



CHAPTER 1
GOVERNMENT ORGANIZATION

ARTICLE 1 **JURISDICTION**

1.0101 **Of Governing Body** Except as otherwise provided by law, a governing body of a Municipality has jurisdiction in the following manner:

1. Over any commons or public grounds belonging to such Municipality.
2. In and over all places within one-half (1/2) mile [804.67 meters] of the municipal limits for the purpose of enforcing health, enforcing the “dangerous building” requirements, and the enforcement of all other ordinance provisions as outlined in Chapter 10 of the Bowman City Ordinance, as well as quarantine ordinances and regulations, subject to Section 23-07.6 North Dakota Century Code, and police regulations and ordinances adopted to promote the peace, order, and general welfare of the municipality.

1.0102 **Defining City Limits** There shall be included within the municipal limits of the City of Bowman, North Dakota, all areas duly platted and recorded as being within said City; all lots and blocks shall also include all streets, alleys and public ways included within the area and adjacent thereto which are defined as within the confines of the City limits. The City Commission shall have jurisdiction within the corporate City limits and over any common or public grounds belonging to the City, and in and over all places within one-half (1/2) mile of the Municipal limits for the purpose of enforcing health and quarantine ordinances and police regulations and ordinances adopted to promote the peace, order, safety and general welfare of the Municipality.

The jurisdiction and police powers of the City shall include, extend to and include all property owned by the Bowman County School District Number One (1), within the City limits of the City of Bowman.

1.0103 **City Fines and Penalties Limited**

1. Except as provided in subsections two (2) and three (3), the fine or penalty for the violation of any ordinance resolution or regulation of a City may not exceed One Thousand and No/100 Dollars (\$1,000.00).

(REVISED 12/17/2018)

2. For every violation of a City ordinance regulating the operation or equipment of motor vehicles or regulating traffic, except Section 39-06.1-05 of the North Dakota Center Code, a fee may be established, by ordinance, which shall not exceed the limits, for equivalent categories of violations, set forth in Section 39-06.1-06 of the North Dakota Century Code.

3. For every violation of a City ordinance, resolution or regulation, the penalty may not exceed a fee of. One Thousand and No/100 Dollars (\$1,000.00).
(REVISED 12/4/2018)

This Section shall not be construed to prohibit the utilization of the sentencing alternatives, other than a fine or imprisonment, for the violation for a City ordinance, nor shall this Section limit the use of deferred or suspended sentences.

(REVISED 4/03/2001)

ARTICLE 2 **GOVERNING BODY – BOARD OF CITY COMMISSIONERS**

1.0201 **Regular Meetings** The Board of City Commissioners shall meet regularly at the City Hall on the first (1st) and third (3rd) Tuesday of each month at the hour of 4:00 P.M. unless some other time and place shall be specifically fixed by the Board. The Board shall meet in addition there to, as often as required by Section 40-09-11 of the North Dakota Century Code.

1.0202 **Special Meetings** Special meetings may be called at any time by the President, or any two (2) members of the governing body to consider matters mentioned in the call of such meetings. Written notice of any special meeting shall be given to each member of the governing body at least three (3) hours before the time of the meeting.

1.0203 **Meeting to be Public – Journal of Proceedings Kept** All meetings of the Governing body shall be open to the public, and a journal of its proceedings shall be kept. Notice of the regular meeting time or of a special meeting shall be given as provided by Section 44-04-20 of North Dakota Century Code and amendments thereto.

1.0204 **Quorum** The provisions of Section 40-06-03 of the North Dakota Century Code and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

A majority of the members of the governing body of a municipality shall constitute a quorum to do business but a smaller number may adjourn from time to time.

The governing body may compel the attendance of absentees under such penalties as may be prescribed by ordinance and may employ the police of the municipality for that purpose.

1.0205 **Reconsidering or Rescinding Votes at Special Meeting** The Provisions Section 40-06-04 of the North Dakota Century Code and all subsequent amendments shall be and hereby are incorporated by reference in this ordinance.

No vote of the governing body of a municipality shall be reconsidered or rescinded at a special meeting unless there is present at such special meeting as large a number of members as were present when such vote was taken.

1.0205 **Rules and Order of Business** Rules and order of business for the parliamentary government of the governing body shall be governed by Roberts Rules of Order.

ARTICLE 3 **ELECTIVE OFFICERS**

1.0301 Board of City Commissioners The governing body of the City of Bowman shall be the Board of City Commissioners which shall be composed of the President of the Board of City Commissioners and not less than four (4) City Commissioners. The number of City Commissioners may be increased or decreased pursuant to Section 40-06-09 of the North Dakota Century Code. *(REVISED 4/03/2001)*

1.0302 Commissioners Terms of Office – Terms of Members of First Board – Resignation
Each Commissioner and the President of the Board of City Commissioners shall hold office four (4) years from and after the date of his election, and until his successor shall have been duly elected and qualified. The Commission shall establish by ordinance a procedure where by one-half (1/2) of all Commissioners, as nearly as practicable, are elected biannual. The President of, and any other member of the Board, may resign from office by filing a written resignation with the City Auditor, who shall submit the resignation to the Board of City Commissioners at its next regular meeting, or at a special meeting called for consideration of such resignation. The resignation shall become effective upon its acceptance by the Board. The term of each Commissioner shall commence on the fourth (4th) Tuesday in June in the year in which he is elected. *(REVISED 4/03/2001)*

1.0303 President of Board as Executive Officer – Duties No Veto Power The provisions of Section 40-09-08 of the North Dakota Century Code and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

The President of the Board of City Commissioners shall be the Executive Officer of the City and shall see that all of the laws of the City are enforced. The titles ‘President’ and ‘Executive Officer’ are interchangeable. The President shall have the right to vote as a member of the Board, but shall have no veto power.

(REVISED 12/17/18)

1.0304 Vice-President and Acting President of Board Powers to Act The provisions of Section 40-09-09 of the North Dakota Century Code and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

At the first (1st) meeting of the Board after each biennial election, one (1) of its own members shall be elected Vice-President. The Vice-President shall perform all of the duties of the office of President in the absence or inability of the President to act. In the absence or inability to act of both the President and the Vice-President, the Board shall elect one (1) of its members as acting President, who shall have all of the powers and perform all of the duties of the President during his absence or disability.

1.0305 How Vacancies in Board Filled The provisions of Section 40-09-10 of the North Dakota Century Code and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

If a vacancy occurs in the office of a City Commissioner or the office of the President of the Board of City Commissioners, the Board may call a special City election to fill such a vacancy for the unexpired term, or may, after fifteen (15) days from the date of such vacancy appoint a person to fill such vacancy until the next City election, at which election the unexpired term shall be filled. Upon petition of five percent (5%) of the qualified electors, as determined by the total number of votes cast in the City in the last general election, the Commission shall call a special City election to fill a vacancy occurring more than six (6) months prior to the next City election, provided such petition has been submitted within fifteen (15) days of the date of such vacancy.

(REVISED 12/17/18)

1.0306 Departments of Administration of City Divided Among Commissioners – Duties

The provisions of Section 40-09-12 of the North Dakota Century Code and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

The Board of City Commissioners, by a majority vote of all the members thereof, shall designate from among its members:

1. A Police Commissioner who shall have under his special charge the enforcement of all police regulations of the City;
2. A Commissioner of Streets, Garbage, Landfill, and Vector Departments who shall have under his special charge the Supervision of the streets and alleys of the City and who shall be charged with responsibility for the lighting, cleaning and sanitary condition of the streets and alleys and with the enforcement of all the rules and regulations relating to the maintenance and upkeep of property with special regard for the preservation of all public improvements and to see that the conditions of all grants of franchises or privileges are complied with faithfully and performed, and shall see to the enforcement of all regulations with respect to said departments and all revenue pertaining thereto;

(REVISED 6/19/2018)

3. A Waterworks and Sewerage Commissioner who shall have under his special charge the waterworks and sewerage department of the City and who shall see to the enforcement of all regulations with respect to said departments and all revenue pertaining thereto; and
4. A Commissioner of Finance and Revenue who shall have under his special charge the enforcement of all laws for the assessment and collection of taxes of every kind and the collection of all revenues belonging to the City, from whatever source the same may be derived, and who shall examine into and keep informed as to the finances of the City.

The duties assigned to the various members of the Board by this Section may be otherwise distributed by a majority vote of the Board's members.

1.0307 Accounts Audited by Respective Commissioners Approved by Board The provisions of Section 40-09-13 of the North Dakota Century Code and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

The Supervisor who is head of each department shall audit all accounts against it, but before payment on the accounts shall be acted upon the payments shall be approved by at least three (3) members of the Board of City Commissioners. Approval by at least three (3) members of the Board of City Commissioners shall be recorded in the record of the Board and this shall be sufficient to indicate approval without requiring the approving members to sign or initial the voucher or order for payment of the account.

(REVISED 6/19/2018)

1.0308 **Rules and Regulations Governing Departments and Agencies of City Made by Board** The provisions of Section 40-09-14 of the North Dakota Century Code and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

The Board of City Commissioners shall have the sole authority to pass and adopt rules and regulations concerning the organization, management and overall operation of all of the departments of the City and the other agencies created by it for the administration of the City's affairs.

1.0309 **Board May Summon and Compel Attendance of Witness and Books – Punish for Contempt – Process** The provisions of Section 40-09-16 of the North Dakota Century Code and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance. Whenever it is necessary for the more effective discharge of its duties, the Board of City Commissioners may summon and compel the attendance of witnesses and the production of books and papers before it. The Board may punish for contempt of the Board with the same fines and penalties as the District Judge may inflict for contempt of the District Court. All process necessary to enforce the powers conferred by this section shall be signed by the President of the Board, attested by the City.

(REVISED 4/03/2001)

1.0310 **Restrictions on Members of Board** The provisions of Section 40-09-17 of the North Dakota Century Code and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance. No member of the Board of City Commissioners shall:

1. Be eligible to any other office the salary of which is payable out of the City Treasury;
2. Hold any other office under the City Government; and
3. Hold a position of remuneration in the employment of the City.

ARTICLE 4 **ELECTIVE OFFICERS – OTHER THAN GOVERNING BODY**

(REPEALED 6/19/2018)

ARTICLE 5 **APPOINTIVE OFFICES**

1.0501 **Appointive Officers – Right to Dispense with Offices** At the first meeting after the qualification of its members, or as soon thereafter as possible, the Board of City Commissioners shall appoint the following officers:

1. City Financial Auditor;
2. City Attorney;
3. City Assessor;
4. City Health Officer
5. Chief of Police
6. City Engineer
7. City Utility Auditor
8. Vice-Chair of Commission
9. Library Board Member
10. Tree Board Member #1
11. Tree Board Member #2
12. City Zoning Board Member/Renaissance Zone Board Member/County
13. County/Zoning Member (City Commissioner)
14. Tax and Tourism Board Member
15. Bowman County Development Corporation Board Member

In addition, governing body may appoint a Treasurer, additional Assessors, a Street Commission, one (1) or more Policemen, a Board of Public Works, and such other officers or boards as the Board of the City Commissioners may deem necessary, or may, by a majority vote, dispense with any appointive office, and provide that the duties thereof shall be performed by other officers or boards, by the Board of City Commissioners, or by a committee or committees thereof.

(REVISED 6/19/2018)

1.0502 Term of Appointive Officers The term of all appointive officers shall begin on July 1, after the regular election of City Commissioners and shall continue for a term of two (2) years until their successors have been appointed and qualified. Any person appointed to fill a vacancy shall hold his office for the unexpired term unless appointed as an “acting” officer. An acting officer shall serve at the pleasure of the governing body. Before entering upon the duties of their office, appointed officers shall take oath and give the bond required by law.

1.0503 Postponement of Appointments The Commission may, upon the concurrence of two-thirds (2/3) of the Commissioners present, postpone action on such appointments, or any of them, to a special session of the Commission to be held not later than one (1) week from the date of such adjournment.

1.0504 Appointive Officers – Removal Upon Hearing – Suspension and Temporary Appointment Any person appointed to any office of a City operating under the commission system of government and any employee of the City may be removed by a majority vote of all of the members of the Board of City Commissioners, but no officer or employee shall be removed except for cause and unless charges are preferred against him and he is accorded an opportunity to be heard in his own defense. With ten (10) days after charges are filed against any such person in the office of the City Auditor, the Board shall proceed to hear and determine the case upon its merits. The President of the Board of City Commissioners, or the Board, by a majority vote of its members, may suspend any officer or employee against whom charges have been preferred until the disposition of the charges. The President may appoint a person to fill any vacancy temporarily until charges against the incumbent of such office have been disposed of. Any person appointed by the President without confirmation may be removed by him when he deems it is for the best interest of the City.

1.0505 General Duties of City Financial Auditor It shall be the duty of the City Auditor to issue the calls for all special meetings of the City Commission when requested to do so by the President or presiding officer or any two (2) members of the City Commission. The Auditor shall also keep a full and complete record of all meetings of the City Commission and shall keep a book to be styled the “Ordinance Book” and shall record therein at length all ordinances of the City. Said Auditor shall also keep a book to be styled the “Special Assessment Book” in which he shall keep all records of special assessment. All such books shall have full and complete indexes of the contents thereof. The Auditor shall report to the City Commission at the end of every month a list of all warrants, interest coupons, bonds or other evidence of indebtedness which may have been redeemed or paid by him during the month and he shall duly give to the Commission a copy of his receipts therefore. The Auditor shall further handle all correspondence, permits and licenses and shall do and perform each, every, and all duties and things prescribed for Auditor to do by statutes of this state, or by an ordinance, resolution or proper instruction of the City Commission.

1.0506 General Duties of City Attorney The City Attorney shall conduct all of the law business of the City and of the departments thereof, and all law business in which the City shall be interested; he shall, when requested, furnish written opinions upon the subjects submitted to him by the City Commission, or any other department. It shall also be the City Attorney’s duty to draft all ordinances, bonds, contracts, leases, conveyances and such other instruments as may be required by the officers of the City; to examine and inspect tax and assessment rolls and all other proceedings in reference to the levying and collection of taxes and to perform each and every and all duties and things prescribed by him to do by statutes of the state, or by an ordinance, resolution or proper instruction of the City Commission.

1.0506.1 Court Services Contract Agreement The state of North Dakota, Bowman County and the City of Bowman have entered into a “Court Services Contract” agreement which permits the City of Bowman to transfer its municipal ordinance cases to the District Court of the State after July 1, 2018 to be adjudicated. Based on this agreement, the terms “Municipal Judge” and “District Court Judge” may be used interchangeably.

(ENACTED 12/17/2018)

1.0507 **General Duties of Other Appointive Officers** All other appointive officers shall perform such duties as directed by the Bowman City Commissioners, directed by these ordinances, or directed or authorized by the Laws of the State of North Dakota.

ARTICLE 6 **SPECIAL PROVISIONS REGARDING CITY OFFICERS**

1.0601 **Bonds of Municipal Officers and Employees** The following officers and employees of the City of Bowman shall be bonded in the sums as hereinafter set forth: President of the City Commission, City Financial Auditor, City Commissioners, City Utility Auditor, Police Officers, Water Department Superintendent, Street Department Superintendent, City Assessor. Said officers or employees shall be bonded from the State Bonding Fund in accordance with the provisions of Chapter 26-23, Section 40-13-02 of the North Dakota Century Code and in such amounts as are set by the laws of the State of North Dakota, the Board of City Commissioners, or the Commissioner of Insurance.

(REVISED 6/19/2018)

1.0602 **Oaths of Municipal Officers** Every person appointed to any municipal office, before entering upon the discharge of the duties thereof, shall take and subscribe the oath of office prescribed for civil officers and, except in the case of the Treasurer and Auditor, shall file the same with the City Auditor within ten (10) days after notice of his election or appointment has been given. The oath of the Municipal Treasurer and of the Auditor shall be filed in the office of the County Auditor. In addition, each Commissioner shall take an oath that he is not under any direct or indirect obligation to appoint or elect any persons to the office of policeman, or any other office, position or appointment under the City government. Refusal to take oath of office, as required by this Section, shall also be deemed a refusal to serve and, therefore, a failure to qualify for the office.

(REVISED 4/03/2001)

1.0603 **Salaries of City Commissioners** The salary of the President of the City Commission and each City Commissioner must be fixed by ordinance and shall not exceed the sum allowed by state law.

(REVISED 4/03/2001)

1.0604 **Salaries of City Officials and Appointive Officers** Salary of City officials and appointive officers, except as otherwise provided by law, shall be in such sums and amounts as may be, by resolution of the governing body, fixed from time to time. After having been once fixed, the salary of an officer may not be diminished to take effect during the term for which the office was elected or appointed.

(REVISED 6/19/2018)

1.0605 **Meals and Lodging – Amount Allowed** Each elective or appointive officer, employee, representative, or agent of this City, or of any of its subdivisions, boards, or commissions may make claim and shall upon approval of such claim, be paid as an allowance for meals and lodging while engaged within this State, in the discharge of a public duty away from his normal working and living residence for all or any part of any quarter (1/4) of a day at the rates specified by state law.

Verifications of claims shall not be required for the first three quarters (3/4's) listed above and only a lodging receipt shall be required for the fourth (4th) quarter; provided however, the amount paid for such lodging shall not be required to be listed.

Such persons engaged in travel outside the state shall not claim a sum in excess of that allowed by state law a day for meals and in addition thereto actual lodging expenses. Verification by receipt for such out-of-state travel expense shall be required only for lodging expense claimed. Verification of any other type of expenses not prescribed by this section shall be by sworn statement and receipts shall be required.

Any person filing a false claim with the City of Bowman for mileage or expenses as herein permitted is guilty of an offense and may be punished by a fine of not to exceed Five Hundred and No/100 Dollars (\$500.00).

1.0606 Personal Interest in Contract by Public Officer Prohibited No contract for the furnishing of supplies to the City, or buying of property from the City shall be entered into by any officer of the municipality, provided, however, that such contracts may be entered into with an officer of the City, if such contract is unanimously approved by other members of the governing body of the City by a finding unanimously adopted by such other members, and entered in the official minutes of the governing body, to be necessary for the reason that the services or property are not otherwise available at equal cost.

1.0607 Retiring Officer to Turn Over Books Any person having been an officer of the City shall, within five (5) days after notification and request, deliver to his successor in office, all property, books and effects of every description in his possession belonging to the City or appertaining to his office; and upon his refusal to do so, shall be liable for all damages caused thereby, and guilty of an offense and may be punished by a fine of not to exceed Five Hundred and No/100 Dollars (\$500.00).

1.0608 Administrative Policy and Procedure PERFORM DUTIES. Each Officer Shall:

1. Perform all duties required of his office by law or ordinance and such other duties not in conflict as may be required by the governing body.
2. Be immediately responsible to the governing body for the effective administration of their departments and all activities assigned thereto.
3. Keep informed as to the latest practices in their particular field and shall inaugurate with approval of the governing body such new practices as appear to be of benefit to the service and to the public.
4. Submit such reports of activities of his department as the governing Board may request.

5. Be responsible for the proper maintenance of all City property and equipment used in his department.
6. Establish and maintain records in sufficient detail to furnish all information needed for proper control of department activities and to form a basis for reports to the governing Board.
7. Cooperate with other officers, departments and employees.
8. Have power to direct and supervise all subordinates under him.

1.0609 Obstructing a Public Official – Prohibited Every person who willfully delays or obstructs a public officer in the discharge or attempt to discharge any duty of his office shall be guilty of an infraction. Upon conviction, for a violation of this section, such person shall be fined not more than Five Hundred and No/100 Dollars (\$500.00).

ARTICLE 7 **PURCHASING AND DISPOSITION OF PROPERTY**

1.0701 Competitive Bidding Requirements Any purchase, contracts or project for which a special assessment is levied shall be based on competitive bids. Any public works project exceeding One Hundred Fifty Thousand Dollars and NO/100 (\$150,000.00) shall be based on competitive bids.
(REVISED 6/19/2018)

1.0702 Bidding Procedure All supplies and contractual services as provided under Section 1.0701, shall be given by advertising for the sale or purchase of the property or service by giving written notice in a paper of general circulation within the municipality for three (3) successive weeks and the opening of the bids so received not less than twenty (20) days after the last publication thereof. The lowest responsible bidder, shall be the bidder who in addition to price, has the best ability, capacity and skill to perform the contract or provide the service required promptly or within the specified time without delay or interference. There shall also be considered character, integrity, reputation, judgment, experience, and efficiency of the bidder, the quality of performance of previous contracts, sufficiency of financial resources, and previous and existing compliance with state laws and City ordinances.
(REVISED 6/19/2018)

1.0703 Open Market Purchase and Property Disposal All purchases or contractual services (except those specified under Section 1.0701) and all sales of property which has become obsolete or unusable may be purchased or sold in the open market without competitive bidding.
(REVISED 04/03/2001)

1.0704 Accounts Against City to be in Writing and Verified Accounts, claims and demands against the City of Bowman, North Dakota, for any property or services for which said City shall be liable, shall be reduced to writing in items and the claimant shall verify the same in the manner hereinafter set forth.

1.0705 Form of Verification The claimant shall execute a verification, printed on vouchers furnished by the City Auditor and reading as follows:

“Verification. I do hereby certify that the within bill, claim, account, or demand is just and true; that the money therein charged was actually paid for the purpose therein stated; that the services therein charged were actually rendered and of the value therein charged, and that no part of such bill, claim, account or demand, has been paid; and that the goods therein charged were actually delivered and were of the value charged.

Signed:

(If signed by a firm or company, show authority on this line)

1.0706 Further Verification May be Required It is hereby provided that any officer of the Board of City Commissioners before whom any bill, claim, account, or demand against the City shall come for audit and approval may, if deemed necessary in his or their discretion, require to be furnished a statement made under oath, containing such other information as is deemed necessary for the further verification of any bill, claim, account or demand against the City, or any of its undertakings.

1.0707 Blank Forms to Have Verification Printed Thereon All blank voucher forms for bills, claims accounts, and demands against the City shall have printed thereon the language of Section 1.0705.

1.0708 Conveyance, Sale, Lease or Disposal of Property Real property belonging to the municipality shall be conveyed, sold, leased, or disposed of, only as approved of by a two-thirds (2/3's) vote of all members of the governing body. Instruments affecting such conveyance, sale, lease or disposal shall be valid only when duly executed by the President of the Board of City Commissioners and attested by the City Auditor. Real property shall be conveyed by a majority vote of all members of the governing body. When the real property to be disposed of is estimated, by the governing body of the municipality to be of a value of less than Ten Thousand and No/100 Dollars (\$10,000.00), such property may be sold at private sale upon the proper resolution of the governing body. In all other cases, such real property may be sold only at public sale. Bids for the purchase or lease of real property belonging to the municipality, whether or not advertisement therefore has been made, shall be made directly to the governing body and submitted to the City Auditor, who shall present any and all such bids to the governing body at its next regularly scheduled meeting. The City reserves the right to reject any and all offers determined to be insufficient. When specific statutory provisions contained in the North Dakota Century Code provide for a procedure which is in conflict with this Section, governing the conveyance, sale, lease or disposal of real property, the Section shall not apply insofar as it is in conflict with such state law. Said statutory procedures are as follows:

1. Lease of airports or landing fields, or portions thereof shall be under authority granted in Section 2-02-09 North Dakota Century Code. Said lease shall further be in compliance with regulations and directives of appropriate federal agencies.

2. Conveyance of right of way for any state highway shall be as provided in Section 24-01-46, North Dakota Century Code.
3. Leasing of oil and gas lands shall be as provided in Sections 38-09-02 through 39-09-04 and Sections 38-09-14 through 38-09-20, North Dakota Century Code.
4. Conveyance of property to a municipal parking authority shall be as provided in Section 40-61-05, North Dakota Century Code.
5. Lease of public buildings or portions thereof shall be as provided in Chapter 48-08, North Dakota Century Code.
6. Granting of concessions for cafes, restaurants, and confectioneries in public buildings or on public grounds shall be as provided in Chapter 48-09, North Dakota Century Code.
7. Granting of right-of-way for a railway, telephone lines, electric light system, or a gas or oil pipeline system shall be as provided in Section 49-09-16, North Dakota Century Code.
(REVISED 04/03/2001)

1.0709 Real Property Transfer Requirements The provisions of Section 40-11-04.1 of the North Dakota Century Code and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

ARTICLE 8 MUNICIPAL ELECTIONS

1.0801.1 Mutual Aid Contract for Elections The City has entered into a mutual aid contract with Bowman County to conduct the municipal elections. All provisions of state law shall govern such elections and shall be contractually fulfilled by Bowman County. All references in this Article to the City Commission or City Officers shall be replaced with County Commission or as designated by City or County officials per the mutual aid agreement.
(REVISED 6/19/2018)

1.0801 Qualified Electors in Municipal Elections – Restrictions The provisions of Section 40-21-01 of the North Dakota Century Code and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance. Every resident of a municipality who is qualified to vote therein at general elections may vote at all municipal elections held therein. When elections are held by wards or precincts, no person may vote in any place other than the ward or precinct of which he is a resident.

1.0802 Elections in Commissioned Cities – When Held – Notice, Polls, Judges and Inspectors The Provisions of Section 40-21-02 of the North Dakota Century Code and all subsequent amendments shall be and are hereby incorporated by reference in to this ordinance.

Biennial municipal elections in Cities operating under the Commission form or government shall be held on the first (1st) Tuesday in June in each even numbered year at such place or places as the Board of City Commissioners shall designate. Ten (10) days’ notice of the time and place of the

election and of the offices to be filled at such election shall be given by the City Auditor by publication in the official newspaper of the City as provided by Section 40-01-09. The polls shall be opened and closed as provided by state law for the opening and closing of polls at primary, general and special elections. For all general City elections, the Board of City Commissioners shall appoint one (1) inspector for each precinct at least twenty-one (21) days before the election is held, and two (2) judges of election for each precinct at least ten (10) days before the election is held. For special City elections the Board of City Commissioners shall appoint one (1) inspector and two (2) judges of election for each precinct in the City at least ten (10) days before the election is held. For any City election in a precinct in which seventy-five (75) or fewer votes were cast in the last City election, the Board of City Commissioners may appoint one (1) inspector and one (1) judge. Each precinct election judge, in either a general or a special City election, shall appoint a poll clerk who shall be a qualified elector of the precinct in which he is to serve.

1.0803 Designation of Polling Places for Municipal Elections The governing body of the City, at the time of calling any general or special municipal election, or prior to the time of registration for said election, if said registration is required by law, shall by resolution designate such voting precincts and polling places for said election as it may deem necessary for the conduct of the same, and shall, in giving notice of said election, designate such voting precincts and polling places.

1.0804 Compensation of Inspectors, Judges and Clerks at Municipal
(REPEALED 6/19/2018)

1.0805 Reference to Party Ballot or Affiliation in Petition of Candidate for Municipal Office – Prohibited – Principals Stated The Provisions of Section 40-21-06 of the North Dakota Century Code and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance. No reference shall be made to a party ballot nor to the party affiliation of a candidate in a petition to be filed by or in behalf of a candidate for nomination to a public office in any incorporated City in this state.
(REVISED 4/03/2001)

1.0806 Petition for Nomination of Elected Official Municipalities – Signature Required Contents The provisions of Section 40-21-07 of the North Dakota Century Code and all subsequent amendments shall by and are hereby incorporated by reference in this ordinance.

A candidate for any public office in an incorporated city may be nominated by filing with the City Financial Auditor, before four p.m. (4:00 p.m.) on the sixty-fourth (64th) day before the holding of the election, a petition signed by not less than ten percent (10%) of the number of qualified electors who voted for that office in the last City election. A candidate shall also file a statement of interests as required by Section 16.1-09-02 of the North Dakota Century Code. If multiple candidates were elected to the office at the preceding City election at which the office was voted upon, the number of signatures must equal at least ten percent (10%) of the total votes cast for all candidates divided by the number of candidates that were to be elected to that office at that election. Qualified electors who sign a petition must reside within the corporate limits of the City. If a petition is mailed, it must be in the possession of the City Auditor before four p.m. (4:00 p.m.) on the sixty-fourth (64th) day before the holding of the election. However, no more than three hundred (300) signatures may

be required and the signatures may be on separate sheets of paper. Petitions must meet the specifications of nominating petitions pursuant to Section 16.1-11-16. If a City election is not combined with a state or county election according to Section 40-21-02, a candidate may be nominated by filing the required petition with the City Auditor before four p.m. (4:00 p.m.) on the sixty-fourth (64th) day before the holding of the election. A candidate may withdraw the candidate's nominating petition at any time before the applicable deadlines for filing nominating petitions provided for in this Section. Nominating petitions required by this Section may not be circulated or signed prior to January first preceding the election. Any signatures to a nominating petition obtained before that date may not be counted. A nominating petition for a special election may not be circulated or signed more than thirty (30) days before the time when a petition for a special election must be filed. A candidate for the City Commission may run for either the office of "City Commissioner" or the "Office of President" of the Board of City Commission but not both in the same election. A candidate may run for only one (1) office in a City at any given election.

(REVISED 6/19/2018)

1.0807 Ballots in Municipalities – Makeup The provisions of Section 40-21-08 of the North Dakota Century Code and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

The Auditor of the City shall place only the names of the persons nominated upon the ballot. The Auditor shall determine the arrangement of the names of the candidates upon the ballot by conducting a drawing immediately after the candidate filing deadline on the sixty-fourth (64th) day before the election and shall give advanced notice to the candidates involved.

(REVISED 6/19/2018)

1.0808 Clerk Appointed to Fill Vacancies – Oath – Powers and Duties of Judges and Clerks of Municipal Elections The provisions of Section 40-21-11 of the North Dakota Century Code and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

When necessary, the judges of election at a municipal election shall appoint clerks to fill vacancies. The judges and clerks of a municipal election shall take the same oath and have the same powers and authority as judges and clerks of general state elections.

1.0809 Counting Ballots – Canvass of Returns by Governing body of the Municipality

(REPEALED 6/19/2018)

1.0810 Municipal Election to be Governed by Rules Applicable to County Elections – Absent Voting The provisions of Section 40-21-13 of the North Dakota Century Code and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

The manner of conducting, voting at, keeping poll lists, and canvassing votes at Municipal elections, recounts, and contests of all results of such elections shall be governed, as nearly as possible and except as otherwise provided in this Chapter, by the laws of this state in Municipal elections in accordance with the provisions of Chapter 16.1-07.

(REVISED 4-03-2001)

1.0811 City Auditor to Notify of Election or Appointments The provisions of Section 40-21-14 of North Dakota Century Code and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

The City Auditor, within five (5) days after the result of an election is declared or the appointment of an officer is made within the municipality, shall notify each person elected or appointed to municipal office of that person's election or appointment. Within the same period of time, the City Auditor shall also notify the state supreme court of the election or the appointment of any Municipal Judge or alternate judge.

1.0812 New Election upon Failure to Elect The provisions of Section 40-21-15 of the North Dakota Century Code and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

If there is a failure to elect an officer required to be elected, the governing body of the municipality may order a new election.

1.0813 Special Elections Conducted in Same Manner as General Elections The provisions of Section 40-21-16 of the North Dakota Century Code and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

Special municipal election to fill vacancies or for any other purpose shall be held and conducted by the inspectors and judges of election of several precincts in the same manner and the returns shall be made in the same form and manner as at regular municipal elections.

1.0814 Highest Number of Votes Elects in Municipal Election – Procedure on Tie Vote The Person having the highest number of votes for any municipal office shall be declared elected to such office. In case of a tie vote in the election of any municipal officer, a recount must be conducted pursuant to Section 16.1-16-01. If the recount results in a tie vote, the choice must be determined by a coin flip in the presence of the governing body of the municipality and in a manner as it shall direct. *(REVISED 4/03/2001)*

ARTICLE 9 CITY LODGING TAX

1.0901 City Lodging Tax – Imposition – Amount – Disposition A City tax of two percent (2%) is hereby imposed upon the gross receipts of retailers on the leasing or renting of hotel, motel, or tourist campground accommodations within the City for periods of less than thirty (30) consecutive calendar days or one (1) month. The tax imposed by this Section shall be in addition to the state sales tax on rental accommodations provided in Chapter 57-39.2, North Dakota Century Code, and the City shall deposit all proceeds of this tax in the city visitors' promotion fund. Moneys deposited in the city visitors' promotion fund shall be spent only as provided in this Article.

1.0902 City Lodging and Restaurant Tax – Imposition – Amount – Disposition In addition to the tax imposed under Section 1.0901, a City tax of one percent (1%) is hereby imposed upon the gross receipts of retailers on the leasing or renting of hotel, motel, or tourist court

accommodations within the City for periods of less than thirty (30) consecutive calendar days or one (1) month and upon the gross receipts of a restaurant from any sales of prepared food or beverages, not including alcoholic beverages for consumption off the premises where purchased, which are subject to state sales taxes. For purposes of this Section, “restaurant” means any place where food is prepared and intended for individual portion service for consumption on or off the premises and “prepared” includes heating prepackaged food. Accommodations, food, and beverages may all, each, or in any combination be subjected to the tax under this Section, if all items in any category which are taxable under state law are taxable, except as otherwise provided in this Section.

The tax imposed under this Section is in addition to state sales taxes on rental accommodations and restaurant sales and the City shall deposit all proceeds of this tax in the city visitors’ promotion capital construction fund. Moneys deposit in the city visitors’ capital construction fund shall be spent only as provided in this Section.

1.0903 City Visitors’ Promotion Fund – City Visitors’ Promotion Capital Construction Fund – Visitors’ Committee – Establishment – Purpose The City shall as appropriate, establish a city visitors’ promotion fund, city visitors’ promotion capital construction fund, and a visitors’ committee. The visitors’ committee shall serve as an advisory committee to the City Commission in administering the proceeds from the taxes available to the City under this Chapter. The committee shall be composed of five (5) members appointed by the City Commission. These appointees shall serve without compensation, except for reimbursement for necessary expenses. Committee members shall serve for a term of four (4) years, except that two (2) of those initially appointed must be appointed for an initial term of two (2) years. Vacancies must be filled in the same manner as initial appointment. The committee shall elect a chairperson and a vice chairperson from among its members to serve for a term of two (2) years.
(REVISED 6/19/2018)

1.0904 Budget – Contracts – Bonds – Capital Construction The City Commission shall annually set the budget, if any, under which the committee shall operate. The City Commission may contract with any person, firm, association or corporation to carry out the purposes of the city visitors’ promotion fund or the city visitors’ promotion capital construction fund created under Section 1.0903 of this ordinance. The City Commission may irrevocably dedicate any portion of revenues from the tax authorized under Section 1.0902 of this ordinance and may authorize and issue bonds or other evidences of indebtedness in the manner prescribed by Section 40-57.3-01.1, North Dakota Century Code, to be paid by those revenues for any purpose that moneys in the city visitors’ promotion capital construction fund may be used; and such tax upon being pledged to payment of such bonds or evidences of indebtedness issued pursuant to this section may not be reduced or repealed by the City Commission or by electors of the municipality by any initiated amendment to or referendum of Section 1.0902, so long as any of such bonds or evidences of indebtedness remain outstanding. The proceeds from the tax imposed by Section 1.0901 may not be used for any type of capital construction or purchase of real property. The proceeds from the tax imposed under Section 1.0902 may be used only for the payment of bonds issued, and the costs of issuance related thereto, under this Section or capital construction, maintenance, and repair or acquisition of property consistent with the purposes of this Article.

1.0905 Payment of Tax – Collection by Tax Commissioner – Administrative Expenses Allowed – Rules The taxes imposed by this Article are due and payable at the same time the taxpayer is required to file a return under Chapter 57-39.2, North Dakota Century Code, and must be collected and administered by the state tax commissioner in accordance with the relevant provisions of Chapter 57-39.2. The amount the Tax Commissioner remits monthly to each city as taxes collected for that city’s visitors’ promotion fund and visitors’ promotion capital construction fund must be reduced by three percent (3%) as an administrative fee necessary to defray the cost of collecting the taxes and the expenses incident to collection. The administrative fee must be deposited in the general fund in the state treasury. The penalties and liabilities provided in Sections 57-39.9-18 and 57-39.2-18.1, North Dakota Century Code, specifically apply to the filing of returns and administration of taxes imposed under this Article.