

## **CHAPTER 40-37 LEVY FOR MUNICIPAL BAND**

**40-37-01. Municipality may provide tax levy for municipal band purposes.** A municipality, when authorized as provided in this chapter, may levy a tax annually for the purpose of providing a fund for the maintenance or employment of a band for municipal purposes.

**40-37-02. Authority for levy initiated by petition - Signatures - Filing - Question submitted to electors.** The authority for making a tax levy for municipal band purposes shall be initiated by a petition signed by at least ten percent of the qualified electors of the municipality as determined by the number of votes cast at the last regular municipal election. The petition shall be filed with the governing body and shall request that the following question be submitted to the qualified electors:

Shall a tax of not exceeding \_\_\_\_\_ mills (specifying the rate) be levied each year for the purpose of furnishing a band fund?

When such petition is filed, the governing body shall cause the question to be submitted to the qualified electors at the first following general municipal election.

**40-37-03. Votes required to authorize levy - Limitations on tax levy.** The levy for municipal band purposes shall be authorized if sixty percent of the votes cast at the election are in favor of the proposition. The governing body of the municipality thereupon may include in its budget an appropriation for the maintenance or employment of a band for municipal purposes and may levy a tax to cover the appropriation in its annual tax levy. The amount of the levy to cover such appropriation, together with the aggregate amount levied for general purposes, shall be within the limitations prescribed in chapter 57-15. The amount appropriated for the maintenance or employment of a band for municipal purposes shall not exceed the amount which will be raised by a levy of one mill on the taxable valuation of the taxable property in the municipality.

**40-37-04. Funds derived from levy expended only for maintenance and employment of municipal band.** All funds derived from a levy made under the provisions of this chapter shall be expended by the governing body only for the maintenance or employment of a municipal band.

**40-37-05. Petition and election for cancellation of tax levy for municipal band.** A petition similar to that prescribed in section 40-37-02 may be presented to the governing body at any time asking that the following proposition be submitted to the qualified electors:

Shall the power to levy a tax for the maintenance or employment of a band be canceled?

The question shall be submitted at the first general or municipal election following the presentation of such petition. If a majority of the votes cast on such question are in favor of the proposition, no further levy for a municipal band shall be made until at such time as the question again may be voted upon favorably.