

**CHAPTER ONE
GOVERNMENT ORGANIZATION
MAYOR - COUNCIL CITIES**

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GOVERNMENT ORGANIZATION

ARTICLE 1 - JURISDICTION

1.0101 Over Persons and Property

The jurisdiction of the City of Sawyer, North Dakota, extends to all persons places and property within its boundaries, and such extraterritorial jurisdiction as is granted to it under the provisions of the North Dakota Century Code and amendments thereto.

1.0102 Defining City Limits

There shall be included within the municipal limits of the City of Sawyer, 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 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-half 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.

1.0103 Division of City into Precincts

There shall be one precinct within the City of Sawyer to be known and designated as: Sawyer City Hall and the polling place shall be located at the Sawyer City Hall.

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 and are hereby 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 for the violation of a city ordinance, nor shall this section limit the use of deferred or suspended sentences pursuant to chapter 12-53.

ARTICLE 2 - GOVERNING BODY - CITY COUNCIL

1.0201 Regular Meetings

The Sawyer City Council shall meet regularly at the City Hall on the first Monday of each month at the hour of 7:00 p.m. unless some other time and place shall be specifically fixed by the Council. 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

Special meeting 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. Written notice of any special meeting shall be given to each member of the governing body at least three hours before the time of the meeting.

1.0203 Meeting to be Public - Journal of Proceedings to be 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 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.

1.020 Reconsidering or Rescinding Votes at Special Meeting

The provisions of 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.

1.020 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.

ARTICLE 3 - ELECTIVE OFFICERS

1.0301 City Council - Who Constitutes

The governing body of the City of Sawyer shall be the City Council which shall be composed of the Mayor of the City of Sawyer and four Aldermen. The Mayor and four Aldermen shall be elected as provided by law.

1.0302 Term of Office of Aldermen

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

1.0303 Mayor - Qualifications - Term

The chief executive officer of the City is the Mayor. He shall be a qualified electoral within the city and shall hold his office for four years and until his 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 and are hereby 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 a 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

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If a vacancy occurs in the office of Alderman 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 4:00 p.m. of the fifteenth (15th) day of the date of such vacancy. If the petition is mailed, it shall be in possession of the Council or its representative before 4:00 p.m. on the fifteenth (15th) day after the vacancy occurs.

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 the successor, the President of the City Council shall be acting Mayor.

1.0306 Absence or Disability of Mayor - Who is 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.

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.

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

The Mayor may remove any office 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.

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.

1.0310 Release of Prisoners by Mayor - Report to Council

The Mayor may release any person in prison of violation of any city ordinance and shall report such release, with the cause thereof, to the City Council at its first session thereafter.

1.0311 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.

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1.0312 Inspection of Books, Records and Papers of City by Mayor

The Mayor, at any time, may examine and inspect the books, records, papers of any agent, employee, or officer of the City.

1.0313 Ordinance or Resolution Signed or Vetoed by Mayor

The Mayor shall sign or veto each ordinance or resolution passed by the Council.

1.0314 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 expedient.

1.0315 Mayor Shall Call on City Inhabitants to Aid in Enforcing Ordinances

When necessary, the Mayor may call on each city inhabitant of the City over the age of eighteen years to aid in the enforcing of the laws and ordinances of the City.

1.0316 Police Chief and Policemen Appointed by Mayor

The Mayor may appoint any number of Policemen which he and the City Council may deem necessary to preserve the peace of the City, and he shall appoint one of the number as Chief of Police. Such appointment shall be subject to approval of the Council.

1.0317 Mayor May Administer Oath

The Mayor of the City may administer oaths and affirmations.

ARTICLE 4 - ELECTIVE OFFICERS OTHER THAN GOVERNING BODY

1.0401 Municipal Judge

There shall be elected each four years a municipal judge who shall hold office until his successor is elected and qualified. The municipal judge shall perform all the duties prescribed by law and the ordinances of this city. He shall receive an annual salary as full compensation for all services rendered.

1.0402 Report to Sawyer City Council

It shall be the duty of the municipal judge to make a full report under oath, of all proceedings in the actions or matters before him in the City of Sawyer is a party, or interested therein, to the governing body of the City of Sawyer, at the close of each month. Until such report has been filed with the City Auditor, no salary shall be paid the judge for such work.

.0403 Contents of Report

Such report shall contain the names of the parties to such action or proceeding, a statement of all orders made, whether the defendants be committed, fined or released from custody, the judgment, the extent thereof, the costs, the amount of costs and fine paid, if any, with the disposition thereof, together with an itemized account of any fees of all officers and witnesses and the names of each, the names of each person making the complaint, and the nature and date thereof.

1.0404 Receipt to Accompany Report

This report will be accompanied by the duplicate receipt or receipts of the City Auditor for the total amount of the fees and money so collected on behalf of the City.

1.0405 Court Hours

The municipal judge shall be in attendance at municipal court for the transaction of business that may come before him and shall devote the time necessary to handle and dispose of the business coming before him.

1.0406 Duties of Municipal Judge

Additional duties of the municipal judge shall be as provided by the provisions of Chapter 40-18 of the North Dakota Century Code and all amendments thereto.

ARTICLE 5 - APPOINTIVE OFFICES

1.0501 Appointive Officers in Council Cities - Appointment of More Than One Assessor

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 deem necessary and expedient.

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 years, and until their successors are appointed and qualified.

1.0503 Officers Commissioned by Warrant - City Auditor to Receive Certificate of Appointment

All officers elected or appointed, except the City Auditor, Aldermen and Mayor, shall be commissioned by warrants signed by the Auditor and the Mayor or President of the City Council. The Mayor shall issue a Certificate of Appointment to the Auditor.

1.0504 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. Auditor shall also keep a full and complete record of all meetings of the City Council and shall keep a book to be styled the "Ordinance Book" and shall record therein at length all ordinances of the city. Auditor shall also keep all records of special assessments. All such books shall have full and complete indexes of the contents thereof. 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 the Auditor during the month and Auditor shall duly give to the Council a copy of Auditors receipt therefore. Auditor shall further handle all correspondence, permits, and licenses and shall do and perform each, every and all duties and things prescribed for the Auditor to do by statues of this state, or by an ordinance, resolution, or proper instruction of the City Council.

1.505 General Duties of City Attorney

The City Attorney shall conduct all 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 Council, or any other department. It shall also be his duty to draft all ordinances, bonds, contracts, leases, conveyances and such 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 Council.

1.0506 General Duties of Other Appointive Officers

All other appointive officers shall perform such duties as directed by Sawyer City Council, directed by these ordinances, or directed or authorized by the Laws of the State of North Dakota.

ARTICLE 5 - SPECIAL PROVISIONS REGARDING CITY OFFICERS

1.0601 Bonds of Municipal Officers and Employees

The following officers and employees of the City of Sawyer shall be bonded in the sums as hereinafter set forth:

Mayor
City Auditor
Municipal Judge
City Assessor
City Council
Policeman
Maintenance Supervisor

Said officers or employees shall be bonded in accordance with the provisions of Section 40-13-02 of the North Dakota Century Code.

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 treasurer and 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 municipal treasurer and of the auditor shall be filed in the office of the County Auditor. In addition, each alderman 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, fireman, or any other office, position or appointment under the city government.

1.0603 Salaries of Officers Fixed by Ordinance - Diminution During Term Prohibited

Any officer or employee of a municipality shall receive the salary, fees, or other compensation fixed by ordinance or resolution, and after having been once fixed, the same shall not be diminished to take affect during the term for which the officer was elected or appointed

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.

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 of a day at the rates specified by state law.

Verifications of claims shall not be required for the first three quarters listed above and only a lodging receipt shall be required for the fourth quarter; provided however, the amount paid for such lodging shall not be required to be listed.

Such persons engaged in travel without 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 for taxi or cab fares up to and including the sum of five dollars.

Any person filing a false claim with the City of Sawyer for mileage or expense as herein permitted is guilty of an offense, and may be punished by a fine of not to exceed \$500.00 and imprisonment not to exceed 30 days.

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 days after notification and request, deliver to the successor in office, all property, books and effects of every description in their possession belonging to the City or appertaining to their office; and upon their 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 \$500.00 and imprisonment of not to exceed 30 days.

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 maybe 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 their 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 in that department.

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 their office shall be guilty of an infraction. Upon conviction, for a violation of this section, such person shall be fined not more than \$500.00.

ARTICLE 7 - PURCHASING AND DISPOSITION OF PROPERTY

1.0701 Competitive Bidding Requirements

All purchase of and contracts for supplies and contractual services, and all sales of property which has become obsolete or unusable shall, except as otherwise provided herein, be based, whenever possible, on competitive bids.

1.0702 Procedure

All supplies and contractual services except as otherwise provided herein, when the estimated cost thereof shall exceed \$100.00 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 a paper or general circulation within the municipality for two (2) successive weeks and the opening of the bids so received not less than 15 days after the first publication thereof. All sales or disposition of obsolete or unusable property when the estimated value shall exceed \$5,000.00 shall be sold to the highest responsible bidder. The lowest responsible bidder, or the highest 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.

1.0703 Open Market Purchases

All purchases and contractual services and all sales of property which has become obsolete or unusable of an estimated value of less than \$2000.00 or all supplies and services of a non-competitive type or kind, or purchases of sales between governmental bodies, or when in the opinion of the Sawyer City Council an apparent emergency requires immediate purchase of supplies or contractual services, shall be made or obtained in the open market without competitive bidding.

1.0704 Accounts Against City to be in Writing and Verified

Accounts, claims and demands against the City of Sawyer, 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.

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1.0705 Form of Verification

The claimant shall execute a verification printed on vouchers to be 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 charges, 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 for 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 City Council 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 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 or, only as approved of by a two-thirds 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 Mayor of the City of Sawyer, North Dakota, and attested by the City Auditor. 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 \$2,500.00, such property may be sold at private sale upon the proper resolution of the governing body. In all other cases, such 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. 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 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 2-02-16, 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 Section 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.

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 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 Council Cities - Polling Places - Polls Open - Notice - Judges, Clerks and Inspectors

The provisions of Section 40-21-03 of the North Dakota Century Code and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

Biennial municipal elections in cities operating under the Council form of government 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 City Council shall designate one polling place only. 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 days notice of the time and place of holding each election and offices to be filled there at shall be given by the City Auditor by publication in the official newspaper of the City as provided by Section 40-01-09. For all general city elections the City Council shall appoint one inspector at least twenty-one days before the election is held, and two judges and two clerks of election at least ten days before the election is held. For special city elections the City Council shall appoint one inspector, two clerks and two judges of election at least ten day before the election is held. For any city election in which seventy-five or fewer votes were cast in the last city election, the City Council may appoint one inspector, one clerk and one judge.

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 all 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 Candidates for Municipal Office -Prohibited Principals States

The provisions of Section 50-21-06 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 prior 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. Such candidate may state or have stated after his name in any such petition, in not more than twenty words, any particular principle or principles of local administrative policy or policies he stands for and seek election to promote.

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 an incorporated city may be nominated by filing with the city auditor, at least thirty-three days and before four p.m. on the thirty-third 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 ward or precinct in and for which such officer is to be elected, if the election is by wards, or within the corporate limits of the city if the officer is elected at large. In cities operating under the commission system of government the required petition may be signed by the electors at large residing within the city. If a petition is mailed it shall be in the possession of the City Auditor before four p.m. on the thirty-third day proper to the holding of the election. In no case shall more than three hundred signatures be required, and such signatures may be on separate sheets of paper. Each qualified elector who signs such petition shall add to his name his mailing address.

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 on the ballot. Opposite or immediately below the names of each candidate on the ballot shall be placed the statement, in not more than twenty word, of the principle or principles which he seeks to promote. Such statement shall be set forth in the manner in which it appeared in the petition or petitions filed by or on behalf of such candidate, and in such manner as readily to inform the voter of the policy or policies upon which such candidate seeks election. The auditor shall arrange the offices upon the ballot in the order in which they are named in the statutes. The arrangement of the names of the candidates upon the ballot shall be determined by lot by such auditor in the presence of the candidates or their representatives at noon on the day following the last day for the filing of the nomination papers.

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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 Counting Ballots - Returns - Canvass of Returns by Governing Body of Municipality

The provisions of Section 40-21-12 of the North Dakota Century Code and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

The ballots cast in a municipal election shall be counted and the returns of the election prepared by the election board immediately after the closing of the polls. The ballots and the returns of the election shall be returned to the city auditor under seal within two days and before four o'clock p.m. on the second day after the election. Thereafter, the governing body of the municipality shall canvass the returns and declare the result of the election and cause a statement thereof to be entered in its books of minutes.

1.0810 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 and contest 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 contest in the case of county officers. Absent voters' ballots may be used in municipal election in accordance with the provisions of Chapter 16-18, as amended.

1.0811 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 declared or the appointment of an officer is made within the municipality, shall notice each elected or appointed to municipal office of his election or appointment.

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, the choice shall be determined by a coin flip in the presence of the governing body of the municipality and in such manner as it shall direct.

