
MUNICIPAL GOVERNMENT

CHAPTER 252

H. B. No. 49

Introduced by Representative Fitch

AUTHORITY OF CITIES TO REMOVE CERTAIN BUILDINGS

An Act Relating to the authority of cities to regulate the demolition, repair or removal of sub-standard buildings or structures.

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

§ 1. The governing body of any city shall have the authority to provide by ordinance for the demolition, repair or removal of any building or structure located within the limits of such city or other territory under its jurisdiction, which creates a fire hazard, is dangerous to the safety of the occupants or persons frequenting such premises, or is permitted by the owner to remain in a dilapidated condition. Any such ordinance shall provide for written notice to the owner of a hearing by the governing body before final action is taken by such body. It shall also provide a reasonable time within which an appeal may be taken by the owner from any final order entered by such governing body to a court of competent jurisdiction.

§ 2. This act shall in no way limit or restrict any authority which is now or may hereafter be vested in the state fire marshal for the regulation or control of such buildings or structures.

Approved March 14, 1945.

CHAPTER 253

H. B. No. 196

Introduced by Representative Klefstad

AUTHORIZING VILLAGES TO REMOVE CERTAIN BUILDINGS

An Act Relating to the authority of villages to regulate the demolition, repair or removal of substandard buildings or structures.

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

§ 1. The governing body of any village shall have the authority to provide by ordinance for the demolition, repair or removal of any building or structure located within the limits of such village or other territory under its jurisdiction, which creates a fire hazard,

is dangerous to the safety of the occupants or persons frequenting such premises, or is permitted by the owner to remain in a dilapidated condition. Any such ordinance shall provide for written notice to the owner of a hearing by the governing body before final action is taken by such body. It shall also provide a reasonable time within which an appeal may be taken by the owner from any final order entered by such governing body to a court of competent jurisdiction.

Approved March 14, 1945.

CHAPTER 254

H. B. No. 68

Introduced by Representatives Yirchott and Olson of Barnes

BONDS OF MUNICIPAL OFFICERS

An Act To amend and re-enact Section 40-1302 of the North Dakota Revised Code of 1943, relating to bonds of municipal officials; requirements; approval; additional bonds; and repealing all acts or parts of acts in conflict herewith.

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

§ I. AMENDMENT.] Section 40-1302 of the North Dakota Revised Code of 1943, is hereby amended and re-enacted 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 at all times in an amount set by resolution of the governing body of the municipality at regular meeting in April of each year; provided, however, that the amount so set shall be equal at least to the average amount of money that has been subject to the treasurer's control during the preceding fiscal year, said average herein mentioned to be determined by taking the total of the daily balances of the treasurer for the preceding year and dividing it by the figure three hundred (300). 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 cancelled by the state bonding fund. The governing body at any time may require new and additional bonds of any officer.

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

Approved February 23, 1945.

CHAPTER 255

S. B. No. 133

Introduced by Senators Krenz and Kehoe

BUDGET REVIEW BOARD, CERTAIN MUNICIPALITIES

An Act To amend and re-enact Section 40-4101 of the North Dakota Revised Code of 1943 providing for the membership of Boards of Budget Review.

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

§ 1. AMENDMENT.] Section 40-4101 of the North Dakota Revised Code of 1943 is hereby amended and re-enacted to read as follows:

40-4101. BOARD OF BUDGET REVIEW; REQUIRED IN CERTAIN MUNICIPALITIES; HOW CONSTITUTED.] Every municipality in this state, except townships, shall have a board of budget review. The board shall consist of seven members and shall be constituted as follows:

1. Two members from the governing body of the municipality;
2. Two members from the local school board;
3. One member from the park board; and
4. Two members representing the public at large.

If the municipality has no park board, three members shall represent the public at large.

Approved March 10, 1945.

CHAPTER 256

S. B. No. 95

Introduced by Senator Lynch and Senator Streibel

DISSOLUTION OF VILLAGES, BY DISTRICT COURT

An Act Authorizing the District Courts to Dissolve Villages Not Subject to Dissolution under Existing Laws.

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

§ 1. APPLICATION FOR DISSOLUTION.] Any village not subject to dissolution under existing laws may be dissolved by the district court of the county of the situs of said village, upon presentation of an application for dissolution by the State's attorney of the county to the clerk of the district court, showing therein :

- (1) the name of the village,
- (2) the date of incorporation,
- (3) boundaries,
- (4) original plat and additions thereto,
- (5) names of officers,
- (6) assets,
- (7) debts, and
- (8) a general statement of the reasons for dissolution.

§ 2. FILING APPLICATION; ORDER.] If the court is satisfied that the petition for dissolution conforms to Section 1 hereof, it must order that the application be filed and that the clerk of the district court give notice thereof by publication for not less than thirty (30) days and not more than fifty (50) days in some newspaper of general circulation published in the county. If there is no newspaper published in the county, the posting of the notice in five of the most public places in the village for the period of time ordered by the court constitute publication.

§ 3. OBJECTIONS.] Any time before the completion of the publication of the notice of application for dissolution, any person may file objections to the application.

§ 4. HEARING ON APPLICATION; ORDER OF DISSOLUTION.] When the publication of the notice of application for dissolution is complete, the court, upon five days' notice to any person who has filed objections to the application, or without further notice, if no objections have been filed, shall hear and determine the application. If the court finds that the village should be dissolved, it shall dissolve the same upon such terms or conditions as justice may require, shall vacate the plat and boundaries of said village; shall order the sale

of assets, the payment of debts, and if there be a surplus, shall order it paid into the treasury of the township in which the village is situated.

§ 5. JUDGMENT ROLL; RIGHT OF APPEAL.] The petition, notice and proof of service thereof, objections, order of the court, and the judgment shall constitute the judgment roll, and an appeal may be taken from the judgment in the same manner as in a civil action.

Approved March 2, 1945.

CHAPTER 257

H. B. No. 45

Introduced by Representatives Schlafmann & Haugen

DISSOLUTION OF VILLAGE PARK DISTRICTS

An Act Providing a method for the dissolution of park districts, and prescribing the procedure therefor.

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

§ 1. DISSOLUTION OF VILLAGE PARK DISTRICT. PETITION FOR ELECTION. NOTICE OF ELECTION. ORDER OF DISSOLUTION.] Whenever an application signed by one-third of the electors of any village park district shall be presented to the board of trustees of such village setting forth that all debts, liabilities and obligations of such park district are paid in full, or that such park district has sufficient assets on hand to pay and liquidate in full all of its debts, liabilities and obligations, and petitions for the dissolution of such park district setting forth the reasons therefor, the village board of trustees shall examine, or cause to be examined, such petition, and if it be found that such park district has no outstanding debts, liabilities or obligations, or that it has sufficient available assets on hand applicable to the payment and liquidation of any debt, liability or obligation of such park district, such board of trustees shall call a meeting of the electors of such park district to determine whether such park district shall be dissolved.

The board of trustees of the village shall give at least ten days notice of such meeting by publication in a newspaper, if one is published in such village, and if no newspaper is published in such village, by posting such notice in five public places in the park district, which notice shall specifically state the purpose for which such meeting is called.

The board of commissioners of the park district shall preside

at such meeting, and the poll shall be open from nine o'clock in the forenoon and shall close at four o'clock in the afternoon of the same day. Voting shall be by ballot in the following form:

Shall the park district be dissolved? Yes No

If a majority of all the votes cast at such meeting shall be in favor of such dissolution and the number of votes so cast is not less than thirty-five per cent of all the electors in such park district, the chairman and clerk of the board of park commissioners shall certify and attest the same, and forward such certificate to the board of village trustees.

If the board of village trustees shall find that such election has in all things been conducted in a regular and legal manner, it shall be its duty, and it shall have the power, to apply all of the assets of such park district to the payment and liquidation of any debt, liability or obligation of such park district, if any there be, and the remainder of any assets, funds or monies, if any there be, shall be covered into the general fund of the village.

§ 2. The village board shall prepare an order setting forth that such park district has been dissolved in accordance with the provisions of this act, and a certified copy thereof, duly executed by the board of trustees and attested by the village clerk, shall be filed in the office of the register of deeds of the county in which such village is situated, and the dissolution shall be complete from and after the issuance of such order.

Approved February 13, 1945.

CHAPTER 258

S. B. No. 156

Introduced by Senators Bridston and Day

GRAVEL SURFACING CITY STREETS

An Act To provide for the gravel surfacing of streets in cities and for the payment therefor through special assessments against the property benefited.

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

§ 1. On or before the 15th day of March in each year, the City Auditor of each city within the state may at the discretion of the governing board advertise in the official newspaper once each week for two consecutive weeks for bids for the furnishing of gravel in place for gravel surfacing of highways within the city, upon a cubic yard basis. The bids shall be made in accordance with

such specifications as to type, grade and quality of material as shall be specified by the city engineer and approved by the governing board, and shall provide for the delivery of such gravel along such streets of the city as may thereafter be designated, in such manner as may be designated in the specifications. The notice shall specify that payment for such gravel in cash or by special assessment warrants issued against the Graveling Special Assessment Fund created by this act, and each bidder shall specify in his bid the lowest rate of interest which he will accept upon such warrants, and that payment for such gravel will be accepted by him in the manner herein provided without any general obligation against the city. Each bid shall be accompanied by a certified check in such amount as may be fixed by the governing board, and the award of the contract shall be made only to such persons who shall furnish good and sufficient bond for the performance thereof, in such amount as shall be fixed by the governing board at the time of calling for bids.

§ 2. If bids have been called for at the first regular meeting of the governing body in the month of April in each year the bids shall be opened and the contract for the furnishing of gravel shall be awarded to the lowest responsible bidder who has complied with the requirements of this act. If the City Auditor shall have failed to advertise for bids before the 15th day of March, or if the governing body shall have failed to award the contract at a meeting in April, such advertisement for bids and such award may be made subsequently upon the same basis as if made at the time provided in this act.

§ 3. Upon petition of the owners of not less than fifty percent of the property, measured by front feet, on both sides of any street or portion thereof, not less than one block in length, for gravel surfacing of such street or portion thereof, the governing board may give notice of such petition and of a time and place for hearing thereon, by publication once in each week for two successive weeks prior to such hearing, the first such publication to be not less than ten days before such hearing. At the time and place of such hearing the governing board shall consider and determine the desirability and necessity of the graveling of such street or portion thereof, the ownership and use of the property adjoining said street, the probability or lack of probability of special assessments for such graveling being paid, and the necessity, from the standpoint of the municipality, of such graveling being undertaken, and shall thereupon determine whether or not such project shall be undertaken, and its decision thereon shall be final.

§ 4. If the governing board shall determine that such graveling project should be undertaken, it shall direct its street department to prepare the surface of such street or portion thereof for such gravel surfacing, and the city engineer shall notify and direct

the holder of the contract for the furnishing of gravel for such year to deliver in place sufficient gravel to accomplish the gravel surfacing of said street, specifying the number of yards, including intersections if so determined by the governing board, within a reasonable time to be specified in such notice. The holder of such contract shall within such time deliver said gravel in accordance with such instructions and the street department shall spread said gravel and complete the necessary work for the gravel surfacing of said street or portion thereof. Each such project shall be designated as a particular graveling district by number.

§ 5. The entire cost of furnishing gravel, together with the cost of the legal notices and engineering services involved, and including the cost of gravel used at street intersections, shall thereupon be assessed against the property adjoining such street upon a front foot basis by the city engineer. The city engineer shall return his assessments of such cost and file the same in the office of the City Auditor, who shall cause such assessment, together with a notice of the time and place when and where the governing body will meet to consider the approval thereof, to be published in one issue of the official newspaper at least ten days prior to the meeting of the governing body at which the approval of such assessment will be considered. Upon such hearing the decision of the Board shall be final.

§ 6. On or before the 1st day of September of each year, 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. Such assessments shall be collected and the payment thereof enforced as county and state taxes are collected and enforced and such assessments shall constitute a lien against the property designated in the same manner and to the same extent as other special assessments. When collected, the assessments shall be paid over by the County Treasurer to the municipal treasurer in the same manner as other taxes.

§ 7. The City Auditor shall keep in his office a book called "Graveling Assessment Book" and shall enter therein the costs certified by the city engineer and governing body as an assessment against the lots or parcels of land adjoining any such graveling project constructed under the provisions of this act, and the names of the owners of such lots or parcels of land, if the same are known to him.

§ 8. All assessments for gravel projects shall be payable in equal annual amounts extending over such period as may be determined by the governing body, not exceeding three years, and shall bear interest at a rate of not more than six percent per annum on the total amount of such assessments remaining from time to time

unpaid. Anyone who chooses to pay such assessments in one single payment may do so, and anyone who has paid any one or more installments may pay the balance in one payment. When the assessment against any lot or tract shall have been paid the lien against said lot or tract shall be cancelled and annulled.

§ 9. All monies received by a municipality from assessments for any graveling project shall be kept in a separate fund designated as "Graveling District Number_-----." Warrants shall be drawn on such fund for the payment of the cost of such gravel project.

§ 10. All gravel assessment warrants shall be payable as specified and in such amounts as in the judgment of the governing body will be provided by such special assessments. Such shall bear interest at the rate of not more than six percent per annum, and interest shall be payable annually. They may have coupons attached representing each year's interest. The warrants shall state on their face the purpose for which they were issued, and from what fund they are payable, and shall be signed by the executive officer and countersigned by the City Auditor under the seal of the municipality, and shall be in denominations of not to exceed one thousand dollars (\$1,000.00) each. Such warrants shall specifically recite that the City assumes no general responsibility for the payment thereof, and that they are payable solely and only out of such designated Graveling District Fund. Such warrants shall be used in making payment on the contract for the furnishing of gravel, or may be sold for cash at not less than par value thereof, and the proceeds credited to the special fund and used to pay for such gravel project.

§ 11. The treasurer of the municipality shall pay such special gravel assessment warrants and interest coupons as they mature and are presented for payment out of the Graveling Special Fund, and shall cancel the same when paid.

§ 12. It is the intent of this act to provide an optional and discretionary method of graveling streets and levying special assessments therefor in addition to those provided by existing statutes, and in all matters not specifically provided for in this act the provisions of Chapters 40-23, 40-24, and 40-25 of the North Dakota Revised Code of 1943 shall govern.

Approved March 13, 1945.

CHAPTER 259

S. B. No. 126

Introduced by Senators Day and Bridston

METHOD FOR EXTENDING BOUNDARIES OF CITIES

An Act To Amend and re-enact Section 40-5107 of the North Dakota Revised Code of 1943 providing the method of extending the boundaries of cities to increase the territory within the corporate limits.

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

§ 1. AMENDMENT.] That Section 40-5107 of the North Dakota Revised Code of 1943 be amended and re-enacted to read as follows:

40-5107. INCLUSION OF TERRITORY WITHIN CITY LIMITS BY RESOLUTION INITIATED BY GOVERNING BODY.] The governing body of a city, by a resolution passed by a two-thirds vote of its members, may extend the boundaries of the city to increase the territory within the corporate limits by not more than one-fourth of its area. The resolution shall describe particularly the land proposed to be incorporated within the city limits, setting forth the boundaries thereof and describing the land platted by blocks and lots. This section shall not authorize a city so to extend its boundaries as to include territory within another incorporated municipality.

Approved March 9, 1945.

CHAPTER 260

S. B. No. 94

Introduced by Committee on Education

PUBLIC LIBRARIES AND READING ROOMS

An Act To amend and re-enact Sections 40-3801, 40-3802, 40-3803, 40-3804, 40-3805, 40-3809 and 40-3810 of the North Dakota Revised Code of 1943, relating to the establishment and maintenance of public libraries.

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

§ 1. AMENDMENT.] That Section 40-3801 of the North Dakota Revised Code of 1943 be amended and re-enacted to read as follows:

40-3801. PUBLIC LIBRARY AND READING ROOM; ESTABLISH-

MENT; ELECTION.] The governing body of any municipality or county upon petition of 5% of the voters participating in the last general election representing 7% of the voting precincts of the county having a population of not less than four hundred inhabitants shall submit to the electors of the municipality or county at a regular election the question of the establishment of a public library and reading room and shall establish and maintain such library and reading room when instructed to do so by a majority of the qualified electors voting on such question.

§ 2. AMENDMENT.] That Section 40-3802 of the North Dakota Revised Code of 1943 be amended and re-enacted to read as follows:

40-3802. LIBRARY FUND; LEVY; COLLECTION; KEPT SEPARATE.] For the purpose of establishing and maintaining a public library and reading room, the governing body of a county, city or village authorizing the same shall establish a library fund by annually levying and causing to be collected as other taxes are collected, a municipal tax within the tax levy limitations provided by the laws of this state, or a county tax not to be subject to the eleven mill limitation. The treasurer of the county, city or village shall keep such fund separate and apart from the other money of the county or municipality, and it shall be used exclusively for the establishment and maintenance of a public library, reading room and general library service. Whenever a tax for county library service is levied, any city or village, already levying a tax for public library service under the provisions of this section, shall upon written application to the county board of such county be exempted from such county tax levy, provided the city or village making such application expends for a library fund during the year for which such tax levy is made a sum at least equal to the sum which it would have to pay toward such county library levy.

§ 3. AMENDMENT.] That Section 40-3803 of the North Dakota Revised Code of 1943 be amended and re-enacted to read as follows:

40-3803. BOARD OF DIRECTORS: APPOINTMENT; TERM OF OFFICE; NO COMPENSATION; FILLING VACANCIES; ORGANIZATION.] The board of education or school board of a city or village establishing a public library and reading room, or of the school district within which such city or village is included, or the board of county commissioners for a county library, shall appoint a board of five directors representing both sexes from the citizens of the county, city or village as the case may be, to govern such library and reading room. One of the directors of a municipal library shall be a member of the board of education or school board, and one member of a county board of directors shall be a member of the board of county commissioners. The terms of office of the members of the first board of

directors shall be as follows: one member shall hold office for one year; two members shall hold office for two years; and two members shall hold office for three years. The members, at their first meeting, shall determine the length of their respective terms by lot. Thereafter, the number of directors required to fill expired terms shall be appointed each year, and each such director shall hold office for a term of three years from the first day of July in the year of his appointment and until his successor has been appointed. All vacancies on the board of directors shall be reported by such board to the board of education or school board or board of county commissioners, as the case may be, and shall be filled thereby. Appointments made to fill unexpired terms shall be for the residue of the term only. No compensation shall be paid or allowed to a director. Immediately after the appointment of its members, the board of directors shall meet and organize by electing a president and a secretary from among its number.

§ 4. AMENDMENT.] That Section 40-3804 of the North Dakota Revised Code of 1943 be amended and re-enacted to read as follows:

40-3804. GENERAL POWERS AND DUTIES OF BOARD OF DIRECTORS.] The board of directors shall have the following powers and duties:

1. To make and adopt such by-laws, rules and regulations relating to the duties of the officers of the board as may be expedient and not inconsistent with the provisions of this chapter;
2. To make and adopt such by-laws, rules and regulations for the management of the library and reading room as are expedient and not inconsistent with the provisions of this chapter; including the right of contract between counties and municipalities or between two or more counties for library service;
3. To control, exclusively, the expenditures of all monies collected for or contributed to the library fund; and
4. To have the supervision, care and custody of the library property, and of the rooms or buildings constructed, leased or set apart for use of library purposes.

§ 5. AMENDMENT.] That Section 40-3805 of the North Dakota Revised Code of 1943 be amended and re-enacted to read as follows:

40-3805. BOARD OF DIRECTORS MAY PURCHASE, BUILD OR LEASE BUILDING FOR LIBRARY.] The Board of Directors, with the approval of the board of education or the school board or the board of county commissioners, may build, lease or purchase an appropriate building for a library and purchase a site therefor. Not more than one-half of the income of the library fund shall be employed in such purchase of building in any one year. Such lease, purchase or

contract shall not be valid without the approval of the board of education or school board or board of county commissioners, as the case may be.

§ 6. AMENDMENT.] That Section 40-3809 of the North Dakota Revised Code of 1943 be amended and re-enacted to read as follows:

40-3809. ANNUAL REPORT OF BOARD OF DIRECTORS; CONTENTS; TO WHOM MADE.] The board of directors shall make a report on July first of each year to the board of education or school board or board of county commissioners, as the case may be, stating:

1. The condition of the library and property;
2. The various sums of money received from all sources;
3. How much money has been expended and for what purpose;
4. The number of books and periodicals on hand;
5. The number of books and periodicals added by purchase or gift during the year and the number thereof lost or loaned out;
6. The character and kind of books contained in the library; and
7. Such other statistics, information and suggestions as the board may deem of general interest.

Copies of the report shall be filed with the governing body of the political subdivision and with the state library commission.

§ 7. AMENDMENT.] That Section 40-3810 of the North Dakota Revised Code of 1943 be amended and re-enacted to read as follows:

40-3810. CONTRIBUTIONS BY POLITICAL SUB-DIVISIONS TO ESTABLISHMENT OF LIBRARY WITHOUT ELECTION AUTHORIZED.] To aid and facilitate the organization of library service, the governing body of any city or village where the population is less than twenty-five hundred may appropriate annually from its general fund a sum not to exceed One Thousand Dollars for the purchase of books and periodicals to remain the property of the city or village and to be lent to any local library for free public use. The governing body shall appoint a book committee of three who shall select the books and periodicals from standard and recommended lists furnished by the state library commission. The selections so made by such committee shall be submitted to the governing body for approval and purchase by such governing body, provided that the amount so expended for such books and periodicals shall be within the amount appropriated therefor. Books and periodicals purchased with this fund shall be properly stamped as belonging to the city or village. Such appropriation shall be made and books and periodicals purchased without submitting the same to a vote as provided in Section 40-3802.

Approved March 12, 1945.