

CHAPTER 40-32 BOULEVARDS IN CITIES AND PARK DISTRICTS

40-32-01. Construction and maintenance of boulevards - Notice to owner - Contents of notice.

The governing body of any city, whenever it shall deem it necessary to construct boulevards, or to plant trees or sow grass seed thereon, or to trim trees or cut grass growing thereon, or to water or otherwise maintain or preserve any such improvement, shall give written notice to each owner and occupant of any lot or parcel of land adjoining the improvement deemed necessary requiring the person to make the improvement designated at the person's own expense and subject to the approval of the street commissioner. The notice may be general as to the owners of the lots or parcels of land, but it shall be specific as to the description of the lands. The notice shall specify the improvement required to be made and the time within which the same shall be commenced or completed.

40-32-02. Service of notice to construct or repair.

The street commissioner shall serve the notice provided in section 40-32-01 or cause the same to be served by leaving a copy thereof at the dwelling house on such lot or parcel of land with some person over the age of fourteen years residing therein, or, if the lot or parcel of land is unoccupied, by posting a copy of the notice in a conspicuous place on the land or immediately in front thereof.

40-32-03. Objections to improvements - Considering validity.

Within ten days after the service of the notice, any property owner may file written objections to the making of the improvement described therein. At the next meeting following the filing of the objections, the governing body shall consider the validity of the objections and if a majority shall deem the objections not well taken, the improvements shall be made.

40-32-04. Improvement - When made - Expenses.

If the improvement is not objected to or is not completed or commenced, as the case may be, within the time prescribed in the notice, or if the improvement specified in the notice consists of the maintenance of a boulevard or some improvement thereon, the city, in the event that the owner does not inform the city auditor in writing, within ten days after the service of the notice, that the improvement will be made, shall make the improvement or shall order the same to be made by such person as the city may have contracted with, under the direction of the street commissioner, at the expense of the lot or parcel of land adjoining the improvement. The expense of the improvement shall include the expense of giving all notices in connection with the work, of making assessments, and of any other nature incurred in doing such work.

40-32-05. Limitation on making improvement.

An improvement provided for in this chapter may be made or maintained only in a block of the city in which the same improvement has been or is being made or maintained by the owners of two-thirds of the entire frontage in the block on the boulevard affected.

40-32-06. Assessment of cost of improvement.

The expense of the improvement shall be assessed by the street commissioner against the lots or parcels of land properly chargeable therewith, and such assessment shall be returned by the street commissioner and filed in the city auditor's office. The city auditor shall cause such assessment, together with a notice of the time when and place where the governing body will meet to consider the approval thereof, to be published in one issue of the official newspaper of the city at least ten days prior to the meeting of the governing body at which the approval of the assessment will be considered.

40-32-07. Letting contracts for improvements - Special or general contracts - Regulations governing.

The governing body may let a contract for the making of any or all improvements to be made within the city under this chapter in each year, or, if it is deemed advisable, it may let a contract for the making of each specific improvement as the same may be determined upon. Whether the contract to be let is general or special, it shall be let in the manner prescribed in chapter 40-29 for the letting of contracts for sidewalks in cities insofar as the provisions of such chapter are applicable.

40-32-08. Boulevard assessment book - Entries - Review of assessments.

The city auditor shall keep in the city auditor's office a book called "boulevard assessment book" and shall enter therein any assessment certified by the street commissioner as an assessment against the lots or parcels of land adjoining the improvement made under the provisions of this chapter and the names of the owners of such lots or parcels of land if the same are known to the city auditor. At a regular meeting in October of each year, the governing body shall review all assessments and hear all complaints against the same and approve the assessments as finally adjusted.

40-32-09. Boulevard assessment fund - Warrants drawn - Regulations governing.

All moneys collected from assessments for making any of the improvements described in this chapter shall be kept in a fund called "boulevard assessment fund". Warrants shall be drawn on such fund for the payment of the cost of making any such improvement or of maintaining the same. The city shall not be liable on any contracts for the making of any such improvements in any sum whatsoever to be paid by moneys raised by general taxation. The provisions of the law relating to the form of warrants, the use thereof, the rate of interest thereon, and the payment thereof, prescribed for warrants drawn on the sidewalk special fund shall be applicable to the warrants authorized in this section.

40-32-10. Park commissioners may exercise same powers as governing body.

The board of park commissioners of any city organized as a park district may exercise the powers defined in this chapter for the making or maintenance of any improvement upon any boulevards coming within its jurisdiction.

40-32-11. Provisions not exclusive.

The provisions of this chapter are supplementary to the provisions of the laws of this state authorizing municipalities to make the improvements enumerated in this chapter by the creation of special improvement districts.