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**CHAPTER ONE
GOVERNMENT ORGANIZATION**

ARTICLE 1 - Jurisdiction

1.0101 Over Persons and Property

The jurisdiction of the City of Cando, 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 all areas duly platted and recorded as being within said City; all lots and blocks shall also include all streets, alleys and public ways included within the area and adjacent thereto which are defined as within the confines of the City limits. The City Council shall have jurisdiction within the corporate City limits and over any common or public grounds belonging to the City, and in and over all places within one-half mile of the municipal limits for the purpose of enforcing health and quarantine ordinances and police regulations and ordinances adopted to promote the peace and order, safety and general welfare of the municipality. (NDCC Section 40-06-01)

1.0103 Division of City into Precincts

The entire City shall constitute one precinct. Notwithstanding any other provision of the Revised Ordinances of the City of Cando, the election of all Council Members shall be at large.

1.0104 City Fines and Penalties Limited

The provisions of Section 40-05-06 of the North Dakota Century Code and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

Except as provided below, the fine or penalty for the violation of an ordinance, resolution, or regulation of Cando may not exceed one thousand dollars, and the imprisonment may not exceed thirty days for one offense.

For every violation of an ordinance regulating the operation or equipment of motor vehicles or regulating traffic, except those ordinances listed in section 39-06.1-05 of the North Dakota Century Code, a fee may not exceed the limits, for equivalent categories of violations, set forth in section 39-06.0-06.

For every violation of an ordinance enforcing the requirement of 40 CFR 403 relating to publicly owned treatment works, or prohibiting shoplifting, vandalism, criminal mischief, or malicious mischief the penalty may not exceed a fine of one thousand dollars, imprisonment for thirty days, or both such fine and imprisonment.

This section shall not be construed to prohibit the utilization of the sentencing alternatives, other than a fine or imprisonment, provided by NDCC Section 12.1-32-02 for the violation of a City ordinance, nor shall this section limit the use of deferred or suspended sentences under subsections 3 and 4 of section 12.1-32-02 of the North Dakota Century Code.

ARTICLE 2 - Governing Body

1.0201 Regular Meetings

The City Council shall meet regularly at City Hall on the first and third Monday of each month at a time designated by the Mayor, unless the council shall specifically fix some other time and place. 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 members of the governing body to consider matters mentioned in the call of such a 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.

1.0203 Meetings to be Public – Journal of Proceedings to be Kept

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

1.204 Quorum

The provisions of Section 40-06-03 of the North Dakota Century Code and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

A majority of the members of the governing body shall constitute a quorum to do business but a smaller number may adjourn from time to time. The governing body may compel the attendance of absentees under such penalties as may be prescribed by ordinance, and may employ the police of the municipality for that purpose.

1.0205 Reconsidering or Rescinding Votes at Special Meeting

The provisions of Section 40-06-04 of the North Dakota Century Code and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

No vote of the governing body 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. (NDCC Section 40-06-05)

ARTICLE 3 – Elective Officers

1.0301 City Council – Who Constitutes

The governing body of the City shall be the City Council which shall be composed of the Mayor and Council Members. The Mayor and six (6) Council Members shall be elected as provided by law. (NDCC Section 40-08-01,03)

1.0302 Term of Office of Council Members

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

The salary of each Council Member shall be set by resolution of the City Council from time to time.

1.0303 Mayor – Qualifications – Term

The chief executive officer of the City is the Mayor. The Mayor shall be a qualified elector within the City and shall hold office for four years and until a successor is elected and qualified. (NDCC Section 40-08-14)

The salary of the Mayor shall be set by resolution of the City Council from time to time.

1.0304 President and Vice President – Election of

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 biannual election.

1.0305 Vacancies on Council or in Office of Mayor – How Filled

If a vacancy occurs in the office of council member by death, resignation or otherwise, the City Council may call a special City Election to fill such vacancy for the unexpired term or may, after fifteen days of the date of such vacancy appoint a person to fill such vacancy until the next City Election at which election the unexpired term shall be filled. Upon petition of five percent of the electors, as determined by the total number of votes cast in the last general election, the council shall call a special election to fill a vacancy occurring more than six months before the next City Election, provided such petition has been submitted within fifteen (15) days and before 4:00 PM on the fifteenth (15) day after the vacancy occurs or after the vacancy was filled by appointment. (NDCC Section 40-08-08)

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 member to act as Mayor, the member so elected shall possess all of the rights and powers of the Mayor until the next election and until a Mayor is elected and qualified. Upon petition of five percent of the electors, as determined by the total number of votes cast in the City in the last General Election, the council shall call a special election to fill a vacancy occurring more than six months prior to the next City Election, provided such petition is submitted within fifteen (15) days of the date of such vacancy. During the interim between the date when a vacancy occurs in the office of the Mayor and the election and qualification of a successor, the President of the City Council shall be Acting Mayor. (NDCC Section 40-08-16)

1.0306 Absence or Disability of Mayor – Who to be Acting Mayor

During the absence of the Mayor from the city or during a 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. (NDCC Section 40-08-13)

1.0307 Mayor to Preside at Council Meetings – Voting Power of Mayor

The Mayor shall preside at all meetings of the City Council, but shall not vote except in case of a tie, when the Mayor shall cast the deciding vote. (NDCC Section 40-08-18)

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

The Mayor may remove any office appointed by the Mayor whenever the Mayor is of the opinion that the interests of the City demands such removal, but the Mayor shall report the reasons for such removal to the council at its next regular meeting. (NDCC Section 40-08-19)

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. (NDCC Section 40-08-20)

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

The Mayor shall perform all duties prescribed by law or by the city ordinances, and shall see that the laws and ordinances are faithfully executed. (NDCC Section 40-08-22)

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

The Mayor, at any time, may examine and inspect the books, records and papers of any agent, employee or officer of the City. (NDCC Section 40-08-23)

1.0312 Ordinance or Resolution Signed or Vetoed by Mayor

The Mayor shall sign or veto each ordinance or resolution passed by the council. (NDCC Section 40-08-24)

1.0313 Message to Council

The Mayor annually and from time to time shall give the council information relative to the affairs of the City and shall recommend for consideration such measures that he may deem expedient. (NDCC Section 40-08-25)

1.0314 Mayor May Call on Inhabitants to Aid in Enforcing Ordinances

When necessary, the Mayor may call on each inhabitant of the City over the age of Eighteen (18) years to aid in the enforcing of the laws and ordinances of the City. (NDCC Section 40-08-26)

1.0315 Police Chief and Police officers Appointed by Mayor

The Mayor may appoint any number of police officers which he and the City Council may deem necessary to preserve the peace of the City, and shall appoint one of the number as chief of Police. Such appointment shall be subject to the approval of the council. (NDCC Section 40-08-27)

1.0316 Mayor May Administer Oath

The Mayor of the City may administer oaths and affirmations. (NDCC Section 40-08-28)

ARTICLE 4 – Elective Officers other than Governing Body

1.0401 Municipal Judge

There shall be elected each four years a municipal judge who shall hold office until a successor is elected and qualified. The municipal judge shall perform all the duties prescribed by law and the ordinances of the city. The Municipal Judge salary shall be set by resolution of the City Council from time to time as full compensation for all services rendered.

1.0402 Report to the City Council

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

1.0403 Contents of Report

Such report shall contain the names of the parties to such action or proceeding, a statement of all orders made, whether the defendants be committed, fined, or released from custody, the judgment, the extent thereof, the costs, the amount of costs and fine paid, if any, and the deposition thereof, together with any 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.

1.0404 Receipt to Accompany Report

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

1.0405 Court Hours

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

1.0406 Duties of Municipal Judge

Additional duties of the Municipal Judge shall be as provided by the provision of Chapter 40-18 of the North Dakota Century Code and all amendments.

ARTICLE 5 – Appointive Offices

1.0501 Appointive Officers

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

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

The City Assessor shall be appointed at the first meeting of the City Council in September of each odd numbered year. The City Council, by majority vote, may dispense with any appointive office and provide that the duties of that office be performed by others. (NDCC Section 40-14-04)

1.502 Term of Appointive Officers

The term of all appointive officers shall commence the first day of July succeeding their appointment unless otherwise provided by ordinance, and such officers shall hold their respective offices for two years, and until their successors are appointed and qualified.

1.0503 Officers Commission by Warrant – City Auditor to Receive Certificate of Appointment

All officers elected or appointed, except the City Auditor, Council Members and Mayor, shall be commissioned by warrants signed by the auditor and the Mayor or President of the City Council. The Mayor shall issue a Certificate of Appointment to the Auditor. (NDCC Section 40-14-06)

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. (NDCC 40-08-10) The City Auditor shall perform the duties as listed in North Dakota Century Code Section 40-16.

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 interest; he shall, when requested, furnish written opinions upon the subjects submitted to him by the City Council, or any other department. It shall also be his duty to draft all ordinances, bonds, contracts, leases, conveyances and such 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 him to do by statutes of the state, or by an ordinance, resolution or roper 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 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 Cando shall be bonded in the sums as hereinafter set forth: Class A Bonded \$150,000.00 - Auditor, Mayor, President of Council. Class B Bonded \$100,000.00 - Municipal Judge. Class C Bonded \$500.00 Assessor. Bond shall be in accordance with the provisions of Section 40-13-02 and Chapter 26.1-21 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 his election or appointment has been given. The oath of the auditor shall be filed in the office of the County Auditor. Refusal to take the oath of office shall also be deemed a refusal to serve and, therefore, a failure to qualify for the office pursuant to NDCC 44-02-01. (NDCC 40-13-03)

1.0603 Salaries of Elected Officers Fixed by Ordinance or Resolution

Any elect office of this City shall receive the salary, fees or other compensation fixed by ordinance or resolution with the limitations set by NDCC sections 40-08-07, 40-08-15 and 40-18-06

1.0604 Salaries of Appointive Officers and Employees

Salaries of city Appointive Officers and Employees, except as otherwise provided by law, shall be in such sums and amounts as may be, by resolution of the governing body, fixed from time to time.

1.0605 Meals and Lodging – Amount Allowed

Each elective or appointive officer, employee, representative, or agent of the City may make claim and shall upon approval of such claim, be paid as an allowance for meals and lodging while engaged in the discharge of a public duty away from their normal working and living residence at a rate as approved by the Governing Body.

Any person filing a false claim with the City for mileage or expenses as herein permitted is guilty of an infraction.

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 an officer of the City, provided, however, that such contracts may be entered into with an officer of the City, if such contract is unanimously approved by other members of the governing Body of the City by a finding unanimously adopted by such other members, and entered in the official minutes of the Governing Body, to be necessary for the reason that the services or property are not otherwise available at equal cost. (NDCC Section 40-13-05)

1.0607 Retiring Officer to Turn Over Books

Any person having been officer of the city shall, within five days after notification and request, deliver to his successor in office, all property, books and effects of every description in his possession belonging to the City or appertaining to his office; and upon his refusal to do so, shall be liable for all damages caused thereby, and guilty of an infraction.

1.0608 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 reports of activities of their departments as the governing body may request.
5. Be responsible for the proper maintenance of all City property and equipment used in their departments.
6. Establish and maintain records in sufficient detail to furnish all information needed for proper control of department activities and to form a basis for reports to the governing board.
7. Cooperate with other officers, departments and employees.
8. Have power to direct and supervise all department subordinates.
9. Be available during the hours designated by the City Governing Body.

1.0609 Obstructing a Public Official Prohibited

Every person who willfully delays or obstructs a public officer in the discharge or attempt to discharge any duty of his office shall be guilty of an infraction. Upon conviction, for a violation of this section, such person shall be fined not more than \$500.00.

ARTICLE 7. Purchasing and Disposition of Property

1.0701 Competitive Bidding Requirements

All purchases of, and contracts for supplies and contractual services with a cost in excess of one hundred thousand dollars (150,000.00) shall be based on competitive bids. (Rev 09/04/18)

1.0702 Procedure

All supplies and contractual services except as otherwise provided herein, when the estimated cost thereof shall exceed \$150,000.00 (Rev 09/04/18) shall be purchased from the lowest bidder after due notice inviting proposals. Due notice shall be given by advertising for the sale or purchase of the property or service by giving written notice in the official newspaper of the City for three (3) consecutive weeks and the opening of the bids so received not less than 21 days after the first publication thereof. The lowest responsible bidder shall be the bidder who, in addition to price, has the best ability, capacity and skill to perform the contract or provide the service required promptly or within the specified time without delay or interference. There shall also be considered character, integrity, reputation, judgment, experience and efficiency of the bidder, the quality of performance of previous contracts, sufficiency of financial resources and previous and existing compliance with state laws and city ordinances.

1.0703 Open Market Purchases - Emergency

When the Governing Body decides by unanimous vote that an emergency requires the immediate purchase of supplies or contractual services, the purchases may be made in the open market without competitive bidding.

1.0704 Accounts Against city to be in Writing

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

1.0705 Further Verification May be Required

It is hereby provided that any officer of the City Council before whom any bill, claim, account or demand against the city shall come for audit and approval may require to be furnished a statement made under oath, containing such other information as is deemed necessary for the further verification of any bill, claim, account or demand against the city, or any of its undertakings.

1.0706 Conveyance, Sale, Lease or Disposal of Property

Real property belonging to the city 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 and attested by the City Auditor. Personal Property shall be conveyed by a majority vote of the Governing Body. When the property to be disposed of, whether real property or personal property is estimated, by the governing Body of the city to be of a value of less than \$2,500.00, such property may be sold at private sale upon the proper resolution of the Governing Body. In all other cases such property may be sold only at public sale or as provided under Section 40-11-04.2 of the North Dakota Century Code (NDCC Section 40-11-04). Bids for the purchase or lease of real property belonging to the city, whether or not advertisement therefore has been made, shall be made directly to the governing Body and submitted to the City Auditor, who shall present any and all such bids to the Governing Body at its next regularly scheduled meeting. When specific statutory provisions contained in the North Dakota Century Code provide for a procedure which is in conflict with this section, governing the conveyance, sale, lease or disposal of real property, this section shall not apply insofar as it is in conflict with such state law. Said statutory procedures include the following:

1. Lease of airports or landing fields, or portions thereof shall be under authority granted in Section 2-02-15, NDCC. Said lease shall further be in compliance with regulations and directives 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 Sections 38-09-02 through 38-09-04 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, electric light system or a gas or oil pipeline system shall be as provided in Section 49-09-16, NDCC.

1.0707 Real Property Transfer Requirements

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

ARTICLE 8 – Municipal Elections

1.0801 Qualified Electors in Municipal Elections – Restrictions

The provisions of section 40-21-01 of the North Dakota Century Code and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

Every resident of the City of Cando who is qualified to vote therein at general elections may vote at all City elections held therein.

1.0802 Election – Polling Places – Polls Open - Notice

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

Biennial elections shall be held on the second Tuesday in June each even numbered year at such place or places as the City Council shall designate. The polls shall be opened and closed as provided by state law for the opening and closing of polls at primary, general and special elections. Ten 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 as provided by Section 40-01-09.

1.0803 Designation of Polling Places

The City Council, at the time of calling any general or special election shall by resolution designate the voting place.

1.0804 Compensation of inspectors, Judges and Clerks

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 election shall receive compensation as determined for election official in Section 16.1-05-05. The amounts determined to be due election officer shall be paid from the general fund. In the event a special 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 the election.

1.0805 Reference to Party Ballot or Affiliation in Petition of Candidate - Prohibited

The provisions of section 40-21-06 of the North Dakota Century Code and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

No reference shall be made to a party ballot or to the party affiliation of a candidate in a petition to be filed or in behalf of a candidate for nomination to a public office.

1.0806 Petition for Nomination of Elected Official - Signature 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 Cando may be nominated by filing with the City Auditor, at least sixty days and before four p.m. on the sixtieth day before the holding of the election, a petition signed by not less than ten percent of qualified electors who voted for that office in the last city election. A candidate shall also

file a statement of interests as required by section 16.1-09-02. If multiple candidates were elected to the office at the preceding city election at which the office was voted upon, the number of signatures must equal at least ten percent of the total votes cast for all candidates divided by the number of candidates that were to be elected to that office at that election. Qualified electors who sign a petition must reside within the City of Cando. If a petition is mailed, it must be in the possession of the City Auditor before four p.m. on the sixtieth day prior to the holding of the election. However, no more than three hundred signatures may be required and the signatures may be on separate sheets of paper. Petitions must meet the specification of nominating petitions pursuant to section 16.1-11-16. If a city election is not combined with a state or county election, a candidate may be nominated by filing the required petition with the City Auditor at least thirty-three days and before four p.m. on the thirty-third day before holding of the election. A candidate may withdraw the candidate's nominating petition at any time before the applicable deadlines for filing nominating petitions provided for in this section. Nominating petitions required by the section may not be circulated or signed more than ninety days before the date when nominating petitions must be filed pursuant to this section. Any signatures to a nominating petition obtained more than ninety days before that date may not be counted.

1.807 Ballots – Arrangement

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

1.0808 Clerks Appointed to Fill Vacancies – Oath – Powers and Duties of Judges and Clerks

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 shall appoint clerks to fill vacancies. The judges and clerks 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 the City Council – Agreement with the County

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

The ballots cast in an 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 p.m. on the second day after the election. Thereafter, the City Council shall canvass the returns and declare the result of the election and cause a statement thereof to be entered in its books of minutes.

When an election is held in conjunction with a state or county election, the City Council shall enter into an agreement with the Towner County Commissioners concerning the use of a single canvassing board, the sharing of election personnel, the printing of election materials, the publishing of legal notices and the apportioning of election expenses.

1.0810 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 elections, recounts and

contest of the results of such elections shall be governed, as nearly as possible and except as otherwise provided in this chapter, by the laws of this state applicable to elections and contests in the case of county officers. Absent voters' ballots must be available in elections in accordance with the provisions of Chapter 16.1-07 as amended.

1.0811 City Auditor to Notify of Election or Appointments

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

The City Auditor, within five days after the result of an election is declared or the appointment of an officer is made, shall notify each person elected or appointed of such, and shall also notify the State Supreme Court of the election or appointment of any Municipal Judge or alternate Judge.

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 City Council may order a new election.

1.0813 Elections Conducted in Same Manner as General Elections

The provisions of section 40-21-16 of the North Dakota Century Code and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

A special election to fill vacancies or for any other purpose shall be held and conducted by the inspectors and judges of election in the same manner and the returns shall be made in the same for and manner as at regular elections.

1.0814 Highest Number of Votes Elects – Procedure on Tie Vote

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

The person having the highest number of votes for any office shall be declared elected to such office. In case of a tie vote in the election of any officer, a recount must be conducted pursuant to Section 16.1-16-01 of the North Dakota Century Code. If a recount results in a tie vote, the choice must be determined by a drawing of names in the presence of the City Council and in a manner it directs. A candidate involved in a tie vote may withdraw the candidate's name from consideration if the candidate is willing to sign a statement to that effect in the presence of and witnessed by the filing officer of the election. If no candidates remain, the office is to be filled according to the rules for filling an office when a vacancy exists.

ARTICLE 9 – Penalty

Any person who is convicted of violating or failing to comply with any of the provisions of this Chapter may be punished by a fine of not more than \$1000.00 or by imprisonment not to exceed 30 days or both.

It shall be the Municipal Judge's decision to use the sentencing defined in Article 5 of Chapter 13 of the Revised Ordinances of the City of Cando.