



CHAPTER 15 HOME RULE CHARTER

ARTICLE 1

15.0101 Incorporation The inhabitants of the City of Bowman, within the corporation limits as no established or as hereafter established in the manner provided by law, shall continue to be a municipal body politic and corporate in perpetuity, under the name of the “City of Bowman.”

ARTICLE 2

15.0201 Governing to Exercise Powers Subject to the limitations imposed by the state constitution, state law, and this charter, all powers of the city shall be vested in the elected governing body. The elected governing body shall enact local legislation, adopt budgets, determine policies, and prescribe the functions of government to be performed under this charter by the city. All powers of the city shall be exercised in the manner prescribed by this charter, or if the manner be not prescribed, then in such manner as may be prescribed by ordinance.

ARTICLE 3

15.0301 Powers of the City The city shall have all powers granted to municipal corporations by the constitution and laws of this state and by this charter, together with all the implied powers necessary to carry into execution all powers granted.

Among its enumerated powers, which may be implemented by ordinance subject to the limitations specified in the charter, shall be the following:

1. To acquire, hold, operate and dispose of property within or without the corporate limits, and exercise the right of eminent domain for such purposes.
2. To control its finances and fiscal affairs; to appropriate money for its purposes and make payment of its debts and expenses; to levy and collect taxes, excises, fees, charges and special assessments for benefits conferred, for its public and proprietary functions, activities, operations, undertakings and improvement; to contract debts, borrow money, issue bonds, warrant and other evidences of indebtedness; to establish charges for any city or other services; and to establish debt and mill levy limitations, provided that the mill levies ordered imposed by the governing body on taxable property subject to ad valorem taxation shall not exceed in the total the sum of levies authorized by state statutes and the constitution for cities of similar classification to that of the City of Bowman.

The governing body shall be permitted to promulgate the city budget without regard to the specific dedications of mill levies to specific purposes as long as the total of the budget is not more than the total amount of mills authorized to be levied by a city.

3. To fix the fees, numbers, terms, conditions, duration and manner of issuing and revoking licenses in the exercise of its governmental police powers.
4. To provide for city officers, agencies and employees their selection, terms, powers, duties, qualifications and compensation.
5. To provide for city courts their jurisdiction and powers over ordinance violations, duties, administration and the selection, qualifications, and compensation of their officers; however, the right to appeal from judgment of such courts shall not be in any way affected.
6. To provide for all matters pertaining to city elections except as to qualifications of electors.
7. To provide for the adoption, amendment, and repeal of ordinances, resolutions and regulations to carry out its governmental and proprietary and to provide for public health, safety, morals and welfare and provide penalties for a violation thereof.
8. To lay out or vacate streets, alleys, and public grounds and to provide for the use operation and regulation thereof.
9. To define offenses against private persons and property and the public health, safety, morals and welfare and provide penalties for a violation thereof.
10. To engage in any utility, business, or enterprise permitted by the constitution or not prohibited by statute or to grant and regulate franchises therefore to a private person, firm or corporation.
11. To provide for zoning, planning and subdivision for public or private property within city limits; to provide for such zoning, planning and subdivision of public or private property outside city limits as may be permitted by state law.
12. To levy and collect franchise and license taxes for revenue purposes.

13. To exercise in the conduct of its affairs all powers usually exercised by a corporation.
14. To fix the boundary limits of said city and the annexation and annexation of territory adjacent to said city except that such power shall be subject to and shall conform with state law made and provided.
15. To contract with and receive grants from any other governmental entity or agency with respect to any local state or federal program project or works.
16. To impose registration fees on motor vehicle or sales and use taxes in addition to any other taxes imposed by law.

ARTICLE 4

15.0401 Referendum of Ordinances The citizens of the City of Bowman shall have the right to refer ordinances. Qualified city electors at least equal in number to fifteen percent (15%) of the number of electors voting in the city for the office of governor in the last election may by the referendum petition, suspend the operation of any ordinance enacted by the governing body, except emergency ordinances approved by at least two-thirds of all members of the governing body and except those ordinances implementing public projects upon which an election or referendum has already been held pursuant to law or this charter, or which provide for meeting obligations of bonded indebtedness incurred by a prior ordinance or a prior election or referendum. An emergency ordinance shall contain a clause declaring an emergency. The filing of referendum petitions against one or more items, sections or parts of any ordinance shall not prevent the remainder from going into effect. Referendum petitions shall be filed with the city auditor not later than thirty (30) days after adoption of the ordinance.

Each ordinance referred to the electors shall be placed upon the ballot by the city auditor at the next municipal election occurring thirty (30) days after the filing of sufficient petitions, or at a special election called by the governing body, whichever shall occur first.

If a referendum petition is filed against an emergency ordinance, such ordinance shall be in effect until voted upon by the electors. And if it is then rejected by a majority of the votes cast thereon, it shall thereby repeal as of the tenth day after the election.

The City Auditor shall pass upon each petition and if he finds it insufficient he shall notify the "Committee for the Petitioners and allow five (5) days for correction or amendment.

Each petition shall have printed thereon: "Referral of City Ordinance _____, providing for _____" and shall accurately identify and summarize the true nature of the ordinance or portion of ordinance, being refereed, in addition, each petition shall have listed the names of three electors who shall constitute the "Committee for the Petitioners" and who shall represent and act for the petitioners. At the bottom of each petition the circulator for the

particular petition shall sign an affidavit affirming that the signers thereto are known to him to be qualified electors of the city.

ARTICLE 5

15.0501 Referendum by Governing Body Before adopting ordinances, the governing body may on its own motion, submit questions to the electorate for an advisory vote of the people at any city-wide election specified by the governing body. If a question is submitted in the form of a proposed ordinance, and its approved by a majority of the votes cast thereon, and the governing body thereafter adopts the ordinance within six months of such vote, such ordinance shall not be subject to referral by petition.

ARTICLE 6

15.0601 Separability Clause If any section or part of a section of this charter shall be held invalid by a court of competent jurisdiction, such holding shall not affect the remainder of this charter, except to the extent that an entire section or part of section may be inseparably connected in meaning and effect with the section or part of section to which such holding shall directly apply.

ARTICLE 7

15.0701 Plenary and Implied Powers of the Governing Body The governing body shall have plenary to enact and make all proper and necessary ordinances, resolutions and orders to carry out and give effect to the express and implied powers granted in this charter to the end that a complete, harmonious and effective municipal government may be initiated, installed, operated and maintained in the city, and thereby project and safeguard the rights, interests, safety, morality, health and welfare of the city and its inhabitants.

ARTICLE 8 Succession in Government

15.0801 Rights of Officers and Employees Preserved Nothing in this charter, except as specifically provided shall affect or impair the rights or privileges of officers or employees of the city or of any office, department or agency existing at the time when this charter shall take effect and not inconsistent with the provisions of this charter in relation to the personnel, appointment, removal, pension and retirement rights, civil rights or any other rights or privileges of officers or employees of the city or any office, department or agency.

15.0802 Continuance of Present Officers All persons holding executive and administrative office at the time this charter takes effect shall continue in office and shall continue in office and shall continue their performance of their duties until provisions shall have been made by the governing board for the performance of such duties in some other manner or the discontinuance of such office.

15.0803 Continuance of Present Offices, Department of Agencies Any office, department or agency heretofore existing shall continue to exercise powers and duties the same as were heretofore exercised and shall have the power to continue any business proceedings or other matters within the scope of its regular powers and duties until such office, department or agency shall be changed or abolished by the governing body.

The powers conferred and the duties imposed upon any office department or agency of the city by the laws of this state shall in such office department or agency be abolished by this charger or under its authority be thereafter exercised and discharged by the office, department or agency designated by the governing body.

15.0804 Continuance of Appointive Boards, Authorities and Commissions All appointive boards, authorities and commissions heretofore existing shall continue and shall exercise such powers and duties as were granted them until such boards authorities and commissions shall be changed or abolished by the governing body.

15.0805 Continuance of Contracts All contracts entered into by the city, or for its benefit prior to the taking effect of this charter shall continue in full force and effect.

15.0806 Pending Actions and Proceedings The adoption of this charter shall not abate or otherwise affect any action or proceeding, civil or criminal pending when it takes full effect brought by or against the city or any office, department, agency or officer thereof.

15.0807 Ordinances to Remain in Force All ordinances, resolutions and regulations of the city in force at the time this charter takes effect and not inconsistent with the provisions thereof are hereby a continued in force until the same shall be duly amended or repealed.

15.0808 Inauguration of Government Under this Charter If a majority of the qualified electors of the city voting on the questions, vote to ratify this charter, the provisions of this charter shall go into effect upon the filing of the charter by the governing body with the secretary of state, the clerk of the district court and the office of the city auditor within ninety (90) days.

ARTICLE 9

15.0901 Changing the Form of Government Changes in the form of government may be proposed on motion of the governing body or may be proposed by petitions bearing the signatures of qualified electors equal to fifteen percent (15%) of those voting for the office of governor in the last election. Proposals for changing for form of government shall be voted upon at a special election called by the governing body or at the next municipal election, whichever shall occur first, provided that at least thirty (30) days have passed after the motion of the governing board or the filing of petitions with the city auditor.

ARTICLE 10

15.1010 Construction The powers of the city under this charter shall be construed liberally in favor of the city and the specific mention of particular powers in the charter shall not be construed as limiting in any way the general power stated in this charter.

ARTICLE 11

15.1101 Method of Amendment and Repeal This charter may be amended or repealed as provided by Section 40-05.1-07 of the North Dakota Century Code and acts amendatory thereto.

