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# MUNICIPALITIES.

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## CHAPTER 95.

[S. F. 203.]

### ASSESSMENTS FOR LOCAL IMPROVEMENTS IN INCORPORATED CITIES.

AN ACT Entitled "An Act to Amend Article 15, Sections 1 and 15, Chapter 73, Laws of 1887."

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

§ 1. ASSESSMENT FOR LOCAL IMPROVEMENTS.] Amend Section 1 Article 15, Chapter 73, Laws of 1887 to read as follows: "The city council shall have power to make assessments for local improvements on property adjoining or benefitted thereby, including extension of water mains in cities exclusively owning and operating a public system of water works, and collect the same in the manner hereinafter provided, and to fix, determine and collect penalties for non-payment of any special assessment and taxes."

§ 2. IMPROVEMENTS OF STREETS, ALLEYS AND GROUNDS, HOW MADE.] Amend section 15, Article 15, Chapter 73, Laws of 1887 to read as follows: "When the city council shall deem it necessary to open, widen, extend, grade, pave, macadamize, bridge, curb, gutter, drain, or otherwise improve any street, alley, avenue, lane or highway, or other public grounds within the city limits or extend or improve any public system of water works exclusively owned and operated by the said city for which a special assessment is to be levied, as herein provided, the city council shall, by resolution, declare such work or improvement necessary to be done, and such resolution shall be published for four consecutive weeks, at least once a week in the official newspaper of the city, and if a majority of the owners of the property liable to be assessed therefor, shall not within twenty days after the expiration of such publication file with the city auditor a written protest against such improvement, then the city council shall have power to cause such improvement to be made and to contract therefor, and to levy and collect the assessment as hereinafter provided, and all work done under this section shall be let by contract to the lowest responsible bidder therefor."

Approved March 20, 1890.

## CHAPTER 96.

[S. F. 225.]

## ASSESSMENT FOR LOCAL IMPROVEMENTS IN CERTAIN CASES.

AN ACT Entitled "An Act Relating to Local Improvements in Cities not Organized and Incorporated Under the General Law for the Incorporation of Cities."

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

§ 1. ASSESSMENTS FOR LOCAL IMPROVEMENTS.] The city council of any city not organized or incorporated under the general law for the incorporation of cities shall have power to make assessments for local improvements on property adjoining or benefitted thereby, including extension of water mains in such cities, owning and operating exclusively a public system of water works, to collect the same in the manner hereinafter provided, and to fix and determine and collect penalties for non-payment of any such special assessment and taxes.

§ 2. IMPROVEMENTS OF STREETS, ALLEYS AND GROUNDS, HOW MADE.] When the city council of such city shall deem it necessary to open, widen, extend, grade, pave, macadamize, bridge, curb, gutter, drain or otherwise improve any street, alley, lane or highway, or other public grounds within the city limits, or extend or improve any public system of water works exclusively owned and operated by the said city for which a special assessment is to be levied, as herein provided, the city council shall, by resolution, declare such work or improvement necessary to be done, and such resolution shall be published for three consecutive weeks, at least once a week, in the official newspaper of the city, and unless a majority, in value, of the owners of the property liable to be assessed therefor, shall, within twenty days after the expiration of such publication, file with the city clerk or auditor a written protest against such improvement, then the city council shall have power to cause such improvement to be made and to contract therefor, and to levy and collect the assessment by levy upon the property so benefitted in the manner and at the time other taxes are collected, and all work done under this section shall be let by contract to the lowest responsible bidder therefor.

§ 3. All acts or parts of acts, either general or special, conflicting or inconsistent with the provisions of this act are hereby repealed.

Approved March 31, 1890.

## CHAPTER 97.

[S. F. 88.]

## MUNICIPAL BONDS.

AN ACT Amending Section 1 of Chapter 16 of the Acts of the Seventeenth Session of the Legislative Assembly of the Territory of Dakota, Entitled "An Act to Provide for the Issuance of Bonds by Cities and Municipal Corporations in the Territory of Dakota for School and Other Purposes."

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

§ 1. BONDED INDEBTEDNESS, FOR WHAT PURPOSES MAY BE INCURRED—LIMIT OF.] Any city or municipal corporation of this State organized under and by virtue of a special charter or under and by virtue of a general law of this State, may incur a bonded indebtedness for the purpose of erecting public school buildings and other buildings for city purposes, purchasing fire apparatus, putting in water works, sinking public wells or cisterns and putting in sewers, and improving streets, which said indebtedness, together with the indebtedness which then exists shall not exceed 5 per cent. upon the assessed valuation of the taxable property in said city or municipal corporation as shown by the return of the assessor for the year next preceding the time at which said indebtedness shall be incurred.

§ 2. EMERGENCY.] Whereas, an emergency exists in that it is important that the limit of indebtedness fixed in said Chapter 16 be in accord with the provisions of Section 183 of the Constitution; therefore, this act shall take effect from and after its passage and approval.

Approved March 20, 1890.

## CHAPTER 98.

[S. F. 127.]

## INCREASING TAX LEVY FOR MUNICIPAL PURPOSES.

AN ACT to Amend Section 4, Chapter 139 of the General Laws of 1887, Entitled "An Act to Authorize Cities and Towns and Villages to Levy and Collect Taxes for Municipal Purposes.

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

§ 1. LIMIT OF MUNICIPAL TAX.] To levy and collect taxes not exceeding twenty (20) mills on the dollar for all other municipal

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purposes in any one year, on all taxable property within said municipality, and taxes so levied and collected to be kept in a fund to be called the general fund.

§ 2. EMERGENCY.] Whereas, the fact exists that the tax levy is made long before July 1, an emergency exists and this act shall take effect and be in force from and after its passage and approval.

Approved March 31, 1890.

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## CHAPTER 99.

[H. F. 256.]

### EMPOWERING CITIES TO ACQUIRE TITLE TO CERTAIN REAL ESTATE.

AN ACT to Empower Cities and Villages to Acquire Real Estate by Gift or Devise for Parks and Public Grounds, and Protection of Such Real Estate.

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

§ 1. HOW CITIES MAY ACQUIRE TITLE TO REAL ESTATE.] Cities and villages in this State are empowered and authorized to receive by gift or devise, real estate within their corporate limits or within five miles thereof for purposes of parks or public grounds. Such real estate shall be vested in the city or village upon the conditions imposed by the donors, and upon the acceptance by the mayor and city council or the board of trustees, the jurisdiction of the city council or board of trustees shall be hereby extended over such real estate. The city council and board of trustees of villages shall have power to enact by-laws, rules and ordinances for the protection and preservation of any real estate acquired as herein contemplated, and to provide suitable penalties for the violation of any such by-laws, rules or ordinances. The police powers of any city or village that shall acquire any real estate as herein contemplated shall be at once extended over the same by virtue of this act.

Approved March 18, 1890.

## CHAPTER 100.

[H. F. 279.]

## AMENDING GENERAL LAW FOR INCORPORATION OF CITIES.

AN ACT Amending Articles 4, 9 and 16, of Chapter 73 of the General Laws of 1887, Entitled "An Act to Provide for the Incorporation of Cities."

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

§ 1. LIMIT OF CITY INDEBTEDNESS.] That Subdivision 5 of Section 1 of Article 4 of the General Laws of 1887 be amended to read as follows:

"5. To borrow money on the credit of the corporation for corporate purposes and to issue bonds therefor, in such amounts and form, and on such conditions as it shall prescribe, but shall not become indebted in any manner, or for any purpose to an amount, including existing indebtedness, to exceed 5 per centum of the taxable property therein as determined by the last preceding city assessment; *Provided*, That any incorporated city may, by a two-thirds vote, increase such indebtedness 3 per centum on such assessed value beyond said 5 per cent. limit; and such city shall provide for the collection of a direct annual tax sufficient to pay the interest on such debt when it falls due, and also to pay and discharge the principal thereof within twenty years after contracting the same; *Provided*, No bonds shall be issued under the provisions of this act, either for general or special purposes, except as hereinafter otherwise provided, unless at an election after twenty days' notice in a newspaper published in the city, stating the purpose for which said bonds are to be issued and the amount thereof, the legal voters of said city, by a majority vote shall determine in favor of issuing said bonds."

§ 2. REFUNDING BONDS, HOW MAY BE ISSUED.] That Subdivision 6 of Section 1 of Article 4 is amended to read as follows:

"6. To issue bonds in place of or to supply means to meet maturing bonds or for the consolidation or funding of the same, or consolidation or funding of any floating indebtedness created by such city prior to the second day of November, A. D. 1889, and such bonds may be issued upon resolution of the city council at a general meeting upon the three-fourths vote of all the aldermen elect."

§ 3. AMENDMENT.] That Section 8 of Article 9, is amended to read as follows:

“Sec. 8. COUNTY TREASURER TO COLLECT TAXES AND PAY OVER TO CITY TREASURER.] The county treasurer of such county shall collect and enforce the collection of the city and school tax with, and in the same manner as other taxes, and shall pay over to the city treasurer on the first of every month on demand, all such taxes so collected during the preceding month, together with the interest and penalties accrued thereon, retaining 2 per cent. of the amount so collected, as his commission for collecting the same (and shall forthwith notify the city auditor of the amount so paid over). He shall take duplicate receipts for all such amounts so paid to the city treasurer, one of which shall be forthwith sent to the city auditor.”

§ 4. AMENDMENT.] That Section 6, of Article 16, be amended to read as follows:

“Sec. 6. BONDS FOR SEWERAGE OR WATER WORKS, HOW ISSUED.] The city council, for the purpose of raising funds to pay for the establishment, construction and maintenance of such system of sewerage, and for the purpose of constructing or purchasing water works and for furnishing a supply of water to the inhabitants of such city, shall have power to issue the bonds of the city to an amount not exceeding 4 per centum upon the assessed value of the taxable property of such city, as determined by the last preceding assessment, payable in not to exceed twenty years from the date thereof, drawing interest semi-annually at the rate of not exceeding 7 per cent. per annum, payable either in New York City or in the city issuing the same, and which shall be signed and executed as provided in the article on special assessments of the said act; *Provided*, That at no time shall there be bonds outstanding or unpaid more than an amount equal to 4 per cent. of the assessed valuation of the taxable property of such city, as determined by the last preceding assessment, and such bonds shall not be negotiated for less than one hundred (100) cents on the dollar.”

§ 5. DUTIES OF SPECIAL SEWERAGE ASSESSMENT COMMITTEE.] That Subdivision 2 of Section 7 of Article 16, be amended to read as follows:

“2. It shall be the duty of such committee to personally inspect any and all lots, parts of lots and parcels of land fronting or abutting upon the work contracted for, as hereinafter set forth, or benefitted thereby, and thereupon assess against all such lots and parcels of land, which will in the opinion of such committee be specially benefitted by the construction of such system of sewerage, a special assessment of such benefit. Whenever such assessment is made and completed as to all the lots, parts of lots or parcels of land to be benefitted specially by the work under any one contract, the said committee shall make or cause to be made a complete list thereof, setting forth the several tracts so assessed, and the amount assessed against each, and cause the same to be

published for three consecutive weeks in the official newspaper of the city, together with a notice of the time and place, when and where such committee will meet to hear objections to such assessments. At the time and place mentioned in such notice the said committee will meet and hear any and all objections which shall be made to any such assessment by any owner or occupant of a tract so assessed, or his or their agent or attorney, and thereupon alter or affirm the same as may in the opinion of such committee be just in the premises. The committee shall then deposit such assessment list with the city auditor, who shall forthwith cause the same to be again published for three consecutive weeks in the official newspaper of the city, with a notice to the persons interested that at the next regular meeting of the city council after expiration of the time of publication of such notice, giving the date thereof, appeals from the decision of such committee in relation thereto will be heard and determined by the city council."

§ 6. AMENDMENT.] That Subdivision 4 of Section 7 of Article 16, be amended by striking out the words, "Provided, further, that no lot, part of lot or parcel of land shall be specially assessed more than once for sewerage purposes," where they occur in the latter part of said subdivision.

§ 7. EMERGENCY.] An emergency existing, in that cities within the State desire to proceed at once to adopt a system of sewerage, this bill shall take effect immediately on its passage and approval.

Approved March 14, 1890.

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## NOTARIES PUBLIC.

### CHAPTER 101.

[H. F. 124.]

#### GOVERNING THE APPOINTMENT OF NOTARIES PUBLIC.

AN ACT to Amend Sections 1 and 2, Chapter 45, General Laws of 1879, and Sections 2 and 3, Chapter 17 of the Political Code Governing the Appointment of Notaries Public, Extending the Appointive Power of the Governor to Unorganized Counties.

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

§ 1. AMENDMENT.] That Section 1, Chapter 45, of the General Laws of 1879, be amended to read as follows:

"Sec. 1. NOTARIES, HOW APPOINTED.] The Governor shall appoint in each of the organized and unorganized counties in this State, from among the eligible citizens thereof, one or more notar-