

# MUNICIPAL GOVERNMENT

## CHAPTER 286

H. B. No. 604

(Maragos, Wagner, Tweten, Stockman)

### MUNICIPAL CONTROL OF NOXIOUS WEEDS

#### AN ACT

To create and enact subsection 71 of section 40-05-01 of the North Dakota Century Code, relating to the destruction of noxious weeds in municipalities, and to repeal sections 63-01-14 and 63-01-15 relating to the destruction of noxious weeds in municipalities.

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

§ 1.) Subsection 71 of section 40-05-01 of the North Dakota Century Code is hereby created and enacted to read as follows:

71. Noxious Weeds. To determine what shall be noxious or unhealthful vegetation within the city or village; to provide the manner in which they shall be cut or destroyed and to require the owner or owners of any property within the city or village after a minimum of five days written notice to cut or destroy noxious weeds from their premises and the one-half of any road, or street, lying next to the lands or boulevards abutting thereon, and to provide in the event the owner or owners of any of said premises neglect to destroy or remove noxious weeds therefrom for defraying the cost of destruction thereof by certifying the cost thereof to the county auditor who shall spread the same against the respective lots or parcels in the same manner as other special assessments are spread, and such assessment shall be collected at the same time and manner as special taxes are collected.

§ 2. **Repeal.**) Sections 63-01-14 and 63-01-15 of the North Dakota Century Code are hereby repealed.

Approved March 5, 1963.

## CHAPTER 287

S. B. No. 349  
(Hernett, Ringsak)

## MUNICIPAL CONSTRUCTION OF TELEVISION TOWERS

## AN ACT

To create and enact subsection 72 of section 40-05-01 of the North Dakota Century Code, to authorize the governing body of a municipality to construct relay or booster towers for improved television reception.

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

§ 1.) Subsection 72 of section 40-05-01 of the North Dakota Century Code is hereby created and enacted to read as follows:

72. **Television Towers.** To construct and maintain relay and booster towers for the improved reception of educational and entertainment television programs.

Approved March 15, 1963.

## CHAPTER 288

S. B. No. 163  
(Lips)

## PARKING PRIVILEGES FOR HANDICAPPED

## AN ACT

Granting motor vehicle parking privileges to handicapped persons, and declaring an emergency.

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

§ 1.) The governing body of a municipality may provide by ordinance that any person who has lost, or has lost the use of, one or both legs or is so severely disabled as to be unable to move without the aid of crutches, braces, canes, wheelchairs, or other mechanical devices, be allowed to park for unlimited periods in parking zones restricted as to length of time parking is permitted, but such privilege shall have no application to those zones in which the stopping, parking, or standing of all vehicles is prohibited at times or at all times or which are reserved for special types of vehicles or are reserved for special uses. As a condition of this privilege the

vehicle shall display a distinguishing notice which shall be issued for a vehicle registered to the disabled person without fees by the municipality.

§ 2. **Emergency.)** This Act is hereby declared to be an emergency measure and shall be in full force and effect from and after its passage and approval.

Approved March 9, 1963.

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## CHAPTER 289

H. B. No. 881

(Loder, Gackle, Knudsen, Burvee)

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### MUNICIPAL LIQUOR EXCISE TAX

#### AN ACT

To provide that any city or village may levy an excise tax on the proceeds from gross sales of liquor by a nonprofit corporation if such nonprofit corporation is the only licensed liquor retailer in the city or village.

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

§ 1. **City or Village May Levy Excise Tax on Nonprofit Liquor Dealers by Ordinance.)** 1. Any city or village, through the enactment of an ordinance to such effect, may levy a local excise tax, not in excess of fifty percent, upon the proceeds from gross sales of liquor, as defined by subsection 2 of section 5-01-01, by any nonprofit corporation licensed by the city or village to sell such liquor; provided, however, that no city or village shall levy the tax herein provided for unless such nonprofit corporation is the only person, firm, association, or corporation within the corporate limits of such city or village licensed to sell such liquor.

2. The city or village in levying the excise tax provided for in subsection 1 shall provide within the levying enactment a method of computation, collection, and disposition of such tax revenue, and a procedure whereby any person aggrieved by such procedure may appeal to the governing body of the city or village. The right of appeal from a decision of the governing body of such city or village to the district court of the district wherein such city or village is located shall not be restricted.

Approved March 14, 1963.

## CHAPTER 290

S. B. No. 295  
(Baker, Lips)

## FIRE DEPARTMENT SUB-STATION TAX LEVY

## AN ACT

To provide for a tax levy for city fire department operation and maintenance when sub-station facilities are required.

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

**§ 1. Tax Levy for Fire Department Sub-Stations.)** Upon the approval of a majority of the electors voting thereon at any regular election or special election called for such purpose, the governing body of any city or village may levy taxes annually, not in excess of five mills on the net taxable assessed valuation, for the purpose of providing additional funds to meet the operational and maintenance costs of establishing a sub-station for fire protection services. Such levy shall be in addition to and not restricted by the levy limitations prescribed by law.

No levy shall be made under this section unless the National Board of Fire Underwriters shall have surveyed the city or village and certified in writing to the governing body thereof as to the need and requirement of a sub-station to maintain adequate fire protection standards for protection of life and property in said city or village.

Approved March 16, 1963.

## CHAPTER 291

H. B. No. 598

(Anderson (McHenry), Bier, Knudsen)

## DESTRUCTION OF MUNICIPAL RECORDS

## AN ACT

To create and enact sections 40-07-11.1, 40-16-10, and 58-07-05 of the North Dakota Century Code, relating to the destruction of city, village, county, and township records.

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

§ 1.) Section 40-07-11.1 of the North Dakota Century Code is hereby created and enacted to read as follows:

**40-07-11.1. Destruction of Village Records.)** After the same have first been offered to the state historical society, the village clerk shall destroy by burning any of the following records, forms, or blanks after the same have become ten years old:

1. Election poll books;
2. Election registration books;
3. Petitions of candidates;
4. All election forms, blanks, books, and records of any kind and description except abstracts of votes;
5. Assessment slips;
6. Claims vouchers which have been audited and paid;
7. Certificates of officials' bonds; and
8. Insurance policies which have become obsolete.

§ 2.) Section 40-16-10 of the North Dakota Century Code is hereby created and enacted to read as follows:

**40-16-10. Destruction of City Records.)** After the same have first been offered to the state historical society, the city auditor shall destroy by burning any of the following records, forms, or blanks after the same have become ten years old:

1. Election poll books;
2. Election registration books;
3. Petitions of candidates;
4. All election forms, blanks, books, and records of any kind and description except abstracts of votes;
5. Assessment slips;

6. Claims vouchers which have been audited and paid;
7. Certificates of officials' bonds; and
8. Insurance policies which have become obsolete.

§ 3.) Section 58-07-05 of the North Dakota Century Code is hereby created and enacted to read as follows:

**58-07-05. Destruction of Township Records.)** After the same have first been offered to the state historical society, the township clerk shall destroy by burning any of the following books, forms, or blanks after the same have become ten years old:

1. Election poll books;
2. Election registration books;
3. Petitions of candidates;
4. All election forms, blanks, books, and records of every kind and description except abstracts of votes;
5. Assessment slips;
6. Township board of equalization records;
7. Claims vouchers which have been audited and paid;
8. Certificates of officials' bonds; and
9. Insurance policies which have become obsolete.

§ 4.) Section 11-13-17 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

**11-13-17. Destruction of County Records.)** After the same have first been offered to the state historical society, the county auditor shall destroy by burning any of the following record books, forms or blanks after the same have become ten years old:

1. Election poll books;
2. Election registration books;
3. Petitions of candidates;
4. All election forms, blanks, books, and records of every kind and description except abstracts of votes;
5. Assessment slips;
6. Crop statistics books;
7. Hail insurance books;
8. Hail insurance applications and withdrawals;
9. Collection sheets for writing up tax collections;
10. Tax certificates which have been paid or redeemed;
11. Tax levy blanks of school districts, townships, villages, and cities;
12. Tax receipts;

13. Township and village board of review records and school district posting books;
  14. Claims vouchers which have been audited and paid;
  15. Certificates of officials' bonds;
  16. Insurance policies which have become obsolete;
  17. Applications for abatement of taxes, approved or rejected;
  18. Warrants and warrant-checks when a microfilm record thereof has been made;
- and the following, after the same have become 30 years old:
1. Assessment rolls;
  2. Warrants and warrant-checks.

Approved March 9, 1963.

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## CHAPTER 292

S. B. No. 304  
(Longmire)

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### APPOINTMENT AND JURISDICTION OF POLICE MAGISTRATES

#### AN ACT

To amend and reenact sections 40-18-03, 40-18-01, and 40-18-11 of the North Dakota Century Code, relating to the appointment of alternate police magistrates and proceedings in police magistrate court.

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

§ 1. **Amendment.**) Section 40-18-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

**40-18-03. Vacancy in Office of Police Magistrate—Temporary Absence of Police Magistrate.)** If a vacancy exists in the office of police magistrate by death, resignation, or otherwise, it shall be filled by appointment by the executive officer, subject to confirmation by the governing body of the city. An appointee shall qualify, and he shall hold office until the next city election, and until his successor is elected and qualified. During the temporary absence, interest, disqualification, or disability of the police magistrate, any county justice designated by the executive officer shall act as police magistrate until the police magistrate is available in the trial of causes triable before the police magistrate. In any city within a county having a court of increased jurisdiction, the governing

body may appoint an alternate police magistrate to serve when the police magistrate is unable to serve due to temporary absence or disability or interest. Such alternate shall be compensated on a per diem basis at a rate set by the governing body, and shall possess, as nearly as is practicable, the qualifications of the regular police magistrate.

§ 2. **Amendment.)** Section 40-18-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

**40-18-01. Jurisdiction of Police Magistrate.)** The police magistrate within a city or village shall have exclusive jurisdiction of, and shall hear, try, and determine, all offenses against the ordinances of the city or village, as the case may be. The offices of county justice and police magistrate may not be held by the same person.

§ 3. **Amendment.)** Section 40-18-11 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

**40-18-11. How Proceedings Not Provided for in This Chapter To Be Governed.)** In all cases not specifically provided for in this chapter, the process and proceedings in the court of a police magistrate shall be governed by the provisions of the laws of this state regulating proceedings in justices' courts in either civil or criminal cases.

Approved March 21, 1963.

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## CHAPTER 293

S. B. No. 338  
(Longmire)

### SPECIAL ASSESSMENTS FOR STREET LIGHTING

#### AN ACT

To amend and reenact subsection 2 of section 40-22-01 of the North Dakota Century Code, relating to special assessments by a municipality in connection with the operation and maintenance of street lights.

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

§ 1. **Amendment.)** Subsection 2 of section 40-22-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

2. The improvement of the municipal street system and any part thereof, including any one or more of the

processes of acquisition, opening, widening, grading, graveling, paving, repaving, surfacing with tar, asphalt, bituminous or other appropriate material, resurfacing, resealing, and repairing of any street, highway, avenue, alley, or public place within the municipality, and the construction and reconstruction of storm sewers, curbs and gutters, sidewalks, and service connections for water and other utilities, and the installation, operation, and maintenance of street lights;

Approved March 5, 1963.

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## CHAPTER 294

S. B. No. 205

(Torgerson, Dahlund, Wartner, Sanford, Kjos)

### CITY AGREEMENTS WITH HIGHWAY DEPARTMENT

#### AN ACT

To amend and reenact section 40-22-06 and to repeal sections 40-22-06.1 and 40-22-07 of the North Dakota Century Code, relating to agreements by municipalities with the highway department of the state or the board of county commissioners for the improvement of streets, sewers and water mains, the financing of cities' obligations under such agreements, and the assessment of a portion of the cost of such improvements upon benefited property, and declaring an emergency.

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

§ 1. **Amendment.**) Section 40-22-06 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

**40-22-06. Municipality May Enter Into Agreement with Highway Department or County for Certain Improvements.)** Any municipality in this state, through its governing body, may enter into an agreement with the highway department of the state of North Dakota, or with the board of county commissioners of the county in which such municipality is located, or both, for the improvement of streets, sewers, and water mains, or of any of such facilities, under the terms of which the contract for such work is to be let by the state highway department or by the board of county commissioners, or by both jointly, and for this purpose may create a special improvement district or districts. No such agreement shall be effective until and unless the governing body obtains authority in accordance with this section to issue improvement warrants

to finance the amount that the municipality will be obligated to pay thereunder, over and above the amount of any bonds which have been voted and any other funds which are on hand and properly available for such purpose. If any portion of the cost is to be paid by the levy of special assessments, the governing body shall by resolution declare the necessity of the improvement, setting forth its general nature, the approximate amount or fraction of the cost which the municipality will be obligated to pay under the agreement, and the fact that this amount, or such lesser amount as the governing body may specify, is proposed to be paid by the levy of special assessments upon property determined to be benefited by the improvement. Any portion of the cost for which the municipality is obligated and which is not assessed upon benefited property or paid from other funds may be agreed to be paid by general taxation of all the taxable property in the municipality, if approval for the incurring of such debt is obtained and provision for the payment thereof is made in accordance with section 40-24-10. The resolution of necessity shall be published once each week for two consecutive weeks in the official newspaper of the municipality and protests may be filed and their sufficiency to bar the improvement shall be determined in accordance with sections 40-22-16 to 40-22-18, inclusive; except that if under the terms of the resolution of necessity the portion of the cost of the project to be assessed upon benefited property does not exceed twenty-five percent of the total cost to be paid by the highway department or county and municipality, written protests by the owners of seventy-five percent of the property liable to be assessed for the improvement shall be required to bar further proceedings with reference thereto. In districts created under this section the governing body may dispense with all requirements, other than those herein stated, preliminary to the construction of an improvement by the special assessment method, including the preparation and approval of plans and specifications, advertisement for bids, and execution of contracts and bonds. At any time after the period for filing protests has expired and the protests filed, if any, have been heard and determined to be insufficient, the governing body may issue warrants on the fund of the improvement in the total amount for which the municipality is obligated under the agreement, and may cause to be certified to the special assessment commission that portion of the cost to be borne by the property owners within the district, and the assessment of such amount may be made and such warrants may be issued as in other cases provided for in chapters 40-23 and 40-24.

**§ 2. Repeal.)** Sections 40-22-06.1 and 40-22-07 of the North Dakota Century Code are hereby repealed.

§ 3. **Emergency.)** This Act is hereby declared to be an emergency measure and shall be in full force and effect from and after its passage and approval.

Approved March 18, 1963.

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## CHAPTER 295

H. B. No. 664

(Neukircher, Ganser, Reimers)

### PROGRESS PAYMENTS TO MUNICIPAL CONTRACTORS

#### AN ACT

To amend and reenact section 40-22-37 and section 40-28-10 of the North Dakota Century Code, relating to progress payments to contractors by municipalities.

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

§ 1. **Amendment.)** Section 40-22-37 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

**40-22-37. Contractor May Be Paid During Progress of Work.)** If the contractor to whom a contract is let properly performs the work therein designated, the governing body, from time to time in its discretion as the work progresses, may pay to the contractor between ninety and ninety-five percent of the amount already earned as estimated by the engineer acting for the municipality. Such amounts shall be paid in warrants drawn on the fund from which payment for the improvement is to be made.

§ 2. **Amendment.)** Section 40-28-10 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

**40-28-10. Contractor May Be Paid from Time to Time on Estimates.)** If the contractor shall perform the work designated in the contract properly, the governing body, from time to time as the work progresses and in its discretion, may pay such contractor between ninety and ninety-five percent of the amount earned under the contract to the time of payment as determined by estimates made by the engineer acting for the municipality. Any payments made under this section shall be by warrants drawn on the sewer and water connections assessment fund.

Approved March 4, 1963.

## CHAPTER 296

H. B. No. 869  
(Wagner, Lowe)

## REFUNDING MUNICIPAL BONDS

## AN ACT

To amend and reenact section 40-27-13 of the North Dakota Century Code, relating to the refunding by municipalities of callable funding bonds or refunding improvement bonds or warrants, and declaring an emergency.

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

§ 1. **Amendment.**) Section 40-27-13 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

**40-27-13. Refunding Callable Funding Bonds or Refunding Warrants — Terms and Conditions.**) Any municipality may refund, according to the procedure set forth in this chapter, any funding bonds issued under the provisions of this chapter which are callable prior to maturity or which shall be surrendered voluntarily for refunding, by the issuance of bonds upon the same terms and conditions except as to interest, whenever by so doing a saving in interest can be effected. Any municipality having valid outstanding refunding special improvement warrants or bonds issued pursuant to the provisions of this chapter, which are past due or which are redeemable either at the option of the municipality or with the consent of the warrant or bond holders, may issue new refunding special improvement bonds to refund such outstanding warrants or bonds, if there is not sufficient money in the fund or funds against which such outstanding refunding warrants or bonds are drawn to pay the same. Such new bonds may be issued for the purpose of extending the maturities of the outstanding refunding warrants or bonds, or reducing the rate of interest thereon, or equalizing the general tax which the municipality may be, or may become, obligated to levy to discharge deficiencies in the fund or funds against which they are drawn. Such new bonds shall be issued according to the procedure set forth in this chapter for the issuance of the original refunding special improvement warrants or bonds. In any case where refunding improvement bonds are issued and sold six months or more before the earliest date on which all outstanding refunding improvement warrants or bonds of the issue to be refunded thereby mature or are prepayable in accordance with their terms, the proceeds

of the new bonds, including any premium and accrued interest, shall be deposited in escrow with a suitable bank or trust company, having its principal place of business within or without the state, and shall be invested in such amount and in securities maturing on such dates and bearing interest at such rates as shall be required to provide funds sufficient to pay when due the interest to accrue on each warrant or bond refunded to its maturity or, if it is prepayable, to the earliest prior date upon which it may be called for redemption, and to pay and redeem the principal amount of each such warrant or bond at maturity or, if prepayable, at its earliest redemption date, and any premium required for redemption on such date; and the governing body's resolution authorizing the new bonds shall irrevocably appropriate for these purposes the escrow fund and all investments thereof, which shall be held in safekeeping by the escrow agent, and all income therefrom, and shall provide for the call for redemption of all prepayable bonds in accordance with their terms. The securities to be purchased with the escrow fund shall be limited to general obligations of the United States, securities whose principal and interest payments are guaranteed by the United States, and securities issued by the following United States Government agencies: Banks for Cooperatives, Federal Home Loan Banks, Federal Intermediate Credit Banks, Federal Land Banks and the Federal National Mortgage Association. Such securities shall be purchased simultaneously with the delivery of the new bonds. Moneys on hand in the refunding improvement bond fund maintained for the payment of the outstanding bonds, and not immediately needed for the payment of interest or principal due, may likewise be deposited in the escrow fund and invested in the same manner as the proceeds of the new bonds, to the extent consistent with the provisions of resolutions authorizing the outstanding bonds.

§ 2. **Emergency.)** This Act is hereby declared to be an emergency measure and shall be in full force and effect from and after the passage and approval of this Act.

Approved March 9, 1963.

## CHAPTER 297

S. B. No. 61  
(Baker)

## CITY EMPLOYEES' PENSION PLANS

## AN ACT

To amend and reenact sections 40-46-02, 40-46-04, 40-46-09, subsection 3 of section 40-46-13, and section 40-46-20 of the North Dakota Century Code, relating to employees' pension plan in cities.

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

§ 1. **Amendment.)** Section 40-46-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

**40-46-02. Tax Levy for City Employees' Pension Fund and Federal Social Security Authorized—Limitations.)** In addition to any other levies authorized by law for general purposes, any city having a population in excess of ten thousand inhabitants according to the last official federal census which has adopted a civil service system for city employees may levy an annual tax of not more than four mills for the purpose of creating and maintaining a city employees' pension fund and for the purpose of paying the city's share of federal social security payments to the United States for coverage of city employees under federal social security. Any pension system shall be based on actuarial tables and actuarial valuation shall be performed at intervals of not more than five years.

§ 2. **Amendment.)** Section 40-46-04 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

**40-46-04. Membership Fees and Assessments.)** Every full-time city employee shall, at the time of employment, state in writing whether or not he desires to become a member of the city employees' pension fund and if his statement is in the affirmative he shall pay to the treasurer of the pension fund a membership fee to be fixed by the board of trustees in an amount not exceeding five dollars. Each member shall be assessed and required to pay annually an amount not more than five percent, to be determined by the board of trustees, upon the amount of annual salary paid to him, and such assessment shall be deducted and retained out of such salary in equal monthly installments. No assessment shall be made after retirement.

§ 3. Amendment.) Section 40-46-09 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

**40-46-09. Who May Be Retired on Pension—Amount Paid to Retiring Employee.)** Any appointed full-time employee of a city having an employees' pension fund who shall have served two hundred forty months or more, whether or not consecutive, as an employee and shall have reached the age of sixty years, or who, while employed by such city, shall suffer permanent mental or physical disability so that he is unable to discharge his duties, shall be entitled to be retired. Upon retirement, he shall be paid out of the pension fund of such city a monthly pension of not to exceed sixty percent of one-twelfth of his highest five-year average annual earnings as provided for in the plan adopted by the governing body of the city. If any member shall have served two hundred forty months in such city employment but shall not have reached the age of sixty years, he shall be entitled to retirement, but no pension shall be paid while he lives until he reaches the age of sixty years.

§ 4. Amendment.) Subsection 3 of section 40-46-13 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

3. To the father or mother of each surviving child, if such parent survives, for the benefit of such surviving child, until he or she shall arrive at the age of eighteen years, a sum not to exceed twenty-five dollars per month, and in case no parent of any such surviving child survives, then to the guardian of each surviving child a sum not to exceed twenty-five dollars per month until he or she shall arrive at the age of eighteen years. The aggregate of all such payments shall not exceed the amount provided for in the plan and in no event more than sixty percent of the highest five-year average earnings of such employee during the most recent two hundred forty months of his employment, if he was employed that long, and if not, during the total period of his employment, or the maximum amount fixed by the governing body by ordinance.

§ 5. Amendment.) Section 40-46-20 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

**40-46-20. Employee Entitled to Refund from Fund Upon Termination of Employment with City.)** Any employee who shall have been in the service of the city for a period of two years and shall have contributed to the city employees'

pension fund, and who voluntarily and while in good standing as an employee of said city shall have left the employment of such city, shall be entitled, upon application at the time of such retirement to a refund of all contributions made by him without interest and exclusive of the membership fee, payable in a lump sum. If a participant dies and no dependent benefits are payable, his named beneficiary or estate shall receive his contributions without interest, less any benefit payments theretofore received.

Approved March 6, 1963.

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## CHAPTER 298

H. B. No. 723  
(Paulsen, Leahy)

### CITY AND VILLAGE ZONING

#### AN ACT

To amend and reenact section 40-47-01 of the North Dakota Century Code, relating to the zoning powers of cities and incorporated villages.

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

§ 1. **Amendment.)** Section 40-47-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

**40-47-01. Cities or Incorporated Villages May Zone—Application of Regulations.)** For the purpose of promoting health, safety, morals, or the general welfare of the community, the governing body of any city or incorporated village may regulate and restrict the height, number of stories, and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards, courts, and other open spaces, the density of population, and the location and use of buildings, structures, and land for trade, industry, residence, or other purposes. Such regulations may provide that a board of adjustment may determine and vary the application of the regulations in harmony with their general purpose and intent and in accordance with general or specific rules therein contained. Wherever in this chapter the word "city" appears, it shall be taken and construed to include incorporated villages.

Approved March 9, 1963.

## CHAPTER 299

H. B. No. 673  
(Goebel, Schaffer)

## TOWNSITE PLATS AND MAPS

## AN ACT

Amending and reenacting section 40-50-04 of the North Dakota Century Code, relating to certifying and recording of a plat or map in municipalities.

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

§ 1. **Amendment.**) Section 40-50-04 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

**40-50-04. Certifying and Recording of Plat or Map.)** After the plat or map has been completed, it shall be certified by the surveyor and the officers, if it is correct. No plat shall be recorded until it is approved by the engineer of the municipality affected by the plat, or if there is no such municipal engineer, by the governing body of such municipality. Every person whose duty it is to comply with the provisions of this chapter, before the plat or map is offered for record, shall acknowledge the same before a person authorized to take acknowledgments. A certificate of the acknowledgment shall be endorsed on the plat or map by the officer taking the same, and such certificate or survey and acknowledgment shall be recorded and shall form a part of the record.

Approved March 4, 1963.

## CHAPTER 300

H. B. No. 771

(Fitch, Baldwin, Aamoth, Leahy, Stockman, Bergman)

## URBAN RENEWAL TAX LEVY

## AN ACT

To authorize cities having undertaken an urban renewal project or projects to levy taxes not exceeding one and one-half mills for ten successive years for such cities' participating shares in additional projects in new urban renewal areas, and not subject to other tax levy limitations, and declaring an emergency.

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

**§ 1. City Tax Levy for Additional Urban Renewal Project.)**

The governing body of any city which has undertaken an urban renewal project or projects and has approved an additional urban renewal plan for a new urban renewal area as authorized in section 40-58-06 of the North Dakota Century Code, or any other law amendatory thereof or supplemental thereto, may levy taxes annually, not in excess of one and one-half mills in each year for a period not to exceed ten successive years, for the city's participating share in the urban renewal project for such new area. No city having a population less than 40,000 shall make such levy unless the governing body of the city shall have submitted to the voters of the city, according to the procedure set forth in sections 57-15-45 and 57-15-46, the question of levying a tax for the purposes authorized by this section, not to exceed two mills on the dollars in any one year upon the assessed valuation of all property in the city. If the majority of the electors voting on the question approve such levy, there shall be levied, spread and collected such tax as other taxes are collected in and for such city. This levy may be made in addition to but not simultaneously with any levy made as authorized in section 57-15-44 of the North Dakota Century Code, and shall not be subject to the tax levy limitations contained in section 57-15-08 of such Code or in any other law.

**§ 2. Emergency.)** This Act is hereby declared to be an emergency measure and shall be in full force and effect from and after its passage and approval.

Approved March 9, 1963.