

ENACTING ORDINANCE

ORDINANCE NO. \_\_\_\_\_

Adopting the revised ordinances of the city of Taylor, of 1984, and repealing all ordinances previously adopted with certain exceptions.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TAYLOR, NORTH DAKOTA.

Section 1. Revised Ordinances of 1984. This ordinance and the ordinances hereby adopted shall be known and cited as the Revised Ordinances of 1984.

Section 2. ENACTMENT. The Revised Ordinances of 1984, of the city of Taylor, North Dakota, consisting of Chapters I to XIII, both inclusive, an original copy of which has been authenticated by the original signatures of the city's chief executive officer and auditor and which original is on file in the office of the city auditor, are hereby adopted as the ordinances of the city of Taylor.

Section 3. REPEAL. All ordinances of the city adopted prior to the 12th day of June, 1984, are hereby repealed except the following ordinances which shall continue in full force and effect regardless of the fact they are herein omitted:

1. All existing ordinances granting franchises, if omitted from these revised ordinances.
2. All existing ordinances creating contract obligations on the part of the city, which obligations shall remain binding until fully performed by the city.
3. All existing ordinances establishing, extending or reducing the city limits of the city, if omitted from these revised ordinances.

Section 4. EXISTING LICENSES AND PERMITS. All licenses and permits issued prior to the date on which this ordinance becomes effective shall continue in force for the remainder of the term for which the same were issued, without additional fees, but all licensees and permittees shall be governed by the provisions of the revised ordinances of 1984 for the remainder of the terms of said licenses and permits, in the same manner and to the same extent as if said licenses and permits had been issued under the provisions of the Revised Ordinances of 1984.

Section 5. NEW LICENSES AND PERMITS. In the case of any license or permit not heretofore required and appearing for the first time in the Revised Ordinance of Taylor, such license or permit shall be secured on or before the first day of the first month following the effective date of this ordinance, and the first fee therefore shall be pro-rated for the remainder of the term thereof on a monthly basis, provided, that the minimum fee for any such new license or permit shall be \$1.00.

Section 6. INVALIDITY OF PART. If any section, sub-section, sentence, clause or phrase of these ordinances is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of any other section, sub-section, sentence, clause, phrase or portion thereof. The governing body thereby declares that it would have passed these ordinances and each section, sub-section, sentence, clause or phrase thereof, irrespective of the fact that any one or more other sections, sub-sections, sentences, clauses or phrases may be declared invalid or unconstitutional.

Section 7. EFFECTIVE DATE. This ordinance shall be in full force and effect from and after its final passage and approval, and without publication.

Incorporation of Taylor acted upon;

The matter of the incorporation of Taylor was then taken up and it appearing that the survey map and census had been complied with according to law it was on motion duly seconded and carried, all members of the board present the board issued an order of incorporation as follows.

We the undersigned constituting the Board of County Commissioners of Stark County North Dakota having heard application for the incorporation of the Village Of Taylor, North Dakota and being satisfied that the requirements of the law have been complied with that said survey map and census were subject to examination for the period required by law it is hereby ordered and declared that such territory shall with assent of the qualified voters thereof be an incorporated Village by the name of Taylor and it is further ordered that a meeting of the qualified voters resident in said proposed Village be had at the school house on the 22nd day of April next to determine whether such territory shall be incorporated Village. Dated this 6th day of April 1912

INCORPORATED MAY 7TH 1912

F.A. Roquette, Chairman

D. Hughes

Herman Leutz

County Commissioners Stark County N.

Attest J.L. Hughes, Auditor

The above excerpt from the Stark County Commissioners records Book C page 139 Feb 7-1911\*\*September 1st 1916 (Dated April 6th 1912)

The following excerpt dated May 7th 1912, taken from the same records as shown on page 145

The statement of inspectors of election re Village of Taylor incorporation was received and upon considering the sworn report of J.F. Christen, A.B. Donan and Julius Williams, inspectors for the election upon the question of incorporation the N 1/2 of Section 33, 140-93 into a Village to be known as Taylor and this board being satisfied of the legality of said election and it appearing to this board that at said election, (\*and it appearing to this board that at said election), the legal voters of said territory declared in favor of said incorporation by a majority vote, Now therefor it is hereby ordered that said territory be declared and organized an incorporated Village under the name of Taylor.

Board Of County Commissioners

F.A. Roquette, Chairman

D. Hughes

Herman Leutz

Effective July 1st 1967 all Villages in State Of North Dakota abolished by 1967 Legislature and will become Council Cities with Mayor and four Alderman

G.M. Robertson, Chairman Village Board June 12th 1967

CHAPTER 1

GOVERNMENT ORGANIZATION

Article 1

JURISDICTION

101.0101 OVER PERSONS AND PROPERTY

The jurisdiction of the city of Taylor, North Dakota, extends to all persons, places and property within its boundaries, and such extra-territorial jurisdiction as is granted to it under the provision of the North Dakota Century Code and amendments thereto.

101.0102 DEFINING CITY LIMITS

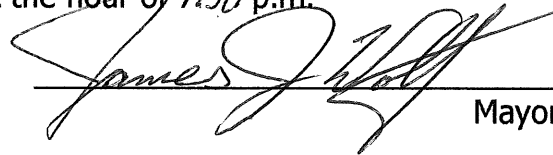
There shall be included within the municipal limits of the city of Taylor, North Dakota, the following territory or land; all lots and blocks shall also include all streets, alleys and public ways included within the area and adjacent thereto which are defined as within the confines of the city limits.

Article 2

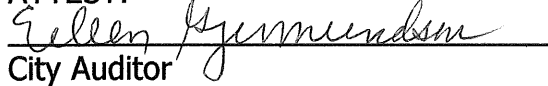
GOVERNING BODY - CITY COUNCIL

101.0201 REGULAR MEETINGS

The city council shall hold its regular meetings on the first Tuesday of each month at the city hall in accord with 40-08-10 at the hour of 7:30 p.m.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Auditor

Introduction and First Reading: August 4, 2008

Second Reading: September 2, 2008

Final Passage: September 2, 2008

#### 101.0202 SPECIAL MEETINGS

Special meetings may be called at any time by the mayor or any two members of the governing body to consider matters mentioned in the call of such meeting. Notice of any special meeting shall be given to each member of the governing body at least three (3) hours before the time of meeting.

#### 101.0203 SALARIES

The salary of the mayor and councilmen shall be fixed by ordinance or resolution of the city council and after having been once fixed, the same shall not be diminished to take effect during the term for which the officer was elected or appointed.

#### 101.0204 RULES AND ORDER OF BUSINESS

The rules and order of business for the parliamentary government of the governing body shall be governed by Roberts Rules of Order.

#### 101.0205 PRESIDENT AND VICE-PRESIDENT - ELECTION OF

At the organization meeting to be held on the third Tuesday in April of each even numbered year, the members of the city council shall elect from their members a president and a vice-president to hold office until their successors are elected at the organizational meeting following the next bi-annual election.

### Article 3

#### SPECIAL ELECTIONS

#### 101.0301 SPECIAL ELECTIONS, HOW CALLED

Special elections shall be called by the mayor at the direction of the city council. Twenty days' notice, specifying in such notice the time fixed for said election and the purpose thereof shall be given by posting such notice in five public places within the city.

#### 101.0302 MANNER OF CONDUCTING SPECIAL ELECTIONS

All special elections shall be held under the Australian ballot system, at the same places, during the same hours, shall be in the charge of the same election officials, and generally in the same manner, as near as may be, as general city elections, except as may herein be otherwise provided.

#### 101.0303 BALLOTS, PETITIONS

The ballots containing the names of candidates and the propositions to be voted upon, shall be arranged in the same general form as near as may be as ballots for general village elections; shall be printed under the direction of the city auditor, and shall be distributed by him to the several inspectors prior to the opening of the polls. The names of candidates shall be placed on such ballots, as provided by law governing general elections. All such certificates of nomination and petitions shall be filed with the city auditor not less than twenty days before such election.

#### 101.0304 CANVASSING OF VOTES

The vote at such special elections shall be canvassed and the result announced by the city council at its next regular meeting after such election, or at a special meeting called for that purpose.

## Article 4

### ELECTIVE OFFICERS OTHER THAN GOVERNING BODY

#### 101.0401 MUNICIPAL JUDGE

There shall be elected each two (2) years a municipal judge who shall hold office until his successor is elected and qualified. The municipal judge shall perform all duties prescribed by the statutes of North Dakota, and the ordinances of the city of Taylor. If a vacancy exists in the office of the municipal judge by death, resignation or otherwise it shall be filled by appointment by the mayor, subject to confirmation by the city council of the city. Any appointee shall be qualified, and he shall hold office until the next city election and until his successor is elected and qualified. The governing body of a city may appoint an alternate municipal judge to serve when the municipal judge is unable to serve due to temporary absence, interest, disqualification or disability. Such alternate shall be compensated on a per diem basis at a rate set by the city council and shall possess as nearly as practical, the qualifications of the regular municipal judge.

#### 101.0402 REPORT TO BOARD OF CITY COUNCIL

It shall be the duty of the municipal judge to make a full report under oath, of all proceedings in actions or matters before him in which the city of Taylor is a party, or interested therein, to the governing body of the city of Taylor, 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.

#### 101.0403 SAME: CONTENTS

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, and the disposition thereof, together with an itemized account of any fees of all officers and witnesses and the names of each, the name of each person making the complaint, and the nature and date thereof.

#### 101.0404 SAME: WITH AUDITOR'S RECEIPT

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.

## 101.0405 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.

## Article 5

### APPOINTIVE OFFICES

#### 101.0501 APPOINTIVE OFFICES

At the first meeting after the qualifications of its members, or as soon thereafter as possible, the governing body shall appoint persons to the following offices: auditor; assessor; attorney, engineer; such other offices as the city council deems necessary and expedient.

#### 101.0502 STANDING COMMITTEES, APPOINTMENT OF

The following standing committees shall be appointed by a majority vote of all city councilmen, from among its members, at the organization of the council, or as soon thereafter as practicable; and their reports shall be received in the following order unless otherwise received by consent:

1. Police and Fire Committee.
2. Streets and Improvements.
3. Health and Sanitation.
4. Water and Sewer.
5. Building.

Each committee shall consist of two members, and the first named member of each committee shall be the chairman thereof.

#### 101.0503 TERM OF APPOINTIVE OFFICERS, OATH, BOND

The term of all appointive officers shall begin on the third Tuesday of April of the year in which he is elected and shall continue for a term of two years and 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 bonds required by Section 101.0505.

#### 101.0504 REMOVAL

Appointive officers may be removed and any vacancy may be filled in the manner provided by law. "Acting officers" may be removed at any time by the governing body.



101.0505 BONDS OF MUNICIPAL OFFICERS AND EMPLOYEES

The following officers and employees of the city of Taylor shall be bonded in the sums as hereinafter setforth:

Mayor \$ \_\_\_\_\_  
Auditor \$ \_\_\_\_\_

Bonds shall be in an amount fixed by the city council. The bond of the auditor shall be set by resolution of the city council at a regular meeting in April of each year; in an amount at least equal to 25 percent of the average amount of money that has been subject to the auditor's control during the preceding fiscal year, as determined by the total of the daily balances of the auditor for the calendar year divided by the figure 300 or the sum of \$250,000.00 whichever is least. All official bonds shall be approved by the mayor and filed in the office of the city auditor. Such bond shall conform to the provisions of the law applicable to the bonds of state officer and employees except that no personal surety shall be accepted on any bond. The city shall not pay the premium on any bond except a bond written in the state bonding fund or a bond procured to replace a bond cancelled by the state bonding fund.

101.0506 SALARIES

The 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.

101.0507 ADMINISTRATIVE POLICY AND PROCEDURES

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.

#### 101.0508 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 upon conviction thereof, be punished as herein provided.

### Article 6

#### PURCHASING AND DISPOSITION OF PROPERTY

##### 101.0601 COMPETITIVE BIDDING REQUIRED

All purchases 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.

##### 101.0602 PROCEDURE

All supplies and contractual services except as otherwise provided herein, when the estimated cost thereof shall exceed \$1,000.00 shall be purchased from the lowest responsible bidder after due notice inviting proposals. All sales or disposition of obsolete or unusable property when the estimated value shall exceed \$1,000.00 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, judgement, experience and efficiency of the bidder, the quality of performance of previous contracts, sufficiency or financial resources, and previous and existing compliance with state laws and city ordinances.

##### 101.0603 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 \$1,000.00 or all supplies and services of a non-competitive type or kind, or purchases and sales between governmental bodies, or when in the opinion of the board of city commissioners or council an apparent emergency requires immediate purchase of supplies or contractual services, shall be made or obtained in the open market without competitive bidding.

##### 101.0604 PROCEDURE FOR TRANSFER OF PROPERTY

The procedure for the conveyance, sale, lease or disposal of personal and real property of the city shall be as follows:

1. The city council shall, in its discretion, estimate the value of the property to be transferred;
2. If the city council shall determine that the value of the property is less than \$1,000.00, such property may be sold or transferred by private or public sale as the city council by resolution shall determine;
3. If the city council shall determine that the value of the property to be transferred is \$1,000.00 or more, such property shall be sold at public sale; and
4. Property to be sold at public sale shall be sold as follows:
  - a. The city council shall pass a resolution authorizing the public sale and setting the terms thereof.
  - b. A notice containing a description of the property to be sold and designating the place, where and the day and hour where the sale will be held shall be published in the city's official newspaper as provided in Section 40-1-09, NDCC, once each week for two (2) consecutive weeks with the last publication being at least 10 days in advance of the date set for the sale. The notice shall specify whether the bids are to be received at auction or as sealed bids as determined by the governing body of the sale.
  - c. The property advertised shall be sold to the highest bidder if his bid is deemed sufficient by a majority of the members of the governing body.