

CHAPTER ONE  
GOVERNMENT ORGANIZATION  
MAYOR – COUNCIL CITIES

**ARTICLE 1 - Jurisdiction**

**1.0101 Over Persons and Property**

The jurisdiction of the City of New England, North Dakota, extends to all persons, places, and property within its boundaries, and such extra-territorial jurisdiction as is granted to it under the provisions of the North Dakota Century Code (referred to as NDCC) and amendments.

**1.0102 Defining City Limits**

There shall be included within the municipal limits of the City 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 Council 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 (1) mile of the municipal limits for the purpose of enforcing the ordinances adopted to promote the peace, order, safety and general welfare of the municipality. Local health ordinances will be enforced by Southwestern District Health Unit, Dickinson, North Dakota. Law enforcement will be provided by Hettinger County Sheriff's Department, Mott, North Dakota. (Source: Sections 40-06-01, 40-47-01.1 of the North Dakota Century Code)

**1.0103 Division of City into Precincts - deleted**

### **1.0104 City Fines and Penalties Limited**

The provisions of Section 40-05-06 of the North Dakota Century Code and all subsequent amendments shall be incorporated by reference in this ordinance. This Section shall not be construed to prohibit the utilization of the sentencing alternatives, other than a fine or imprisonment, provided by Section 12.1-32-02 of the North Dakota Century Code for the violation of a City ordinance, nor shall this Section limit the use of deferred or suspended sentences pursuant to Chapter 12.1-32 of the North Dakota Century Code.

## **ARTICLE 2 - Governing Body - City Council**

### **1.0201 Regular Meetings**

The City Council shall meet regularly at the New England Public Works Meeting Room (located on Main St. at the north end of the old fire hall between 7<sup>th</sup> St. E and Elevator Rd.) on the first Monday of each month at the hour of 7:00 PM unless some other time and place shall be specifically fixed by the council by resolution. The council shall meet in addition thereto, as often as required by Section 40-08-10 of the North Dakota Century Code.

### **1.0202 Special Meetings; Exception**

Special meetings may be called at any time by the mayor or any two (2) members of the governing body to consider matters mentioned in the call of such meetings. Notice of any special meeting shall be given to each member of the governing body, if possible, at least three (3) hours before the time of the meeting. Exceptions can be made for emergencies requiring decisions for the health and well-being of the residents of the City.

### **1.0203 Meeting to be Public - Journal of Proceedings to be Kept**

All meetings of the governing body shall be open to the public, except executive sessions as provided by Section 44-04-19.2 of the North Dakota Century Code, and a journal of its proceedings shall be kept. Notice of the regular meeting time or of special meeting shall be given as provided by Section 44-04-20 of the North Dakota Century Code and amendments.

### **1.0204 Quorum**

The provisions of Section 40-06-03 of the North Dakota Century Code and all subsequent amendments 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 law enforcement of the municipality for that purpose.

### **1.0205 Reconsidering or Rescinding Votes at Special Meeting**

The provisions of Section 40-06-04 of the North Dakota Century Code and all subsequent amendments are hereby 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.

### **1.0206 Rules and Order of Business**

Rules and order of business for the parliamentary government of the governing body shall be governed by Robert's Rules of Order. (Source: Section 40-06-05 of the North Dakota Century Code)

## **ARTICLE 3 - Elective Officers**

### **1.0301 City Council - Who Constitutes**

The governing body of the City shall be the City Council which shall be composed of the mayor and council members. The mayor and six (6) council members shall be elected as provided by law. (Source: Section 40-08-14 of the North Dakota Century Code)

### **1.0302 Term of Office of Council Members**

Council members shall hold office for four years and until their successors are elected and qualified. Terms of council members shall be arranged so that only one-half of the council members shall be elected in any one election.

### **1.0303 Mayor - Qualifications - Term**

The chief executive officer of the City is the mayor. The mayor shall be a qualified elector within the City and shall hold office for four years and until a successor is elected and qualified.

### **1.0304 When President and Vice President of a Council are Elected**

The provisions of Section 40-08-11 of the North Dakota Century Code and all subsequent amendments shall be incorporated by reference in this ordinance.

At the organization meeting in each even numbered year, the members of the City Council shall proceed to elect from their number a president and vice president who shall hold their respective offices until their successors are elected at the organization meeting following the next biennial election.

### **1.0305 Vacancies on Council or in Office of Mayor - How Filled**

If a vacancy occurs in the office of council member by death, resignation, or otherwise, City Council may call a special City Election to fill such vacancy for the unexpired term or may, after fifteen days of 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 of the electors, as determined by the total number of votes cast in the last general election, the council shall call a special election to fill a vacancy occurring more than six months before the next City Election, provided such petition has been submitted within fifteen (15) days and before 4:00PM of the fifteenth (15<sup>th</sup>) day of the date of such vacancy or of the vacancy being filled by appointment. If the petition is mailed, it shall be in possession of the council or its representative before 4:00PM on the fifteenth (15<sup>th</sup>) day after the vacancy occurs or after the vacancy was filled by appointment. (Source: Section 40-08-08 of the North Dakota Century Code)

If a vacancy occurs in the office of mayor, the City Council may call a special City Election to fill such vacancy for the unexpired term or may, after fifteen days from the date of such vacancy, elect one of its members to act as mayor, the member so elected shall possess all of the rights and powers of the mayor until the next election and until a mayor is elected and qualified. Upon petition of five percent of the electors, as determined by the total number of votes cast in the City in the last General Election, the council shall call a special election to fill a vacancy occurring more than six months prior to the next City Election, provided such petition is submitted within fifteen days of the date of such vacancy. During the interim between date when a vacancy occurs in the office of the mayor and election and qualification of a successor, the president of the City Council shall be acting mayor. (Source: Section 40-08-16 of the North Dakota Century Code)

### **1.0306 Absence or Disability of Mayor - Who to be Acting Mayor**

During the absence of the mayor from the City or during his temporary disability, the president of the City Council shall be the acting mayor and shall possess all of the powers of the mayor. In the absence or disability of the mayor and the president of the City Council, the vice president of the City Council shall be the acting mayor. (Source: Section 40-08-13 of the North Dakota Century Code)

### **1.0307 Mayor to Preside at Council Meetings - Voting Power of Mayor**

The mayor shall preside at all meetings of the City Council, but shall not vote except in case of a tie, when he shall cast the deciding vote. (Source: Section 40-08-18 of the North Dakota Century Code)

**1.0308 Mayor may Remove Appointive Officers - Reasons for Removal to be Given**

The mayor may remove any officer appointed by him whenever he is of the opinion that the interests of the City demands such removal, but he shall report the reasons for such removal to the council at its next regular meeting. (Source: Section 40-08-19 of the North Dakota Century Code)

**1.0309 Mayor may Suppress Disorder and Keep Peace**

The mayor may exercise within the City limits the powers conferred upon the sheriff to suppress disorder and keep the peace. (Source: Section 40-08-20 of the North Dakota Century Code)

**1.0310 Mayor to Perform Duties Prescribed by Law - Enforced Laws and Ordinances**

The mayor shall perform all duties prescribed by law or by the city ordinances, and shall see that the laws and ordinances are faithfully executed. (Source: Section 40-08-22 of the North Dakota Century Code)

**1.0311 Inspection of Books, Records and Papers of City by Mayor**

The mayor, at any time, may examine and inspect the books, records, and papers of any agent, employee or officer of the City. (Source: Section 40-08-23 of the North Dakota Century Code)

**1.0312 Ordinance or Resolution Signed or Vetoed by Mayor**

The mayor shall sign or veto each ordinance or resolution passed by the council. (Source: Section 40-08-24 and 40-11-05 of the North Dakota Century Code)

**1.0313 Message to Council**

The mayor annually and from time to time shall give the council information relative to the affairs of the City and shall recommend for consideration such measures that he may deem convenient, practical, or expedient. (Source: Section 40-08-25 of the North Dakota Century Code)

**1.0314 Mayor May Call on Inhabitants to Aid in Enforcing Ordinances**

When necessary, the mayor may call on any inhabitants of the City over the age of eighteen years to aid in the enforcing of the laws and ordinances of the City. (Source: Section 40-08-26 of the North Dakota Century Code)

**1.0315 Reserved**

### **1.0316 Mayor May Administer Oath**

The mayor of the City may administer oaths and affirmations. (Source: Section 40-08-28 of the North Dakota Century Code)

## **ARTICLE 4 - Elective Officers Other Than Governing Body - Reserved**

## **ARTICLE 5 - Appointive Offices**

### **1.0501 Appointive Officers in Council Cities**

The mayor, with the approval of the City Council, shall appoint the following officers:

1. City Auditor;
2. City Assessor;
3. City Attorney;
4. City Engineer;
5. Such other officers as the City Council deems necessary and expedient.

The City Assessor shall be appointed at the first meeting of the City Council in September of each odd numbered year. The City Council, by majority vote, may dispense with any appointive office and provide that the duties of that office be performed by others.

### **1.0502 Term of Appointive Officers**

The term of all appointive officers of the City operating under the council form of government shall commence the first day of July succeeding their appointment unless otherwise provided by ordinance, and such officers shall hold their respective offices for two (2) years, and until their successors are 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 the oath and give the bond required by law.

### **1.0503 General Duties of City Auditor**

It shall be the duty of the City Auditor to issue the calls for all special meetings of the City Council when requested to do so by the mayor or any two (2) members of the City Council. (Source: Section 40-09-11 of the North Dakota Century Code) The City Auditor shall also keep a full and complete record of all meetings of the City Council and shall keep a book titled as the "Ordinance Book" and shall record therein at length all ordinances of the City. The City Auditor shall also keep a book titled as the "Special Assessment Book" in which to keep all records of special assessments. The City Auditor shall report to the City Council 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 council a copy of his receipt therefore. The City Auditor shall further handle all correspondence, permits, and licenses and shall do and perform all other duties prescribed by statutes of this state, or by an ordinance, resolution, or proper instruction of the City Council. (Source: Section Chapter 40-16 of the North Dakota Century Code)

### **1.0504 General Duties of City Attorney**

The City Attorney shall conduct all the law business of the City and shall, when requested, furnish written opinions upon the subjects submitted by the City Council or any other department. The City Attorney shall also: draft all, bonds, contracts, leases, conveyances, and such other instruments as may be required by the officers of the City; examine and inspect tax and assessment rolls and all other proceedings in reference to the levying and collection of taxes; and perform all other duties prescribed by statutes of the state, or by an ordinance, resolution, or proper instruction of the City Council.

### **1.0505 General Duties of Other Appointive Officers**

All other appointive officers shall perform such duties as directed by the City Council, 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 shall be bonded in the accordance with the provisions of Section 40-13-02 and Chapter 26.1-21 of the North Dakota Century Code:

Mayor, City Auditor, and City Council Members

### **1.0602 Oaths of Municipal Officers**

Every person appointed to any municipal office, before he enters 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 auditor, shall file the same with the City Auditor within 10 days after notice of his election or appointment has been given. The oath of the auditor shall be filed in the office of the county auditor. Refusal to take the oath of office shall also be deemed a refusal to serve and, therefore, a failure to qualify for the office pursuant to Section 44-02-01 of the North Dakota Century Code. (Source: Section 40-13-03 of the North Dakota Century Code)

### **1.0603 Salaries of Elected Officers**

Compensation of Mayor and Council members shall be in such sums and amounts as may be fixed from time to time by resolution of the governing body. (Source: Article 3, Section 4 of the Home Rule Charter)

### **1.0604 Salaries of Appointive Officers and Employees**

Salaries of City Appointive Officers and Employees, except as otherwise provided by law, shall be in such sums and amounts as may be fixed from time to time by resolution of the governing body. (Source: Section 40-13-04 of the North Dakota Century Code)

### **1.0605 Meals, Lodging, and Mileage - 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 their normal working and living residence for all or any part of any quarter of a day at the rates specified by state law. Verifications of claims shall not be required for the first three quarters of each day and only a lodging receipt shall be required for the fourth quarter.

Such persons engaged in travel outside of 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 receipt.

Mileage expenses shall be reimbursed at the rate provided for under state law for state officials and employees. Any person filing a false claim with the City for mileage or expenses as herein permitted is guilty of an infraction. Penalty shall be restitution of said false claim and immediate removal from such elective or appointed position.



**1.0606 Officers not to be interested in contracts or work of municipality -  
Exception**

Except as otherwise provided by law, no municipal officer, in a municipality having a population of ten thousand or more according to the last federal decennial census, shall be directly or indirectly interested in:

1. Any contract, work, or business of the municipality;
2. The sale of any article the expense, price, or consideration of which is paid from the municipal treasury or by any assessment levied by any act or ordinance; or
3. The purchase of any real estate or other property belonging to the municipality or which shall be sold for taxes or assessments or by virtue of any process issued in any suit brought by the municipality.

Provided, however, that the foregoing shall not be applicable if unanimously approved by the other members of the governing body of the political subdivision 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 obtained are not otherwise available at equal cost. (Source: Section 40-13-05 of the North Dakota Century Code)

**1.0606.1 Municipal officers - Contracts - Disclosure required - Penalty**

A municipal officer may not refuse or fail to disclose to the governing board of which that person is a member any personal interest, direct or indirect, in any contract requiring the expenditure of municipal funds. Any person who violates this Section is guilty of an infraction and is, in addition, subject to removal from office. (Source: Section 40-13-05.1 of the North Dakota Century Code)

**1.0607 Retiring Officer to Turn Over Books**

Any person having been an officer of the City shall, within five 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 infraction. Penalty shall be restitution of said material and a fine of one hundred dollars (\$100)

### **1.0608 Administrative Policy and Procedure**

Each officer shall:

1. Perform all duties required of their 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.
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 their departments as the governing board may request.
5. Be responsible for the proper maintenance of all City property and equipment used in their departments.
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 department subordinates.
9. Be available during the hours designated by the City governing body.

### **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 dollars (\$500).

## **1.0610 Meeting Attendance**

The following is pursuant to Section 40-06-05 of the North Dakota Century Code Rules of Procedure – Expelling Members

1. Because of the responsibility elected members of the City Council have to their constituents to be present at meetings and have a voice, as well as the ability to vote, it is expected that any council member and other members of any committee appointed by the New England Council will allow time in which to attend regularly scheduled meetings and make every effort to attend special meetings. For purposes of this Ordinance, "member" shall mean a member of the City Council or person appointed by the City Council to a committee, such as the Planning and Zoning Commission.
2. The appointment of any person appointed by the New England City Council to a committee shall be considered vacant if that person has absences from three (3) consecutive regular meetings or four (4) cumulative absences per calendar year. The president of the committee shall address the issue of absences by noting them in the minutes of the meeting in which the person is absent. The Mayor must be notified by the President of a committee when three (3) consecutive absences or four (4) cumulative absences occur.
3. The procedure set out in paragraph 2. above shall apply to the City Council except that, upon a showing from the minutes kept at each regular meeting that a member of the City Council has been absent for three (3) consecutive regular meetings or four (4) cumulative absences per calendar year, the Mayor shall address the issue and call for a vote from the City Council as to whether to remove the member with the absences. A member of the City Council may only be removed for absences by a two-thirds (2/3) majority vote of the present members of the City Council. The subject member may take the opportunity to explain the absences prior to the vote, but must be present to do so and the vote will not be postponed by virtue of the council member's absence. The City Auditor shall keep track of absences for the City Council and shall inform the Mayor if any council member has missed more than three (3) consecutive meetings or four (4) cumulative meetings. The only excuse for missing a meeting shall be if the normal date and the time of the meeting, set by resolution, was otherwise changed due to a scheduling conflict.
4. Compensation for a missed meeting by a City Council member shall only be paid for the first of consecutive missed meetings unless excused by 1.0610(3).

## **ARTICLE 7 - Purchasing and Disposition of Property**

### **1.0701 Competitive Bidding Requirements**

All purchase of and contracts for supplies and contractual services with a cost in excess of one hundred thousand dollars (\$100,000) shall be based on competitive bids.

### **1.0702 Procedure**

All supplies and contractual services except as otherwise provided herein, when the estimated cost thereof shall exceed one hundred thousand dollars (\$100,000) shall be purchased from the lowest responsible bidder after due notice inviting proposals. Due notice shall be given by advertising for the sale or purchase of the property or service by giving written notice in the official newspaper of the City for three (3) consecutive weeks and the opening of the bids so received not less than twenty-one (21) days after the first publication. The lowest responsible bidder shall be the lowest best bidder for the project considering past experience, financial condition, past work with the governing body, and other pertinent attributes identified in the advertisement for bids.

### **1.0703 Open Market Purchases - Emergency**

When the City governing body decides that an emergency requires the immediate purchase of supplies or contractual services, the purchases may be made without competitive bidding.

#### **1.0703.1 Elected Official Spending Limitations**

The personal spending limits for elected officials for items pertaining to their portfolio or project are set by resolution and is reviewed annually. They shall also be constrained by Section 40-40-15 of the North Dakota Century Code.

### **1.0704 Accounts against City to be in Writing**

Accounts, claims, and demands against the City for any property or services for which the City shall be liable, shall be made in writing and shall include an itemized statement of the property or services provided.

### **1.0705 Further Verification May be Required**

It is hereby provided that any officer of the City Council before whom any bill, claim, account, or demand against the City shall come for audit and approval may 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.

## **1.0706 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 vote of all members of the governing body. Personal property shall be conveyed by a majority vote of all members of the governing body. When the property to be disposed of, whether real property or personal property, is estimated by the governing body of the municipality to be of a value of less than two thousand five hundred dollars (\$2,500), such property may be sold at private sale upon the resolution of the governing body. In all other cases, such property may be sold only at public sale or as provided under Section 40-11-04.2 of the North Dakota Century Code. 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. 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, this Section shall not apply insofar as it is in conflict with such state law. Said statutory procedures include the following:

1. Lease of airports or landing fields, or portions thereof, shall be under authority granted in Chapter 2-02 of the 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 Chapter 24-01 of the North Dakota Century Code.
3. Leasing of oil and gas lands shall be as provided in Sections 38-09-02 through 38-09-04 and Sections 38-09-14 through 38-09-20 of the North Dakota Century Code.
4. Conveyance of property to a municipal parking authority shall be as provided in Section 40-61-05 of the North Dakota Century Code.
5. Lease of public buildings or portions thereof shall be as provided in Chapter 48-08 of the 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 of the 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 of the North Dakota Century Code.

### **1.0707 Real Property Transfer Requirements**

The provisions of Sections 40-11-04.1 and 40-11-04.2 of the North Dakota Century Code and all subsequent amendments are hereby incorporated by reference in this ordinance.

## **ARTICLE 8 - Municipal Elections**

### **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 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.

### **1.0802 Elections in Council Cities - Polling Places - Polls Open - Notice**

The provisions of Section 40-21-02 of the North Dakota Century Code and all subsequent amendments are hereby incorporated by reference in this ordinance.

Biennial municipal elections shall be held on the second Tuesday in June in each even numbered year at such place or places as the City Council shall designate. 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. Ten (10) days' notice of the time and place of holding each election and offices to be filled thereat shall be given by the City Auditor by publication in the official newspaper of the City as provided by Section 40-01-09 of the North Dakota Century Code.

### **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 Elections**

The provisions of Section 40-21-05 of the North Dakota Century Code and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

Each inspector, judge, or clerk of any regular or special municipal election shall receive compensation as determined for election officials in Section 16.1-05-05. The amounts determined to be due election officials at municipal elections shall be paid from the funds of the municipality holding the election. In the event a special municipal election is held on the same date as a statewide, district wide or countywide election, and if the same election officials

perform services for both elections, the City shall not be required to pay the elections officials, except for any extra officials necessary for such special municipal election.

**1.0805 Reference to Party Ballot or Affiliation in Petition of Candidate for Municipal Office - Prohibited**

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 or to the party affiliation of a candidate in a petition to be filed or in behalf of a candidate for nomination to a public office in any incorporated City in this state.

**1.0806 Petition for Nomination of Elected Official in Municipalities - Signatures Required - Contents**

The provisions of Section 40-21-07 of the North Dakota Century Code and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

A candidate for any public office in the City may be nominated by filing with the City Auditor, at least sixty days and before 4:00PM on the sixtieth day prior to the holding of the election, a petition signed by not less than ten percent of the number of qualified electors who voted for that office in the last City election. Qualified electors who sign such a petition shall reside within the corporate limits of the City if the officer is elected at large. If a petition is mailed, it must be in the possession of the City Auditor before 4:00PM on the sixtieth day prior to the holding of the election. In no case shall more than three hundred (300) signatures be required, and such signatures may be on separate sheets of paper. Each qualified elector who signs a petition shall add to the petition the petitioner's mailing address.

The governing body of the city of New England has unanimously voted for the option provided under North Dakota Century Code 40-08-04.2 to have all of its council members elected at large.

**1.0807 Ballots in Municipalities - Makeup**

The provision 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 arrange the offices upon the ballot in the order in which they are named in the statutes. The auditor shall determine the arrangement of the names of the candidates upon the ballot by conducting a drawing within five days following the last day for the filing of the nomination papers. The City Auditor shall set the date, time, and location for conducting the drawing and shall give advance notice of the drawing to the candidates involved.

**1.0808 Clerks 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 Municipal Elections 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 the 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 applicable to elections and contests in the case of county officers. Absent voters' ballots must be available in municipal elections in accordance with the provisions of Chapter 16.1-07 of the North Dakota Century Code as amended.

**1.0810 City Auditor to Notify of Election or Appointments**

The provisions of Section 40-21-14 of the North Dakota Century Code and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

The City Auditor, within five 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 his election or appointment. Within the same period of time, the City Auditor shall also notify the state supreme court of the election or appointment of any Municipal Judge or alternate judge.

**1.0811 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.



**1.0812 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.

**1.0813 Highest Number of Votes Elects in Municipal Election - Procedure on Tie Vote**

The provisions of Section 40-21-17 of the North Dakota Century Code and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

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 of the North Dakota Century Code. If a recount results in a tie vote, the choice shall be determined by a drawing of names in the presence of the governing body of the municipality and in such a manner as it directs. A candidate involved in a tie vote may withdraw from consideration by signing a written statement to that effect in the presence of the filing officer of the election.

**ARTICLE 9 - Records Management Policy**

**1.0901 Adoption of Policy**

The management of records in the City shall meet with the provisions of the City Records Management Manual published by the Records Management Division of the North Dakota Information Technology Department, a copy of which is on file with the City Auditor. That publication is hereby made a part of this Chapter by reference with the exceptions of the Sections hereinafter set forth affecting local conditions in the City, which are amended, deleted, or added to, for use and application in the City, and the City hereby adopts said manual as so modified.

**1.0902 Amendments, Deletions, Additions to City Records Management Manual**

Sec. \_\_\_\_\_ shall be amended to read as follows:

Sec. \_\_\_\_\_ shall be deleted.

Sec. \_\_\_\_\_ shall be added to said manual to read as follows:

## **ARTICLE 10 – Official Newspaper**

### **1.1001 Official Newspaper of Municipality**

The official newspaper as chosen by the electors of the county shall be the official newspaper of the municipality in which it is published, and such official notices and legal publications as the municipality is required to publish by law shall be published therein. (Source: Section 40-01-09 of the North Dakota Century Code)

All cities in North Dakota, regardless of their form of government, must put on the ballot every four years the question of whether the minutes of its governing body shall be published in its official newspaper. If voters approve publication, the governing body shall, within seven days after each of its meetings, give its official newspaper for publication, the complete minutes or a complete summary showing the substantive actions taken at the meeting. (Source: Section 40-01-09.1 of the North Dakota Century Code)

The official newspaper as chosen by the electors is the Hettinger County Herald.

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