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Article I. IN GENERAL,

SEC. 2-1 PRESERVATION OF RECORDS

All books files and records of the city shall be kept at the proper offices of the city and so far as practicable shall be kept in fireproof vaults therein when not in use.

SEC. 2-2. ACQUISITION OF SUPPLIES GENERALLY

The incidental office supplies for the different departments of the city shall be secured through the office of the city auditor, and all such supplies shall be obtained from the auditor by requisition made upon blanks to be provided by him for that purpose.

SEC. 2-3. FISCAL YEAR

The fiscal year of the city shall commence on the first day of January of each year, and terminate on the thirty-first day of December.

SEC. 2-4. OFFICE SPACE GENERALLY

The mayor shall from time to time designate office space for city employees.

SEC. 2-5. EMPLOYEES GENERALLY

Any employee of the city may be discharged at any time by the mayor who shall report his action to the city council at its first regular or special meeting thereafter. The position of any city employee may be abolished and new and different ones established by the city council at any time and the salary of any such employee may be increased, diminished or abolished at any time the city council evidenced by resolution duly adopted.

Such employees shall perform all the duties prescribed by the laws of the state and the resolutions of the city council and the oral and written directions of the mayor and any superior officer. (2)

SEC. 2-5.1 RESIDENCY QUALIFICATION FOR EMPLOYEES

Subject to existing exceptions and subsequent exception approved by a two-thirds vote of the city council, no person shall be employed by the city unless such person becomes a resident of the city and remains domiciled within the corporate limits thereof during the course of his or her employment.

2. For previous ordinance regulating salaries, see Chapter 2, Section 16 of Rev. Ord. of Carrington, 1940.

#### SEC 2-6 COMPETITIVE BIDDING ON CERTAIN CONTRACTS

1. No contract for the purchase of materials, equipment, supplies, services or a combination thereof and involving an expenditure of more than the sum of one hundred and fifty thousand dollars (\$150,000.00) shall be entered into by the city, except upon bids received after and pursuant to publication in the official newspaper of the city at least once a week for two successive weeks the last publication not less than three days prior to the opening of bids; provided, however, that in the event the purchase is to be made for parts or repairs, or from the United States Government, or the state or any department of either or any other governmental institution which does not enter competitive bidding for the sale of its property, then and in that event it shall not be necessary for the city to publish notices calling for bids before entering into a contract for the property.
2. Notwithstanding the above and foregoing, in the event the city council, in a special or regular meeting, by resolution, authorizes the city to enter into a contract for the purchase of materials, equipment, supplies, and services involving an expenditure of an aggregate amount of less than the sum of two hundred thousand dollars (\$200,000.00) by a vote of seventy-five (75) percent or more of the duly elected members of the city council, it shall not be necessary for the city to solicit bids and publish notices calling for bids before entering into a contract for such purchase.

#### SEC 2-7 PARK DISTRICT ESTABLISHED

The territory embraces in the city is hereby declared to be a park district of the state, to be known as "Park District of the City of Carrington," in accordance with and under by virtue of the provisions of Chapter 40-49 of the North Dakota Century Code.

(Source: Rev. Ord. of Carrington 1940; Sec 368 and 369.)

#### SEC 2-8 REGULAR MEETINGS (4)

The city council shall hold its regular meetings on the second Monday of each month at 7:30 PM. At any meeting a majority of the aldermen shall constitute a quorum to do business, but a smaller number may adjourn from time to time and may compel the attendance of absentees under such penalties as may be prescribed by provisions of the Code or other ordinances of the city.

(Source: Rev. Ord. of Carrington, 1940; Sec 8(31).)

## SEC 2-9 SPECIAL MEETINGS

The mayor may, whenever he shall deem it necessary, and shall, whenever requested in writing by three members of the council, call a special meeting of the city council. All special meetings shall be held at the same hour for the several months specified as to regular meetings, unless a different hour shall be at the council chambers on the day and hour fixed in the notice calling the same. Such notice shall be in writing and files with the City Auditor and served by delivering a copy thereof to each member of the council, to the City Attorney, and to the City Engineer, not less than three hours before the time of such meeting. If personal service cannot be made on any of such officers, service may be made by delivering a copy to immediate member of his family over fourteen years of age at the residence or place of business of such member. Any such officer to be served may waive such service by endorsing his name on the original call, or by filing any written form or waiver signed by him, and such waiver shall have the same force and effect as personal service.

3. For state law regarding governing body of city, see NDCC: 40-08-01.
4. For state law pertaining to regular and special meetings, see NDCC: 40-08-10.

Such notice shall specify the business to be considered and only such business shall be transacted at such meeting as shall be specified therein except as follows: When notice has been served as above required upon all members of the council and whether so served or not when all members of the council are present at the meeting any business may be transacted at such meeting whether mentioned in the call or not if no objection is made by a member. No business not specified in the call shall be transacted if any member objects thereto. The consent of all members to consideration of business not mentioned in the call shall be implied if no objection is made thereto by any member.

(Source: Rev. Ord. of Carrington, 1940; Sec. 8(32). )

## SEC. 2-10. PRESIDENT AND VICE-PRESIDENT. (5)

At the first regular meeting after the biennial election, the city council shall proceed to elect from its own members a president and vice-president who shall hold their respective offices for two years. It shall be the duty of the president, in the absence or temporary disability of the mayor, to act as presiding officer of the council, and he shall during the absence of the mayor from the city or his temporary disability of the mayor and president of the council, the vice-president shall perform the duties of mayor and president of the council; provided, that all warrants on the treasury signed by the president or vice-president shall be signed in his official capacity as acting mayor.

(Source: Rev. Ord. of Carrington, 1940; Sec. 8. )

## SEC. 2-11 STANDING COMMITTEES – ESTABLISHED: APPOINTMENT

The following standing committee together with all other such committees as may be deemed necessary shall be appointed by the mayor at the organization of the council in each year or as soon thereafter as practicable or necessary:

- (1) Finance & Legal Committee
- (2) Airport Authority Committee
- (3) Fire & Ambulance Committee
- (4) Health Committee
- (5) Library Committee
- (6) Municipal Building Committee
- (7) Police Committee
- (8) Public Works Committee
- (9) Airport
- (10) Refuse removal and incinerator
- (11) Police department
- (12) Civil service and retirement

(Source: Rev. Ord. of Carrington, 1940; Section 8(27),)

5. For state law relating to election of council president and vice-president, see NDCC: 40-08-11.

#### SEC. 2-12. SAME-MEMBERSHIP

Each standing committee shall consist of three or more members; except that the membership of the board of health shall be as provided in Section 2-24.

#### SEC 2-13. COUNCIL TO OBSERVE ROBERT'S RULES OF ORDER; EXCEPTIONS

Except as may otherwise be provided by law, the proceedings of the city council shall ordinarily be conducted according to Robert's Rules of Order; provided, that a failure to observe or enforce such rules shall in no manner affect the regularity, validity or legality of any action or proceeding taken by the council. The city council, in its discretion hereby reserves the right to proceed at any time otherwise than as prescribed in Robert's Rules of Order.

#### SEC. 2-14. MANAGEMENT AND CONTROL OF CITY PROPERTY

All property owned or controlled by the city shall be under the control of the city council and shall be managed, used and cared for under such rules and regulations as may be established by resolution or ordinance.

SEC. 2-14.A. (6) – The governing body of the city may permit the use of or may lease any public building or portion thereof of a public building under its charge for any legal purpose giving equal opportunity to all persons and without religious or political distinctions and may make such reasonable rules and restrictions on the use of such building as may seem

necessary; and shall fix proper rentals and fees for such use. Such, governing body in its discretion may require a bond from the lessee or user of such building conditioned upon the payment of charges made for destruction of or to such building or any part thereof.

SEC. 2-14. B. (7) - Any lease entered into pursuant to Sec. 2-14A of any public building or part of any public building shall be not to exceed a term of ten years and shall be to a responsible party offering the highest return to the city and the use or occupation of the building shall not interfere with the use of such building for public purposes. The governing body of the city may reserve the right to reject any and all bids. Anything to the contrary contained herein, notwithstanding, the governing body of the city may permit the use and occupancy of any public building or portion thereof without charge or rent when deemed in the public interest.

(Source: Ordinance No. 70 of the City of Carrington; adopted 5/23/66.)

6. For state law authorizing such ordinance see NDCC 48-08-06.
7. For state law authorizing such ordinance see NDCC 48-08-07.

#### SEC. 2-15. ANNUAL APPROPRIATION BILL (8)

The City Council shall at its regular budget meeting in October or within ten days thereafter pass an ordinance to be termed the annual appropriation bill.

#### SEC. 2-16. PREPARATION OF DEPARTMENTAL BUDGETARY ESTIMATES;

- (1) The city auditor shall prior to August 15 of each year prepare estimates of revenue available for each department of the city based upon the prior year's appropriation which estimates shall be presented to the department head of the various departments of the city for use in the preparation of the budget request for each respective department for the ensuing year.
- (2) On or before the regular meeting for September of each year and preparatory to the adoption of the annual appropriation bill of the city, each department head shall submit a written request containing all of the proposed budgetary items needed for such department for the ensuing year to the committee of the city council in charge of the department involved and after consideration by such committee, such written request with any amendments thereto shall then be submitted to the finance committee of the city council. Such written request shall be considered by the finance committee in the preparation of the preliminary budget submitted to the city council for approval in accordance with law.

### ARTICLE III. CITY OFFICERS

#### Division 1. Generally

#### SEC. 2-17. BONDS OF CERTAIN CITY OFFICERS AND EMPLOYEES

The following officers and employees of the city shall furnish to the city bonds in the amounts prescribed by this section and conditioned as provided in the North Dakota Century Code, Section 40-13-02:

8. For state law as to city budgets, see NDCC 30-40-01 to 40-40-21. As to board of budget review, see NDCC 40-41-01 to 40-41-07.
  - (a) Municipal Judge. The municipal judge shall be bonded in the sum of one thousand dollars.
  - (b) City Auditor. The city auditor shall be bonded as required by Section 40-13-02 of the North Dakota Century Code.
  - (c) City Engineer. The city engineer shall be bonded in the sum of one thousand dollars, conditioned in addition to the requirements of the North Dakota Century Code, Section 40-13-02, that (s)he will well and truly pay over to the city all money and property coming into his/her possession as such officer.
  - (d) City Assessor. The city assessor shall be bonded in the sum of one thousand dollars.
  - (e) Police. The chief of police, the assistant chief of police and all regular policemen/policewomen and patrolmen/patrolwomen shall be bonded in the sum of one thousand dollars.
  - (f) Other Appointive Officers. Appointive officers other than those specifically mentioned in this section shall be bonded as provided in the North Dakota Century Code, Section 40-13-02.

Premiums on all official bonds required from officers and employees of the city shall be paid for by the city out of its general funds.

(Source: Rev. Ord. of the City of Carrington, 1940;Section 16; see also Ord. #17, adopted 6/5/44.)

#### SEC. 2-18. TURNING OVER MONEY, PROPERTY AND RECORDS TO SUCCESSOR

At the expiration of his/her term of office, each officer of the city shall turn over to his/her successor all books, accounts, records, money and property of whatever kind and description in his possession as such officer and shall be entitled to a receipt therefor if desired.

#### SEC. 2-19. MAXIMUM AGE OF CITY EMPLOYEES; RETIREMENT AT MAXIMUM AGE.

No person shall be employed by the city or remain in its employ at an age greater than seventy (70) years of age. Upon application the city council may give consent to the continued employment of an employee attaining age seventy (70), the employee shall remain in the employment of the city subject to the will of the city council to discharge such employee without further notice and in no event shall any such employee remain in the employ of the city beyond age seventy (70).



Any employee of the city to whom this section shall apply terminate his/her employment on the first of the month immediately following the retirement age set forth in this section.

#### Division 2. Elective Officers.

##### SEC. 2-20. DUTIES OF MAYOR GENERALLY

The mayor shall perform such duties as are prescribed by law, the provisions of this Code and other ordinances of the city. (S)He shall when present preside at all meetings of the city council and the board of equalization. (S)He shall keep his/her office in the City Hall and shall devote such time as shall be necessary to properly perform the duties of his/her office.

(Source: Rev. Ord. of City of Carrington, 1940; Section 7.)

##### SEC. 2-21. DUTIES OF ALDERMEN GENERALLY

Each alderman shall perform the duties provided by law, the provisions of this Code and other ordinances of the city. He shall attend all regular and special meeting of the city council and of his particular committee and of the board of equalization unless absent from the city or excused by the mayor.

##### SEC. 2-22. CITY TREASURER

The City Auditor shall assume all functions and duties of the City Treasurer.

##### SEC. 2-23. MUNICIPAL JUDGE

The municipal judge shall perform the duties provided by the laws of the state provisions of this Code and the other ordinances of the city. He shall turn over to the city auditor on the day of court all money collected by him.

#### Division 3. Appointive Officers (9)

##### SEC. 2-24. ELIGIBILITY AND QUALIFICATIONS: TIME AND MANNER OF APPOINTMENT GENERALLY: DUTIES GENERALLY: COMPOSITION OF BOARD OF HEALTH (10)

No person shall be eligible to hold any office by appointment unless he is a citizen of the United States; nor shall any person be eligible to any office who is a defaulter to the corporation. At the first regular meeting (of the city council after the biennial election for aldermen, or within a reasonable time thereafter, the mayor shall appoint and submit to the city council for approval and confirmation, the following officers: City Auditor, City Attorney, City street Commissioner, City Engineering, Chief-of-Police, Chief of Fire Department, and such other officers as may by the city council be deemed necessary or expedient; and at the first meeting of the city council in September, in each odd numbered year a city assessor; and at the first meeting of the city council in April of each odd numbered

year a board of health consisting of a City Health Officer who shall be a competent physical on regular practice and two aldermen who together with the City Engineer, shall constitute a Board of Health and as such shall have and exercise the powers conferred by law. (11)

9. For former ordinances on this subject, see Rec. Ord. of Carrington, 1940; Section 3.
10. As to appointment and powers generally of board of health, see: 17-1 of this Code.

In case of a failure of the city council to confirm any such appointment, the mayor shall immediately make another appointment to be acted upon in like manner by the city council and shall so proceed until all of such officers are filled. An appointed twice rejected by the city council cannot a third time be appointed by the mayor.

All appointed officers except the City Auditor shall be commissioned by warrant under the corporate seal signed by the Auditor and the Mayor or the president of the city council. The mayor shall issue a certificate of appointment to the Auditor under the seal of the city. (12)

Such officers shall perform the duties prescribed by the statutes of the estate and by the provisions of this Code and other ordinances of the city and by the rules and regulations which may from time to time be prescribed by the Mayor and City Council.

(Source: See Rev. Ord. of City of Carrington, 1940; Section 3)

#### SEC. 2-25. REMOVAL; FILLING VACANCIES

Any officer appointed by the mayor may be removed by the mayor as provided by the North Dakota Century Code Section 40-08-19. At the next regular meeting of the council after the removal of any officer, the mayor shall submit to the council his reason in writing for the removal of such officer and his appointment of a successor; whereupon the council shall proceed to ballot on the appointment as in the case of an original appointment as provided in Section 2-24. In case of a vacancy from any other cause, it shall be filled in like manner as an original appointment.

(Source: Rev. Ord. of City of Carrington, 1940; Section 4. )

11. For state law as to powers and duties of local boards of health generally, see NDCC : 23-05-01 to 23-05-12.
12. For state law as to commissioning; of appointive officers, see NDCC: 40-14.06.

#### SEC. 2-26. TERM OF OFFICE; OATH

Subject to the power of removal as provided by the North Dakota Century Code, Section 40-08-19 the term of office of each appointment as provided by the North Dakota Century Code, Section 40-14-05, except that where an appointment is made to fill out a vacancy, it shall be for the remainder of such unexpired term. In each case such officer is to hold office

until his successor is appointed and qualified. Any appointive officer shall take the oath as provided by the North Dakota Century Code, Section 40-13-03.

(Source: Rev. Ord. of the City of Carrington 1940 Sections 4 and 5.)

#### SEC. 2-27. AUDITOR

In addition to the duties prescribed by statute, it shall be the duty of the city auditor to keep the books of account and to have charge and custody of all the records and files, of ordinances, of all business done and all proceedings had by the city council not otherwise by the provisions to this Code or other ordinances of the city specifically conferred to the custody of some other officer of the city. (S)He shall collect all water rentals for the use of water furnished by the city and pay the sum to the city treasurer each month, taking the treasurer's receipt therefor and rendering to the city council monthly a full account thereof. (S)He shall perform such other duties as may be required of him by the city council and as required by any provision of this Code or other ordinance of the city.

(Source: Rev. Ord. of the City of Carrington, 1940; Sec. 9.)

#### SEC. 2-28. CITY ATTORNEY

The city attorney shall be the legal advisor of the city and shall represent the city in all litigated matters; shall furnish to the city council or any member thereof or officer of the city such legal advice as may be required pertaining to the duties of general legal advisor of the city. He shall attend all regular and special meetings of the city council unless excused by the mayor; shall attend all hearings in the court of the Municipal Judge involving violations of the provisions of this Code or other city ordinances where his presence shall be requested by such courts. He shall draft all ordinances, bonds, contracts, leases, conveyances and other instruments that may be required by the city. He shall, when requested, furnish written opinions upon any subject submitted to him by the mayor, the city council or its committees. He shall perform such other legal and professional services as may be required of him by the mayor the city council or chairman of any standing committee of the council. He shall assist in procuring evidence in all suits or actions either for or against the city whenever requested by the mayor or other proper officer of the city so to do. He shall immediately report to the city council and mayor the result of any action or suit in which the city is involved and his recommendations as to the advisability of an appeal and shall receive authority from the mayor and council before instituting any appeal in any action in which the city is involved. He shall sign any notice of appeal undertaking or other instrument required or necessary pertaining to such litigation; he shall immediately pay over to the city treasurer all money received by him belonging to the city, taking his receipt therefor and filing same with the city auditor.

(Source: Rev. Ord. of the City of Carrington, 1940; Sec. 10')

#### SEC. 2-29 PUBLIC WORKS SUPERINTENDENT

It shall be the duty of the city engineer or Public Works Superintendent to make all plans, plats, maps, surveys, statements and estimates required by the mayor, city council or any standing committee thereof and to keep a record thereof in a book to be kept especially for that purpose. (S)He shall also keep a record of all grades of streets in a book kept for that purpose alone. (S)He shall cause to be accurately marked upon a map of the city kept for that purpose the location of the streets, alleys or public rounds of all pipes, conduits, manholes and all underground passages of every description, (S)He shall perform all other duties required by law, the provisions of this Code or other ordinances of the city. Upon the first Monday of January of each year (s)he shall submit a complete report of work of all departments of the city under his charge or with which (s)he is connected giving a detailed statement of all construction work, improvements and alterations and of all expenditures made in connection therewith; and an inventory of all property in his/her possession belonging to the city. In such a report (s)he shall also make such recommendations as (s)he may see fit with regard to the work coming under his/her charge, (s)he shall make a monthly report or the city council of all work done by him/her and under his/her charge during the preceding month. (S)He shall attend all regular meetings of the city council unless excused by the mayor. (S)He shall have charge and control of the maintenance and care of the streets and alleys of the city, of the maintenance, management and care of the city water system and all work pertaining thereto, including the reading and checking of water meters, of the maintenance and management of the sewage disposal plant and the entire sewage system. (S)He shall supervise the making of such alterations and improvements in the streets, crosswalks, curbs and gutters as may be needed and shall look after and see that the drains, culverts, manholes, and cesspools of the city are kept in good repair. (S)He shall have general supervision over the street lighting system. (S)He shall possess the powers of a policeman/policewoman but shall not be required to do regular police duty. (S)He shall be the head of all departments in his/her care and shall exercise supervision over all persons employed in such departments.

The Public Works Superintendent shall perform all other duties that may be given him/her under the provisions of this Code or other city ordinance.

(Source: Rev. Ord. of the City of Carrington 1940; Sec. 11.)

The city assessor shall make a personal inspection of all improvements upon real property assessed by him/her each year; shall attend each meeting of the Board of Equalization and shall generally do and perform all such duties as are required by law, the provisions of this Code and the other ordinances of the city.

#### ARTICLE IV. PLANNING AND ZONING COMMISSION (13)

##### SEC. 2-31. CREATED.

There is hereby created pursuant to the North Dakota Century Code, Sections 40-48-01 to 40-48-38, a body to be known as the "planning commission of the city."

##### SEC 2-32. MEMBERSHIP; POWERS AND DUTIES

The members of the planning commissions, their powers and duties, shall be as outlined in North Dakota Century Code, Section 40-48-01 to 40-48-38.

All meetings of the planning commission shall be held at the city hall.

#### SEC. 2-33. TO SERVE AS ZONING COMMISSION

The planning commission of the city shall also constitute the zoning commission of the city and shall be clothed with authority granted pursuant to the North Dakota Century Code, Chapter 40-47.

13. As to zoning regulations generally, see Appendix A.

#### ARTICLE V. CONTINUITY OF GOVERNMENT IN EVENT OF ENEMY ATTACK, SEC. 2-23. SHORT TITLE.

This article shall be known and may be cited as the “Continuity of government ordinance of the City of Carrington”.

#### SEC. 2-35. DEFINITIONS

As used in this article unless the context otherwise clearly indicates: “Attack” shall mean any attack or series of attacks by an enemy of the United States causing or which may cause substantial damage or injury to civilian property or persons in the United States in any manner by sabotage or by the use of bombs, missiles, shell fire, or atomic radiological chemical, bacteriological or biological means or other weapons or processes.

“Duly authorized deputy” shall mean a person who is presently authorized to perform all of the functions, exercise all of the powers and discharge all of the duties of an office in the event the office is vacant or at such times as it lacks administration due to the death, absence or disability of the incumbent officer.

“Emergency interim successor” shall mean a person designated pursuant to this article for possible temporary succession to the powers and duties but not the office of a city officer in the event that such officer or any duly authorized deputy is available to exercise the powers and discharge the duties of the office.

“Unavailable” shall mean either that a vacancy in office exists and there is no deputy authorized to exercise all of the power and discharge the duties of the office or that the lawful incumbent of the office (including any deputy exercising the powers and discharging the duties of an office because of a vacancy) and his/her duly authorized deputy are absent or unable for physical, mental or legal reasons to exercise the powers and discharge the duties of the office.

**SEC. 2-36. DESIGNATION, STATUS, QUALIFICATIONS AND TERM OF EMERGENCY INTERIM SUCCESSORS.**

- (a) **ELECTIVE OFFICERS.** Within thirty days after first entering upon duties of his/her offices the mayor, each member of the city council, the city clerk, the city treasurer, the city attorney, and each municipal judge of this city shall in addition to any duly authorized deputy, designate such number of emergency interim successors to his/her office and specify there will be not less than three duly authorized deputies or emergency interim successors or combination thereof for the office.
- (b) **APPOINTIVE OFFICERS.** (1) The city council shall within the time specified in subsection (a) of this section, in addition to any duly authorized deputy, designate for appointive officers, including the city auditor, city assessor, city attorney, chief of police, city fire chief, city health officers such number of emergency interim successors to these officers and specify their rank in order of succession after any duly authorized deputies or emergency interim successors or combination thereof for each officer and such other officers as the city council deems necessary and expedient.
- (c) **REVIEW OF DESIGNATIONS.** The incumbent in the case of those elective officers specified in subsection (a) of this section and the city council in the case of those appointive officers specified in subsection (b) of this sections shall review and as necessary promptly revise the designations of emergency interim successors to insure that at all times there are at least three such qualified emergency interim successors or duly authorized deputies or any combination thereof for each officer specified.
- (d) **QUALIFICATIONS.** No person shall be designated or serve as an emergency interim successor unless he may under the constitution and statutes of this State and the charter or ordinances of this city, hold the office of the person to whose powers and duties (s)he is designated to succeed but no provision of any ordinance prohibiting an officer or employee of this city from holding another office shall be applicable to an emergency interim successor.
- (e) **STATUS OF EMERGENCY INTERIM SUCCESSOR.** A person designated as an emergency interim successor holds that designation at the pleasure of the designator; provided that he must be replaced if removed. He retains this designation as emergency interim successor until replaced by another appointed by the authorized designator.

**SEC. 2-37. ASSUMPTION OF POWERS AND DUTIES OF OFFICER BY EMERGENCY INTERIM SUCCESSOR**

If, in the event of an attack, any officer named in subsections (a) and (b) of Section 2-36 and any duly authorized deputy is unavailable; his emergency interim successor highest in rank in order of succession who is not unavailable shall, except for the power and duty to appoint emergency interim successors, exercise the powers and discharge the duties of such officer. An emergency interim successor shall exercise these powers and discharge these

1. For similar state law, see NDCC 40-14-04.

duties only until such time as the lawful incumbent officer or any duly authorized deputy or an emergency interim successor higher in rank in order of succession exercises or resumes the exercise of the powers and discharge of the duties of the office or until, where an actual vacancy exists, a successor is appointed to fill such vacancy or is elected and qualified as provided by law.

#### SEC. 2-38. RECORDING AND PUBLICATION OF NAME, ADDRESS, ETC., OF SUCCESSORS.

The name, address and rank in order of succession of each duly authorized deputy shall be filed with the city clerk and each designations replacement or change in order of succession of an emergency interim successor shall become effective when the designator files with the city clerk the successor's name, address and rank in order of succession. The city clerk shall keep on file all such data regarding duly authorized deputies and emergency interim successors and it shall be open to public inspection.

#### SEC. 2-39. OATH

At the time of their designation, emergency interim successors shall take such oath and do such other things, if any, as maybe required to qualify them to exercise the powers and discharge the duties of the office to which they may succeed.

#### SEC. 2-40. QUORUM; VOTE REQUIREMENTS

In the event of an attack, (1) quorum requirements for the city council shall be suspended and (2) where the affirmative vote of a specified proportion of members for approval of an ordinance, resolution or other action would otherwise be required, the same proportion of those voting there on shall be sufficient.

### ARTICLE VI.

#### SEC. 2-41. – Definitions.

(a) Civil Emergency shall include but not limited to:

- (1) A riot or unlawful assembly characterized by the use of actual force or violence or any threat to use force if accompanied by immediate power to execute such force by three or more persons acting together without authority of law.
- (2) Any natural disaster or man-made calamity including fire, flood, conflagration, cyclone, tornado, earthquake, blizzard, explosion, public health crisis, chemical spill or release, or other accident within the corporate limits of the city resulting in or may result in the death or injury of persons or the

destruction of property to such an extent that extraordinary measures must be taken to protect the public health, safety, and welfare.

SEC. 2-42. – Powers

- (a) The mayor of the City of Carrington is authorized, if the mayor finds the city or any part of thereof is suffering or is in imminent danger of suffering a civil emergency, to declare an emergency pursuant to Section 37-17.1-10, N.D.C.C., and take the following procedural actions and orders, including, but not limited to:
- (1) Convene, reschedule, postpone, continue, or relocate all meetings of the city council, and any city committee, commission, board, authority, or other city body as deemed appropriate by the mayor.
  - (2) Suspend or limit the sale, distribution, dispensing, or transportation of alcoholic beverages, explosives, and combustible products and require the closing of those businesses or parts of businesses insofar as the sale, distribution, dispensing, or transportation of these items are concerned.
  - (3) Establish a curfew during such hours of the days or nights and affecting such categories of person as may be designated.
  - (4) Require the closing of business establishments.
  - (5) Prohibit the sale or distribution within the city of any products which could be employed in a manner which would constitute a danger to public safety.
  - (6) Close any and all streets, alleys, sidewalks, bike paths, public parks, or public ways.
  - (7) Temporarily suspend or modify, for not more than sixty (60) days, any regulation or ordinance of the city, including, but not limited to, those regarding health, safety, and zoning. This period may be extended upon approval of the city council.
  - (8) Make application for local, state, or federal assistance.
  - (9) Require evacuation of all or any portion of the city. The chief of police shall have the authority to order the evacuation of residential or commercial buildings or other structures whenever, in the opinion of the chief of police, it is necessary in order to maintain the peace or to protect the health, safety, or property of the city or its citizens from the danger for which the disaster or emergency was declared.
  - (10) Order the isolation, quarantine, or segregation of persons or animals when reasonably necessary to prevent the introduction or transmission of infectious or contagious agents or toxins. Any such isolation or quarantine must be by the least restrictive means necessary to prevent the exposure, transmission, or spreading of a communicable, or potentially communicable disease, agent, or toxin to others and may include, but is not limited to, confinement to private homes or other private or public premises.
- (b) The declaration shall be promptly filed with the city auditor and the public shall be notified through general publicity of said declaration.
- (c) The declaration of civil emergency may be in effect for a period of up to thirty (30) days. This period may be extended only upon approval of the city council.
- (d) If the mayor is unavailable, the president of the city council shall have said authority, followed by the vice president of the city council, and then followed by the most senior ranked member of the city council.



The city council may terminate the civil emergency or reverse any procedural act or order taken under section 2-42(a) at any time.

Sec. 2-43. – Violation.

No person shall violate or fail to comply with any emergency order issued in accordance with this section, or obstruct or interfere with the execution of any emergency order. The penalty for a violation of any provision of this division shall be an infraction.

ARTICLE VIII.

SEC. 2-41. AUTHORITY AND PURPOSE.

The City of Carrington deems it appropriate and beneficial to the public to engage in enterprises, including providing monetary and other forms of support to certain private, public, and nonprofit entities for the public health, safety, benefit, and welfare of its citizens that meets the criteria as set forth by the City of Carrington for the purpose of:

- (1) Encouraging and stimulating the growth of quality jobs;
- (2) Broadening or diversifying the tax base;
- (3) Promoting the City as a trade, service, recreation, tourism, or manufacturing center;
- (4) Expanding cultural opportunities in the City;
- (5) Promoting the health and safety of citizens meeting a public purpose;
- (6) Promoting the development or preservation of the City's cultural, natural, historic or physical resources; or
- (7) As otherwise determined to be in the best interest of the City of Carrington.

There is a need for the promotion, protection and support of the foregoing aspects of the community to ensure that certain activities and sources are available to enhance the overall quality of living in the community.

SEC. 2-42 SOURCE OF FUNDS

The City of Carrington may allocate funds from City's sales tax proceeds or from other available sources of funding as reported in City's yearly statement of revenue budget.

SEC. 2-43 IMPLEMENTATION AND SUPERVISION

The determination as to whether or not money will be granted to any public, private, and/or non-profit entity in association with City, through a lawful and permitted enterprise of City, will be made by decision of the City Council. All requests or applications must be made in writing, signed and dated. The written requests must provide:

- (1) Full and appropriate responses to the application form to be created and from time to time amended by City staff;
- (2) The total amount requested;
- (3) A description of the project or service;

- (4) An outline of the project goals and intended results;
- (5) Description of the economic impact of the project in the community;
- (6) A projected timetable;
- (7) An explanation of how the outcome of the project will be evaluated; and
- (8) An explanation of how City will benefit from the expenditure of tax proceeds or other funds for the enterprise activity or service.

The City Council shall consider the request in light of the proposed purpose of this article and will seek to ensure that the request satisfies the purposes of the article and is an enterprise activity in which the city may be lawfully engaged. Other considerations may include the availability of funds and the overall effect of the project or service on the community as a whole. This article is not intended to guarantee grants to all applicants. City reserves the right to approve or reject applications and projects on a case by case basis, taking into consideration established policies, project criteria, demand on city services and finances in relation to the potential benefits from a project or request. Approval or denial of a particular project or request is not intended to set precedence for approval or denial of another project or request. City Council shall act as to give all applications fair consideration. City Council may, but ultimately is not so required, grant monies to only those applicants whose impact meets the purposes of this article. The availability of funds may change from year to year, and City Council, with the best interests of the city as a whole in mind, shall not act so as to grant more money than is determined to be in the appropriate amount. Finally, the city council shall also consider whether the request or funding of an identified and qualified project results in unfair advantage or constitutes unfair competition, if applicable, with similar competitors or other like businesses.

#### SEC. 2-44 WRITTEN AGREEMENT REQUIRED

In the event City Council determines the applicable criteria for engaging in an appropriate and lawful enterprise with a private and/or non-profit entity has been sufficiently established by the requirements of this article, the granting of funds or other incentives by City for the enterprise shall be accomplished through a written contractual agreement. The written contractual agreement shall specifically indicate:

- (1) the enterprise the city is authorized to engage in,
- (2) assurances that the activity has a public purpose,
- (3) sufficient details as to the manner of implementing the activity,
- (4) the providing of supervisory controls to ensure that the public purpose is being met,
- (5) requiring a report to the City Council, at least annually detailing the use to which the city funds were placed and describing the public purpose accomplished. City at its discretion may incorporate incentives or the return of any monetary contributions, real property, and/or personal property to ensure any entity receiving support complies with all the terms of the contractual agreement.

