

Rutland City Ordinances

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**CHAPTER ONE
GOVERNMENT ORGANIZATION**

ARTICLE 1 – JURISDICTION

1.0101. Over Persons and Property. The jurisdiction of the City of Rutland, 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 and amendments thereto.

1.0102. Defining City Limits. There shall be included within the municipal limits of the city of Rutland, North Dakota: all unplatted lands within the corporate limits of the City of Rutland; 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 zoning, health and quarantine ordinances and police regulations and ordinances adopted to promote the peace, order, safety and general welfare of the municipality.

1.0203. Division of City into Precincts. There shall be one (1) precinct within the city of Rutland to be known and designated as Precinct Number One. Said precinct shall consist of all that part of the city of Rutland which lies within the corporate limits of the City of Rutland. The polling place shall be located at the city Hall of the City of Rutland, or at such other appropriate location as the City Council shall designate by resolution.

1.0204. 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 constructed 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 Rutland City Council shall meet regularly at the City Hall on the first Monday of each month at the hour of 5 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 meetings may be called at any time by the Mayor, or any two (2) members of the City Council to consider matters mentioned in the call of such meetings. Written notice of any special meeting shall be given to each member of the City Council and to the City Auditor 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 Rutland City Council 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 the 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 City Council of the City of Rutland 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 policy of the municipality for that purpose.

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

No vote of the City Council of the City of Rutland 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.

ARTICLE 3 – ELECTIVE OFFICERS

1.0301. City Council – Who Constitutes. The governing body of the City of Rutland shall be the City Council which shall be composed of the Mayor of the City of Rutland 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 elector 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. If a vacancy occurs in the office of Alderman by death, resignation, or otherwise, 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, 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 from the date of such vacancy. If the petition is mailed, it shall be in the

possession of the City Auditor 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 city 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 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 on any matter, except in case of a tie vote of the City Council. In the event of a tie vote of the City Council on any matter, the Mayor shall cast the deciding vote.

1.0308. Mayor May Remove Appointive Officers – Reasons for Removal to be Given. The Mayor may remove any officer appointed by the Mayor whenever the Mayor is of the opinion that the interests of the City demands such removal. The Mayor 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 for violation of any city ordinance and shall report such release, with the reason therefore, 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 Ordinances of the City of Rutland, and shall see that the laws and ordinances are faithfully executed.

1.0312. 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.

1.0313. Ordinance or Resolution Signed or Vetoed by Mayor. The Mayor shall sign or veto each ordinance or resolution passed by the Council. If the Mayor vetoes an ordinance or resolution approved by the City Council, the Mayor shall return such ordinance or resolution to the Council with a message stating the reason or reasons for such veto.

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 useful and expedient for the conduct of the City's affairs and beneficial to the residents of the City.

1.0315. Mayor Shall Call on Adult Inhabitants to Aid in Enforcing Ordinances. When necessary, the Mayor may call on each adult 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, with the advice and consent of the City Council, may appoint any number of Policemen which he and the City Council may deem necessary to preserve the peace of the City. The Mayor shall appoint one of the number as Chief of Police. Such appointment shall be subject to approval by the City 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. Park Board.

1. Powers. The powers of a park district in the City of Rutland shall be exercised by a board of park commissioners consisting of five members who shall be elected for terms of four (4) years, each.

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2. Members. Members of the board of Park Commissioners shall hold office as follows:

- a. Three members shall be elected at the municipal election in which the office of Mayor of the City of Rutland is regularly on the ballot.
- b. Two members shall be elected at the municipal election in which the office of Mayor is not regularly on the ballot.

Thereafter, each commissioner shall hold office for four years from and after the first day of July following the date of such Commissioner's election and qualification and until a successor is elected and qualified.

The members of the board of park commissioners shall possess the qualifications of electors of the municipality and shall be elected by the qualified electors of the City of Rutland.

On the fourth Tuesday in June after their election, the members of the board of park commissioners shall organize the board by selecting a president and vice president from among the elected members of the board. The Board may appoint a Secretary who shall keep the minutes of all meetings and shall perform the same duties for the Park Board as the City Auditor performs for the City Council, except that the City Auditor shall be ex officio treasurer of the park district.

1.0402. Report to Rutland City Council. It shall be the duty of the Park Board Secretary to make a full report under oath, of all proceedings in the actions of matters before the Park Board, to the City Council of the City of Rutland, at the close of each quarter.

1.0403. Vacancies - How Filled - Removal of Residence Creates Vacancy. Vacancies on the board of park commissioners shall be filled by the board until the next regular election of members thereof at which time such vacancies shall be filled by election for the unexpired term. The removal of a Park Board Commissioner's residence from the district shall create a vacancy thereon.

1.0404. Regular and Special Meetings of the Board. The board of park commissioners shall hold a regular meeting the first Monday of each month and such special meetings as it may deem necessary. A special meeting may be called at any time by the president, or any two members of the board to consider matters specified in the call of such meeting. The board may adopt such rules of procedure as it deems necessary. In the absence of special rules adopted by the Board, Robert's Rules of Order shall govern Board procedures.

1.0405. Powers of the Board of Park Commissioners. The board of park commissioners may:

1. Acquire by purchase, gift, devise, condemnation, or otherwise, land anywhere within this state, or outside this state if located adjacent to a boundary of this state and of park district, for parks, boulevards, and ways. The board shall have the sole and exclusive authority to maintain, govern, and improve the land, and to provide for the erection of structures thereon. Such parks, boulevards, and ways shall be considered for purposes of taxation and for all other purposes as being within the territorial limits of the city of Rutland. Where the board has acquired the legal title in fee to such lands, it may sell and convey the same. A conveyance shall be executed by the president and Secretary of the board upon a resolution approved by not less than two-thirds of the members thereof.
2. Lay out, open, grade, curb, pave, and otherwise improve any path, way, or street, in, through, or around the parks, and construct, erect, build, maintain, manage, and govern any and all buildings, pavilions, play and pleasure grounds or fields, and such other improvements of a like character as may be deemed necessary.
3. Pass all ordinances necessary and requisite to carry into effect the powers granted to a board of park commissioners, with such penalties as the board may deem proper. No such penalty, however, shall exceed five hundred dollars. No ordinance adopted by the Board of Park Commissioners shall become effective unless it shall have first been submitted to the City Council for adoption in the same manner and form as all other ordinances of the city of Rutland.
4. Levy special assessments on all property especially benefitted by the purchase, opening, establishment, and improvement of such parks or boulevards and of ways or streets which abut the same.
5. Employ such engineers, surveyors, clerks and other employees, including a police force, as may be necessary, define and prescribe their respective duties, and fix and pay their compensation.
6. Issue negotiable bonds of the park district as provided in Title 21 of the North Dakota Century Code (NDCC).
7. Levy taxes upon all the property within the district for the purpose of maintaining and improving parks, boulevards, and ways, and to defray the expenses of the district. The proceeds of said taxes shall be available also for use as payment for any

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- land purchased during the year or previously, or for improvements previously made for park purposes.
8. Establish building lines for all property fronting on any park, boulevard, or way under the direction and control of the board, and control the subdivision and platting of property within four hundred feet thereof.
 9. Borrow money to defray the expenses of the year, subject to the limitations contained in Title 21 of the NDCC, in anticipation of taxes already levied, and issue therefore the warrants or other obligations of the district.
 10. Connect any park or parks owned or controlled by it with any other park or parks and for that purpose, it may select and take charge of any connecting street or streets or parts thereof; and the board shall have the sole and exclusive charge and control of any street or streets taken for such purpose.
 11. Plant, set out, maintain, protect, and care for, shade trees in any of the public streets or highways of the park district. The board may specify and regulate the kinds of trees that shall be planted in any such street or highway, the size and location of such trees, and methods to be used in the planting and cultivation thereof, and may pass such ordinances as may be necessary for the protection and control of such trees.
 12. Plat and lay out such portions of park property as are not needed for the accommodation of the general public, and lease and demise lots or portions thereof for residential or concession purposes. The board may prescribe by ordinances the use that may be made of such leaseholds and the character of structures that may be placed thereon, and may regulate generally the use and enjoyment thereof by the lessees or their successors.

1.0406. General Code Provisions to Govern Park Districts.

Except as otherwise provided in this ordinance, the board of park commissioners and its officers and the park district shall be governed, in the issuing of warrants and certificates of indebtedness and in the levying of any tax or special powers granted, by the provisions of the laws of this state applicable to municipalities of the kind in which the park district is established. Chapter 40-49 of the North Dakota Century Code.

ARTICLE 5 – APPOINTIVE OFFICES

1.0501. Appointive Officers. The Mayor, with the approval of the City Council, shall appoint the following officers:

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1. City Auditor;
2. City Assessor, unless duties have been delegated to the Sargent County Director of Tax Equalization;
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. If no City Assessor is appointed the City shall utilize the services of the Sargent County Director of Tax Equalization to fulfill the duties of the City Assessor.

1.0502. Term of Appointive Officers. The term of all appointive officers of the City shall commence on 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 Mayor. The Mayor and the President of the City Council 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. The City 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. The City Auditor shall also keep a book to be styled the “Special Assessment Book” in which the Auditor shall keep all records of special assessments. All such books shall have full and complete indexes of the contents thereof. The 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 City during the month and the Auditor shall duly give the Council a copy of any and all receipts therefore. The Auditor shall further handle all correspondence, permits, and licenses and shall do and perform each, every and all duties and things prescribed for the City Auditor to do by statutes of this state, or by an ordinance, resolution, or proper instruction of the City Council.

1.0505. 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; The City Attorney shall, when requested, furnish written opinions upon the subjects submitted to the City Attorney by the City Council, or any other department. It shall also be the City Attorney's duty to draft all ordinances, bonds, contracts, leases, conveyances and such other instruments as may be required by the officers of the city; to examine and inspect tax and assessment rolls and all other proceedings in reference to the levying and collection of taxes and to perform each and every and all duties and things prescribed by the City Attorney 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 the Rutland 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 of Rutland shall be bonded in the sums as hereinafter set forth:

Mayor
City Auditor
Municipal Judge
City Assessor

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 auditor, shall file the same with the City Auditor within 10 days after notice of such person's election or appointment has been given. The Oath of the City 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 the City of Rutland

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.

Salaries of City Officials and Appointive Officers, 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 City Council.

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 bus fares up to and including the sum of five dollars.

Any person filing a false claim with the City of Rutland 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 the other members of the City Council by a finding unanimously adopted by such other members, and entered in the official minutes of the governing body, finding such contracts to be necessary for the reason that the services or property are not otherwise available at equal cost.

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1.0607. Retiring Officer to Turn Over Books. It shall be unlawful for any retiring officer of the City to fail to deliver to the officer's successor in office, all property, books and effects of every description in such officer's possession belonging to the City or appertaining to the office within five days after notification and request. Any person having been an officer of the City shall, within five days after notification and request, deliver to the officer's successor in office, all property, books and effects of every description in such officer's possession belonging to the City or appertaining to the office; and upon the retiring officer's refusal to do so, the retiring officer shall be liable for all damages caused thereby. Every person who violates the provisions of this section shall be guilty of an infraction and shall be punished by a fine of not to exceed \$500.00. Each day upon which the offense continues shall constitute a new offense, punishable by a fine not to exceed \$500.00.

1.0608. Administrative Policy and Procedure. Perform Duties. Each Officer shall:

1. Perform all duties required of the officer's office by law or ordinance and such other duties not in conflict as may be required by the City Council.
2. Be immediately responsible to the City Council 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 inaugurate, with approval of the city Council, such new practices as appear to be of benefit and service to the public.
4. Submit such reports of activities of the officer's department as the City Council may request.
5. Be responsible for the proper maintenance of all City property and equipment used in the officer's 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 City Council.
7. Cooperate with other officers, department and employees.
8. Have power to direct and supervise all City employees who are subordinate to the officer.
9. Be available to the public at such times and at such locations as may be established for the officer's office from time to time by resolution of the City Council.

1.0609. Obstructing a Public Official Prohibited. It shall be unlawful, within the corporate limits of the City of Rutland, for any person to willfully delay or obstruct any public officer in discharging or attempting to discharge the duties of said public officer's office. Every

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person who willfully delays or obstructs a public officer in discharging or attempting to discharge any duty of said public officer's 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. Competitive Bidding 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. Due notice shall be given by advertising for the sale or purchase of the property or service by giving written notice in a paper of general circulation within the municipality for two (2) successive weeks and the opening of the bids so received not less than 15 days after the first publication 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. The following factors 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 and Sales. All purchases, 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 or sales between governmental bodies, or when in the opinion of the Rutland City Council an apparent emergency requires immediate purchase of supplies or contractual services, may 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 Rutland, North Dakota, for any property or services for which said city shall be liable,

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shall be reduced to writing in items and the claimant shall verify the same in the manner hereinafter set forth.

1.0705. Form of Verification. The claimant shall execute a verification printed on vouchers 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 charged, and that no part of such bill, claim, account or demand, has been paid; and that the goods therein charged were actually delivered and were of the value charged.

Signed: _____

(If signed 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 such officer’s discretion, require to be furnished a statement made under oath, containing such other information as is deemed necessary for the further verification of any bill, claim, account or demand against the City, or any of its undertakings.

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

1.0708. Conveyance, Sale, Lease or Disposal of Property. Real property belonging to the municipality shall be conveyed, sold, leased, or disposed of, only as approved of by a two-thirds 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 or Rutland, North Dakota, and attested by the City Auditor. Personal property shall be conveyed upon approval of such conveyance 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 City Council to be of a value of less than \$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,

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shall be made directly to the governing body and submitted to the City Auditor, who shall present any and all such bids to the City Council 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 are as follows:

1. Lease of airports or landing fields, or portions thereof shall be under authority granted in Section 2-02-16, NDCC. 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, NDCC.
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, NDCC.
4. Conveyance of property to a municipal parking authority shall be as provided in Section 40-61-05, NDCC.
5. Lease of public buildings or portions thereof shall be as provided in Chapter 48-08, NDCC.
6. Granting of concessions for cafes, restaurants, and confectioneries in public buildings or on public grounds shall be as provided in Chapter 48-09, NDCC.
7. Granting of right-of-way for a railway, telephone lines, television, electric light system, or a gas or oil pipeline system shall be as provided in Section 49-09-16, NDCC.

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 – 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 the City of Rutland who is qualified to vote therein at general elections may vote at all municipal elections held therein. In the event that 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 - 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 into this ordinance.

Biennial municipal elections shall be held on the Second Tuesday in June of 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 thereat 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 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 City Council, at the time of calling any general or special municipal election, shall be 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 in the City of Rutland shall receive compensation as determined for election officials in NDCC 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 unless otherwise directed by state statute or county ordinance. In the event a special municipal election is held on the same date as a statewide, district-wide or county-wide 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 municipal election.

1.0805. Reference to Party Ballot or Affiliation in Petition of Candidate for Municipal Office – Prohibited – Principals Stated. The provisions of Section 40-21-06 of 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 by or in behalf of a candidate for nomination to a public office in the City of Rutland. Such candidate may state or have stated after the candidate's name in any such petition, in not more than twenty words, any particular principle or principles of local administrative policy or policies the candidate states for an seeks 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 the City of Rutland may be nominated by filing with the city auditor, at least sixty-four days and before four p.m. on the sixty-fourth 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 a petition is mailed it shall be in the possession of the city auditor before four p.m. on the sixty-fourth day prior to the holding of the election. In no case shall more than thirty (30) 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 residential 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 words, 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.

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 40-12-12 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 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 may be used in municipal elections 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.

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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 such person's 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 Election. 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 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 City Council and in such manner as it shall direct.

Adoption: Entire Ordinance adopted by the Rutland City Council,
August 5, 1996.