence of such condition, but in all cases the same shall be proved as an independent fact. In no event shall any municipality in this state be liable in damages for any injury occasioned through the mere slippery condition of such sidewalk or cross walk due to the presence of frost or loose snow thereon.

Approved, March 5, 1915.

## CHAPTER 71.

[H. B. No. 283—Leonard.]

**POWERS OF CITY PARK COMMISSION.****AN ACT** to Amend and Re-enact Article I of Section 4059 of the Compiled Laws of North Dakota for the Year 1913, Relating to Powers of City Park Commission.*Be it Enacted by the Legislative Assembly of the State of North Dakota:*

§ 1. **AMENDMENT.**] That Article I of Section 4059 of the Compiled Laws of North Dakota for the year 1913 is hereby amended and re-enacted to read as follows:

§ 4059. **POWERS OF COMMISSION.**] The Park Commission shall have power:

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

Approved, March 5, 1915.

## CHAPTER 72.

[H. B. No. 196—L. L. Twichell.]

## BONDS OF MUNICIPAL AND VILLAGE OFFICERS.

AN ACT to Amend and Re-enact Section 3807 of the Compiled Laws of North Dakota, of 1913, Relating to Bonds of Certain Officers.

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

§ 1. AMENDMENT.] That Section 3807 of the Compiled Laws of North Dakota of 1913 be and the same is hereby amended and re-enacted to read as follows:

§ 3807. BONDS, WHAT OFFICERS GIVE.] The Treasurer, Auditor, City or Village Justice of the Peace, and such other officers as the Board of City Commissioners may direct shall, before entering upon the discharge of the duties of their respective offices, execute and deliver to the city or village a bond in such sum as the Board of City Commissioners may determine, with two or more sureties, conditioned for the faithful discharge of the duties of their respective offices, and with such other conditions as the Board of City Commissioners may prescribe. The bond so given by such officers shall at all times be for the full amount of any and all moneys in the hands of such official. The Board of City Commissioners may at any time require new and additional bonds of any officer. All bonds must be approved by the president of the Board of City Commissioners, and when so approved shall be filed in the office of the City Auditor within ten days after the officer executing the same shall have been notified of his appointment, and when so approved and filed shall be recorded by the City Auditor in a book kept for that purpose; such Auditor shall annex to each such record a certificate that the same is a true copy of the original, and such record shall be prima facie evidence of the contents of such bond and in the absence of the original may be used as evidence in all courts.

Approved, March 2, 1915.

## CHAPTER 73.

[H. B. No. 197—L. L. Twichell.]

## PURCHASE OF PRIVATE PROPERTY BY CITIES.

AN ACT to Amend and Re-enact Section 3686 of the Compiled Laws of North Dakota, of 1913, Relating to Private Property.

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

§ 1. AMENDMENT.] That Section 3686 of the Compiled Laws of North Dakota of 1913 be and the same is hereby amended and re-enacted to read as follows:

§ 3686. TAKING PRIVATE PROPERTY.] Whenever it shall be necessary to take private property in order to open, lay out, widen or enlarge any street, or alley, in any city, the same shall be done by purchase, or under the provisions of the Code of Civil Procedure providing for the exercise of the right of eminent domain; and when purchased or whenever any judgment for damages to property so taken for any such improvement shall be entered, the Board of City Commissioners or City Council shall certify the same to the Special Assessment Commission and they shall cause special assessments to be levied upon the property benefited thereby to pay such judgment or the purchase price thereof, *provided*, that not more than one-fourth may be paid by the levy of a general tax upon all taxable property in the city.

§ 2. EMERGENCY.] Whereas, an emergency is hereby declared to exist, therefore this Act shall take effect and be in force from and after its passage and approval.

Approved, March 10, 1915.

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## CHAPTER 74.

[H. B. No. 313—L. L. Twichell.]

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### PLATS TO BE CERTIFIED.

AN ACT to Amend and Re-enact Section 3945 of the Compiled Laws of 1913 of the State of North Dakota.

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

§ 1. AMENDMENT.] That Section 3945 of the Compiled Laws of North Dakota, for the year 1913, be and the same is hereby amended and re-enacted to read as follows:

§ 3945. PLAT TO BE CERTIFIED AND ACKNOWLEDGED.] The plat or map, after having been completed, if correct, shall be certified by the surveyor and the officers; and every person whose duty it shall be to comply with the foregoing requirements, shall at or before the time of offering said plat or map for record, acknowledge the same before some person authorized to take acknowledgments; *provided*, that no plat as aforesaid shall be recorded until approved by the City Engineer of the city affected by said plat, in case there be no City Engineer, then by the County Surveyor. A certificate of such acknowledgment shall be by the officer taking the same endorsed on the plat or map, which certificate or survey and acknowledgment shall also be recorded and form a part of the record.

Approved, March 5, 1915.

## CHAPTER 75.

[H. B. 357—L. L. Twichell.]

## SPECIAL ASSESSMENTS IN CITIES.

AN ACT Providing for the Certification of City Specials, and the Division thereof by the City Auditor and the City Assessment Commission in Cities having a Population of Two Thousand and over; Providing Certain Duties of the County Auditor in Respect to Special Assessments, and for a Form of Record to be Used, and to Repeal Section 3729 of the Compiled Laws of North Dakota of 1913.

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

§ 1. SPECIAL ASSESSMENTS, DUTIES OF CITY AUDITOR, CITY ASSESSMENT COMMISSION, COUNTY AUDITOR. FORM.] The City Auditor shall, annually, at the time of certifying to the County Auditor the amount of the city taxes to be levied for the current year, also certify to such County Auditor all sidewalk, and all sidewalk repair assessments, and all assessments for the opening or widening of streets, remaining in his office uncertified, and shall also certify to such County Auditor a list of lots and tracts of land specially assessed for any other purpose as by law provided, designating the purpose of such assessment, and the fund to which it belongs, with the proportion of such assessment for each year against each lot.

The County Auditor shall be notified by the City Auditor not later than July 1st of each year of any special improvements having been made in such city in any other addition than that of the previous year, and the County Auditor shall make and deliver to the City Auditor on or before August the tenth of each year a copy of the real estate assessment book for the current year covering all additions wherein any special assessments have existed and where any will appear for the current year as advised by the City Auditor, and the City Auditor shall thereupon insert in proper columns under appropriate headings the amount of each of such improvements on the lots or sub-division of lots or tracts of land for the current year as provided by law, and in cases where a division of property has been made since the original assessment, the City Auditor shall make or cause to have made by the assistance and advice of the City Assessment Commission, a proper division of the special assessments on the lots or tracts of land, as divided and assessed for the regular taxes as furnished by the County Auditor, and the form to be used by the said City Auditor shall be to add each column on each page and total it, and to cross add all items entered against each lot or tract of land and carry this total to a final column at the right hand side of the page so that when the totals of each column are cross added, the total of the cross-add will equal the total of the final column, and to recapitulate the footings of the entire list, page by page, so as to show the total amount for

each purpose, and a total of these added together shall equal the total amount of the special assessments certified to the County Auditor for the current year, and the County Auditor shall thereupon extend the same upon the tax lists of such city for the current year, and the amount with interest and penalties shall be collected and paid over to the City Treasurer and City Auditor to the funds for which it was collected; *provided*, that the City Council or Commission shall make suitable compensation to the members of the City Assessment Commission for the services rendered in making the divisions of special assessments on property having been divided subsequent to the original assessment; also *provided*, further, that the County Auditor shall have in his office a book entitled, "Special Assessment Record," and when any city causes to be certified the special assessments for a period of more than one year, that then the County Auditor shall cause said special assessments so certified to be duly recorded in said book for the respective years, and amounts shown in the certificate of the City Auditor; *provided*, further, that whenever special assessments of any kind whatsoever, hereafter certified to the County Auditor by the City Auditors of cities incorporated under the general laws of this state or under the commission form of government, shall be paid to the County Treasurer, it shall be the duty of the said County Treasurer, at the time set by law for the payment to the City Treasurer of all taxes and special assessments collected by the said County Treasurer during the preceding month, to certify the amounts of such special assessments so collected in duplicate, one copy to be certified to the City Treasurer, and one copy to be certified to the City Auditor, such certificate to state specifically the lot, or known sub-division thereof, as appears upon the tax books of the County Treasurer, the block, addition, amount collected and credited to each lot or known sub-division thereof, and the year for which said sum was so collected.

§ 2. REPEAL.] Section 3729 of the Compiled Laws of North Dakota of 1913 and all Acts or parts of Acts inconsistent herewith are hereby repealed.

Approved, March 10, 1915.