



CHAPTER ONE – GOVERNMENT ORGANIZATION

ARTICLE 1 **JURISDICTION**

1.0101 Of Governing Body Except as otherwise provided by law, a governing body of a Municipality has jurisdiction in the following manner:

1. Over any commons or public grounds belonging to such Municipality.
2. In and over all places within one-half (1/2) mile [804.67 meters] of the municipal limits for the purpose of enforcing health, enforcing the “dangerous building” requirements, and the enforcement of all other ordinance provisions as outlined in Chapter 10 of the Bowman City Ordinance, as well as quarantine ordinances and regulations, subject to Section 23-07.6 North Dakota Century Code, and police regulations and ordinances adopted to promote the peace, order, and general welfare of the municipality.

1.0102 Defining City Limits There shall be included within the municipal limits of the City of Bowman, North Dakota, all areas duly platted and recorded as being within said City; all lots and blocks shall also include all streets, alleys and public ways included within the area and adjacent thereto which are defined as within the confines of the City limits. The City Commission 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 (1/2) mile of the Municipal limits for the purpose of enforcing health and quarantine ordinances and police regulations and ordinances adopted to promote the peace, order, safety and general welfare of the Municipality.

The jurisdiction and police powers of the City shall include, extend to and include all property owned by the Bowman County School District Number One (1), within the City limits of the City of Bowman.

1.0103 City Fines and Penalties Limited

1. Except as provided in subsections two (2) and three (3), the fine or penalty for the violation of any ordinance resolution or regulation of a City may not exceed One Thousand and No/100 Dollars (\$1,000.00).
(REVISED 12/17/2018)
2. For every violation of a City ordinance regulating the operation or equipment of motor vehicles or regulating traffic, except Section 39-06.1-05 of the North Dakota Center Code, a fee may be established, by ordinance, which shall not exceed the limits, for equivalent categories of violations, set forth in Section 39-06.1-06 of the North Dakota Century Code.

3. For every violation of a City ordinance, resolution or regulation, the penalty may not exceed a fee of. One Thousand and No/100 Dollars (\$1,000.00).
(REVISED 12/4/2018)

This Section shall not be construed to prohibit the utilization of the sentencing alternatives, other than a fine or imprisonment, for the violation for a City ordinance, nor shall this Section limit the use of deferred or suspended sentences.

(REVISED 4/03/2001)

ARTICLE 2 **GOVERNING BODY – BOARD OF CITY COMMISSIONERS**

1.0201 **Regular Meetings** The Board of City Commissioners shall meet regularly at the City Hall on the first (1st) and third (3rd) Tuesday of each month at the hour of 4:00 P.M. unless some other time and place shall be specifically fixed by the Board. The Board shall meet in addition there to, as often as required by Section 40-09-11 of the North Dakota Century Code.

1.0202 **Special Meetings** Special meetings may be called at any time by the President, or any two (2) members of the governing body to consider matters mentioned in the call of such meetings. Written notice of any special meeting shall be given to each member of the governing body at least three (3) hours before the time of the meeting.

1.0203 **Meeting to be Public – Journal of Proceedings 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 a special meeting shall be given as provided by Section 44-04-20 of North Dakota Century Code and amendments thereto.

1.0204 **Quorum** The provisions of Section 40-06-03 of the North Dakota Century Code and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

A majority of the members of the governing body of a municipality shall constitute a quorum to do business but a smaller number may adjourn from time to time.

The governing body may compel the attendance of absentees under such penalties as may be prescribed by ordinance and may employ the police of the municipality for that purpose.

1.0205 **Reconsidering or Rescinding Votes at Special Meeting** The Provisions Section 40-06-04 of the North Dakota Century Code and all subsequent amendments shall be and hereby are incorporated by reference in this ordinance.

No vote of the governing body of a municipality shall be reconsidered or rescinded at a special meeting unless there is present at such special meeting as large a number of members as were present when such vote was taken.

1.0305 How Vacancies in Board Filled The provisions of Section 40-09-10 of the North Dakota Century Code and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

If a vacancy occurs in the office of a City Commissioner or the office of the President of the Board of City Commissioners, the Board may call a special City election to fill such a vacancy for the unexpired term, or may, after fifteen (15) 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 (5%) of the qualified electors, as determined by the total number of votes cast in the City in the last general election, the Commission shall call a special City election to fill a vacancy occurring more than six (6) months prior to the next City election, provided such petition has been submitted within fifteen (15) days of the date of such vacancy.
(REVISED 12/17/18)

1.0306 Departments of Administration of City Divided Among Commissioners – Duties
The provisions of Section 40-09-12 of the North Dakota Century Code and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

The Board of City Commissioners, by a majority vote of all the members thereof, shall designate from among its members:

1. A Police Commissioner who shall have under his special charge the enforcement of all police regulations of the City;
2. A Commissioner of Streets, Garbage, Landfill, and Vector Departments who shall have under his special charge the Supervision of the streets and alleys of the City and who shall be charged with responsibility for the lighting, cleaning and sanitary condition of the streets and alleys and with the enforcement of all the rules and regulations relating to the maintenance and upkeep of property with special regard for the preservation of all public improvements and to see that the conditions of all grants of franchises or privileges are complied with faithfully and performed, and shall see to the enforcement of all regulations with respect to said departments and all revenue pertaining thereto;
(REVISED 6/19/2018)
3. A Waterworks and Sewerage Commissioner who shall have under his special charge the waterworks and sewerage department of the City and who shall see to the enforcement of all regulations with respect to said departments and all revenue pertaining thereto; and
4. A Commissioner of Finance and Revenue who shall have under his special charge the enforcement of all laws for the assessment and collection of taxes of every kind and the collection of all revenues belonging to the City, from whatever source the same may be derived, and who shall examine into and keep informed as to the finances of the City.

The duties assigned to the various members of the Board by this Section may be otherwise distributed by a majority vote of the Board's members.

1.0307 Accounts Audited by Respective Commissioners Approved by Board The provisions of Section 40-09-13 of the North Dakota Century Code and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

The Supervisor who is head of each department shall audit all accounts against it, but before payment on the accounts shall be acted upon the payments shall be approved by at least three (3) members of the Board of City Commissioners. Approval by at least three (3) members of the Board of City Commissioners shall be recorded in the record of the Board and this shall be sufficient to indicate approval without requiring the approving members to sign or initial the voucher or order for payment of the account.

(REVISED 6/19/2018)

1.0308 Rules and Regulations Governing Departments and Agencies of City Made by Board The provisions of Section 40-09-14 of the North Dakota Century Code and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

The Board of City Commissioners shall have the sole authority to pass and adopt rules and regulations concerning the organization, management and overall operation of all of the departments of the City and the other agencies created by it for the administration of the City's affairs.

1.0309 Board May Summon and Compel Attendance of Witness and Books – Punish for Contempt – Process The provisions of Section 40-09-16 of the North Dakota Century Code and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance. Whenever it is necessary for the more effective discharge of its duties, the Board of City Commissioners may summon and compel the attendance of witnesses and the production of books and papers before it. The Board may punish for contempt of the Board with the same fines and penalties as the District Judge may inflict for contempt of the District Court. All process necessary to enforce the powers conferred by this section shall be signed by the President of the Board, attested by the City.

(REVISED 4/03/2001)

1.0310 Restrictions on Members of Board The provisions of Section 40-09-17 of the North Dakota Century Code and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance. No member of the Board of City Commissioners shall:

1. Be eligible to any other office the salary of which is payable out of the City Treasury;
2. Hold any other office under the City Government; and
3. Hold a position of remuneration in the employment of the City.

ARTICLE 4 **ELECTIVE OFFICERS – OTHER THAN GOVERNING BODY**
(REPEALED 6/19/2018)

ARTICLE 5 **APPOINTIVE OFFICES**

1.0501 **Appointive Officers – Right to Dispense with Offices** At the first meeting after the qualification of its members, or as soon thereafter as possible, the Board of City Commissioners shall appoint the following officers:

1. City Financial Auditor;
2. City Attorney;
3. City Assessor;
4. City Health Officer
5. Chief of Police
6. City Engineer
7. City Utility Auditor
8. Vice-Chair of Commission
9. Library Board Member
- 10 Tree Board Member #1
11. Tree Board Member #2
12. City Zoning Board Member/Renaissance Zone Board Member/County
13. County/Zoning Member (City Commissioner)
14. Tax and Tourism Board Member
- 15 Bowman County Development Corporation Board Member

In addition, governing body may appoint a Treasurer, additional Assessors, a Street Commission, one (1) or more Policemen, a Board of Public Works, and such other officers or boards as the Board of the City Commissioners may deem necessary, or may, by a majority vote, dispense with any appointive office, and provide that the duties thereof shall be performed by other officers or boards, by the Board of City Commissioners, or by a committee or committees thereof.
(REVISED 6/19/2018)

1.0502 Term of Appointive Officers The term of all appointive officers shall begin on July 1, after the regular election of City Commissioners and shall continue for a term of two (2) years until their successors have been appointed and qualified. Any person appointed to fill a vacancy shall hold his office for the unexpired term unless appointed as an “acting” officer. An acting officer shall serve at the pleasure of the governing body. Before entering upon the duties of their office, appointed officers shall take oath and give the bond required by law.

1.0503 Postponement of Appointments The Commission may, upon the concurrence of two-thirds (2/3) of the Commissioners present, postpone action on such appointments, or any of them, to a special session of the Commission to be held not later than one (1) week from the date of such adjournment.

1.0504 Appointive Officers – Removal Upon Hearing – Suspension and Temporary Appointment Any person appointed to any office of a City operating under the commission system of government and any employee of the City may be removed by a majority vote of all of the members of the Board of City Commissioners, but no officer or employee shall be removed except for cause and unless charges are preferred against him and he is accorded an opportunity to be heard in his own defense. With ten (10) days after charges are filed against any such person in the office of the City Auditor, the Board shall proceed to hear and determine the case upon its merits. The President of the Board of City Commissioners, or the Board, by a majority vote of its members, may suspend any officer or employee against whom charges have been preferred until the disposition of the charges. The President may appoint a person to fill any vacancy temporarily until charges against the incumbent of such office have been disposed of. Any person appointed by the President without confirmation may be removed by him when he deems it is for the best interest of the City.

1.0505 General Duties of City Financial Auditor It shall be the duty of the City Auditor to issue the calls for all special meetings of the City Commission when requested to do so by the President or presiding officer or any two (2) members of the City Commission. The Auditor shall also keep a full and complete record of all meetings of the City Commission and shall keep a book to be styled the “Ordinance Book” and shall record therein at length all ordinances of the City. Said Auditor shall also keep a book to be styled the “Special Assessment Book” in which he shall keep all records of special assessment. All such books shall have full and complete indexes of the contents thereof. The Auditor shall report to the City Commission 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 him during the month and he shall duly give to the Commission a copy of his 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 Auditor to do by statutes of this state, or by an ordinance, resolution or proper instruction of the City Commission.

1.0506 General Duties of City Attorney The City Attorney shall conduct all of the law business of the City and of the departments thereof, and all law business in which the City shall be interested; he shall, when requested, furnish written opinions upon the subjects submitted to him by the City Commission, 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 him to do by statutes of the state, or by an ordinance, resolution or proper instruction of the City Commission.

1.0506.1 Court Services Contract Agreement The state of North Dakota, Bowman County and the City of Bowman have entered into a “Court Services Contract” agreement which permits the City of Bowman to transfer its municipal ordinance cases to the District Court of the State after July 1, 2018 to be adjudicated. Based on this agreement, the terms “Municipal Judge” and “District Court Judge” may be used interchangeably.

(ENACTED 12/17/2018)

1.0507 General Duties of Other Appointive Officers All other appointive officers shall perform such duties as directed by the Bowman City Commissioners, 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 Bowman shall be bonded in the sums as hereinafter set forth: President of the City Commission, City Financial Auditor, City Commissioners, City Utility Auditor, Police Officers, Water Department Superintendent, Street Department Superintendent, City Assessor. Said officers or employees shall be bonded from the State Bonding Fund in accordance with the provisions of Chapter 26-23, Section 40-13-02 of the North Dakota Century Code and in such amounts as are set by the laws of the State of North Dakota, the Board of City Commissioners, or the Commissioner of Insurance.

(REVISED 6/19/2018)

1.0602 Oaths of Municipal Officers Every person appointed to any municipal office, before entering upon the discharge of the duties thereof, shall take and subscribe the oath of office prescribed for civil officers and, except in the case of the Treasurer and Auditor, shall file the same with the City Auditor within ten (10) days after notice of his election or appointment has been given. The oath of the Municipal Treasurer and of the Auditor shall be filed in the office of the County Auditor. In addition, each Commissioner 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, or any other office, position or appointment under the City government. Refusal to take oath of office, as required by this Section, shall also be deemed a refusal to serve and, therefore, a failure to qualify for the office.

(REVISED 4/03/2001)

1.0603 Salaries of City Commissioners The salary of the President of the City Commission and each City Commissioner must be fixed by ordinance and shall not exceed the sum allowed by state law.

(REVISED 4/03/2001)

1.0604 **Salaries of City Officials and Appointive Officers** Salary of City officials and appointive officers, except as otherwise provided by law, shall be in such sums and amounts as may be, by resolution of the governing body, fixed from time to time. After having been once fixed, the salary of an officer may not be diminished to take effect during the term for which the office was elected or appointed. *(REVISED 6/19/2018)*

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 (1/4) of a day at the rates specified by state law.

Verifications of claims shall not be required for the first three quarters (3/4's) listed above and only a lodging receipt shall be required for the fourth (4th) quarter; provided however, the amount paid for such lodging shall not be required to be listed.

Such persons engaged in travel outside 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.

Any person filing a false claim with the City of Bowman for mileage or expenses as herein permitted is guilty of an offense and may be punished by a fine of not to exceed Five Hundred and No/100 Dollars (\$500.00).

1.0606 **Personal Interest in Contract by Public Officer Prohibited** No contract for the furnishing of supplies to the City, or buying of property from the City shall be entered into by any officer of the municipality, provided, however, that such contracts may be entered into with an officer of the City, if such contract is unanimously approved by other members of the governing body of the City by a finding unanimously adopted by such other members, and entered in the official minutes of the governing body, to be necessary for the reason that the services or property are not otherwise available at equal cost.

1.0607 **Retiring Officer to Turn Over Books** Any person having been an officer of the City shall, within five (5) 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 offense and may be punished by a fine of not to exceed Five Hundred and No/100 Dollars (\$500.00).

1.0608 **Administrative Policy and Procedure** PERFORM DUTIES. Each Officer Shall:

1. Perform all duties required of his office by law or ordinance and such other duties not in conflict as may be required by the governing body.
2. Be immediately responsible to the governing body for the effective administration of their departments and all activities assigned thereto.
3. Keep informed as to the latest practices in their particular field and shall inaugurate with approval of the governing body such new practices as appear to be of benefit to the service and to the public.
4. Submit such reports of activities of his department as the governing Board may request.
5. Be responsible for the proper maintenance of all City property and equipment used in his department.
6. Establish and maintain records in detail and to furnish all information needed for proper control of department activities and to form a basis for reports to the governing Board.
7. Cooperate with other officers, departments and employees.
8. Have power to direct and supervise all subordinates under him.

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 Five Hundred and No/100 Dollars (\$500.00).

ARTICLE 7 PURCHASING AND DISPOSITION OF PROPERTY

1.0701 Competitive Bidding Requirements Any purchase, contracts or project for which a special assessment is levied shall be based on competitive bids. Any public works project exceeding One Hundred Fifty Thousand Dollars and NO/100 (\$150,000.00) shall be based on competitive bids.
(REVISED 6/19/2018)

1.0702 Bidding Procedure All supplies and contractual services as provided under Section 1.0701, 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 three (3) successive weeks and the opening of the bids so received not less than twenty (20) days after the last 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.
(REVISED 6/19/2018)

1.0703 Open Market Purchase and Property Disposal All purchases or contractual services (except those specified under Section 1.0701) and all sales of property which has become obsolete or unusable may be purchased or sold in the open market without competitive bidding.
(REVISED 04/03/2001)

1.0704 Accounts Against City to be in Writing and Verified Accounts, claims and demands against the City of Bowman, North Dakota, for any property or services for which said City shall be liable, shall be reduced to writing in items and the claimant shall verify the same in the manner hereinafter set forth.

1.0705 Form of Verification The claimant shall execute a verification, printed on vouchers 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 by 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 Board of City Commissioners before whom any bill, claim, account, or demand against the City shall come for audit and approval may, if deemed necessary in his or their discretion, require to be furnished a statement made under oath, containing such other information as is 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 (2/3's) 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 President of the Board of City Commissioners and attested by the City Auditor. Real property shall be conveyed by a majority vote of all members of the governing body. When the real property to be disposed of is estimated, by the governing body of the municipality to be of a value of less than Ten Thousand and No/100 Dollars (\$10,000.00), such property may be sold at private sale upon the proper resolution of the governing body. In all other cases, such real property may be sold only at public sale. Bids for the purchase or lease of real property belonging to the municipality, whether or not advertisement therefore has been made, shall be made directly to the governing

body and submitted to the City Auditor, who shall present any and all such bids to the governing body at its next regularly scheduled meeting. The City reserves the right to reject any and all offers determined to be insufficient. When specific statutory provisions contained in the North Dakota Century Code provide for a procedure which is in conflict with this Section, governing the conveyance, sale, lease or disposal of real property, the Section shall not apply insofar 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 2-02-09 North Dakota Century Code. Said lease shall further be in compliance with regulations and directives of appropriate federal agencies.
2. Conveyance of right of way for any state highway shall be as provided in Section 24-01-46, North Dakota Century Code.
3. Leasing of oil and gas lands shall be as provided in Sections 38-09-02 through 39-09-04 and Sections 38-09-14 through 38-09-20, North Dakota Century Code.
4. Conveyance of property to a municipal parking authority shall be as provided in Section 40-61-05, North Dakota Century Code.
5. Lease of public buildings or portions thereof shall be as provided in Chapter 48-08, North Dakota Century Code.
6. Granting of concessions for cafes, restaurants, and confectioneries in public buildings or on public grounds shall be as provided in Chapter 48-09, North Dakota Century Code.
7. Granting of right-of-way for a railway, telephone lines, electric light system, or a gas or oil pipeline system shall be as provided in Section 49-09-16, North Dakota Century Code.
(REVISED 04/03/2001)

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

1.0801.1 Mutual Aid Contract for Elections The City has entered into a mutual aid contract with Bowman County to conduct the municipal elections. All provisions of state law shall govern such elections and shall be contractually fulfilled by Bowman County. All references in this Article to the City Commission or City Officers shall be replaced with County Commission or as designated by City or County officials per the mutual aid agreement.

(REVISED 6/19/2018)

1.0801 Qualified Electors in Municipal Elections – Restrictions The provisions of Section 40-21-01 of the North Dakota Century Code and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance. Every resident of a municipality who is qualified to vote therein at general elections may vote at all municipal elections held therein. When elections are held by wards or precincts, no person may vote in any place other than the ward or precinct of which he is a resident.

1.0802 Elections in Commissioned Cities – When Held – Notice, Polls, Judges and Inspectors 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 to this ordinance.

Biennial municipal elections in Cities operating under the Commission form or government shall be held on the first (1st) Tuesday in June in each even numbered year at such place or places as the Board of City Commissioners shall designate. Ten (10) days' notice of the time and place of the election and of the offices to be filled at such election shall be given by the City Auditor by publication in the official newspaper of the City as provided by Section 40-01-09. 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. For all general City elections, the Board of City Commissioners shall appoint one (1) inspector for each precinct at least twenty-one (21) days before the election is held, and two (2) judges of election for each precinct at least ten (10) days before the election is held. For special City elections the Board of City Commissioners shall appoint one (1) inspector and two (2) judges of election for each precinct in the City at least ten (10) days before the election is held. For any City election in a precinct in which seventy-five (75) or fewer votes were cast in the last City election, the Board of City Commissioners may appoint one (1) inspector and one (1) judge. Each precinct election judge, in either a general or a special City election, shall appoint a poll clerk who shall be a qualified elector of the precinct in which he is to serve.

1.0803 Designation of Polling Places for Municipal Elections The governing body of the City, at the time of calling any general or special municipal election, or prior to the time of registration for said election, if said registration is required by law, shall by resolution designate such voting precincts and polling places for said election as it may deem necessary for the conduct of the same, and shall, in giving notice of said election, designate such voting precincts and polling places.

1.0804 Compensation of Inspectors, Judges and Clerks at Municipal
(REPEALED 6/19/2018)

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 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 nor to the party affiliation of a candidate in a petition to be filed by or in behalf of a candidate for nomination to a public office in any incorporated City in this state.
(REVISED 4/03/2001)

1.0806 Petition for Nomination of Elected Official Municipalities – Signature Required Contents The provisions of Section 40-21-07 of the North Dakota Century Code and all subsequent amendments shall by and are hereby incorporated by reference in this ordinance.

A candidate for any public office in an incorporated city may be nominated by filing with the City Financial Auditor, before four p.m. (4:00 p.m.) on the sixty-fourth (64th) day before the holding of the election, a petition signed by not less than ten percent (10%) of the number 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 of the North Dakota Century Code. 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 (10%) 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 corporate limits of the City. If a petition is mailed, it must be in the possession of the City Auditor before four p.m. (4:00 p.m.) on the sixty-fourth (64th) day before the holding of the election. However, no more than three hundred (300) signatures may be required and the signatures may be on separate sheets of paper. Petitions must meet the specifications of nominating petitions pursuant to Section 16.1-11-16. If a City election is not combined with a state or county election according to Section 40-21-02, a candidate may be nominated by filing the required petition with the City Auditor before four p.m. (4:00 p.m.) on the sixty-fourth (64th) day before the 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 this Section may not be circulated or signed prior to January first preceding the election. Any signatures to a nominating petition obtained before that date may not be counted. A nominating petition for a special election may not be circulated or signed more than thirty (30) days before the time when a petition for a special election must be filed. A candidate for the City Commission may run for either the office of “City Commissioner” or the “Office of President” of the Board of City Commission but not both in the same election. A candidate may run for only one (1) office in a City at any given election.
(REVISED 6/19/2018)

1.0807 Ballots in Municipalities – Makeup 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 Auditor of the City shall place only the names of the persons nominated upon the ballot. The Auditor shall determine the arrangement of the names of the candidates upon the ballot by conducting a drawing immediately after the candidate filing deadline on the sixty-fourth (64th) day before the election and shall give advanced notice to the candidates involved.
(REVISED 6/19/2018)

1.0808 Clerk 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 – Canvass of Returns by Governing body of the Municipality
(REPEALED 6/19/2018)

1.0810 Municipal Election 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, recounts, and contests of all 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 in Municipal elections in accordance with the provisions of Chapter 16.1-07.

(REVISED 4-03-2001)

1.0811 City Auditor to Notify of Election or Appointments The provisions of Section 40-21-14 of North Dakota Century Code and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

The City Auditor, within five (5) 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 that person’s election or appointment. Within the same period of time, the City Auditor shall also notify the state supreme court of the election or the 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 governing body of the municipality may order a new election.

1.0813 Special Elections Conducted in Same Manner as General Elections The provisions of Section 40-21-16 of the North Dakota Century Code and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

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

1.0814 Highest Number of Votes Elects in Municipal Election – Procedure on Tie Vote The Person having the highest number of votes for any municipal office shall be declared elected to such office. In case of a tie vote in the election of any municipal officer, a recount

must be conducted pursuant to Section 16.1-16-01. If the recount results in a tie vote, the choice must be determined by a coin flip in the presence of the governing body of the municipality and in a manner as it shall direct. *(REVISED 4/03/2001)*

ARTICLE 9 CITY LODGING TAX

1.0901 City Lodging Tax – Imposition – Amount – Disposition A City tax of two percent (2%) is hereby imposed upon the gross receipts of retailers on the leasing or renting of hotel, motel, or tourist campground accommodations within the City for periods of less than thirty (30) consecutive calendar days or one (1) month. The tax imposed by this Section shall be in addition to the state sales tax on rental accommodations provided in Chapter 57-39.2, North Dakota Century Code, and the City shall deposit all proceeds of this tax in the city visitors' promotion fund. Moneys deposited in the city visitors' promotion fund shall be spent only as provided in this Article.

1.0902 City Lodging and Restaurant Tax – Imposition – Amount – Disposition In addition to the tax imposed under Section 1.0901, a City tax of one percent (1%) is hereby imposed upon the gross receipts of retailers on the leasing or renting of hotel, motel, or tourist court accommodations within the City for periods of less than thirty (30) consecutive calendar days or one (1) month and upon the gross receipts of a restaurant from any sales of prepared food or beverages, not including alcoholic beverages for consumption off the premises where purchased, which are subject to state sales taxes. For purposes of this Section, "restaurant" means any place where food is prepared and intended for individual portion service for consumption on or off the premises and "prepared" includes heating prepackaged food. Accommodations, food, and beverages may all, each, or in any combination be subjected to the tax under this Section, if all items in any category which are taxable under state law are taxable, except as otherwise provided in this Section.

The tax imposed under this Section is in addition to state sales taxes on rental accommodations and restaurant sales and the City shall deposit all proceeds of this tax in the city visitors' promotion capital construction fund. Moneys deposit in the city visitors' capital construction fund shall be spent only as provided in this Section.

1.0903 City Visitors' Promotion Fund – City Visitors' Promotion Capital Construction Fund – Visitors' Committee – Establishment – Purpose The City shall as appropriate, establish a city visitors' promotion fund, city visitors' promotion capital construction fund, and a visitors' committee. The visitors' committee shall serve as an advisory committee to the City Commission in administering the proceeds from the taxes available to the City under this Chapter. The committee shall be composed of five (5) members appointed by the City Commission. These appointees shall serve without compensation, except for reimbursement for necessary expenses. Committee members shall serve for a term of four (4) years, except that two (2) of those initially appointed must be appointed for an initial term of two (2) years. Vacancies must be filled in the same manner as initial appointment. The committee shall elect a chairperson and a vice chairperson from among its members to serve for a term of two (2) years. *(REVISED 6/19/2018)*

1.0904 Budget – Contracts – Bonds – Capital Construction The City Commission shall annually set the budget, if any, under which the committee shall operate. The City Commission may contract with any person, firm, association or corporation to carry out the purposes of the city visitors' promotion fund or the city visitors' promotion capital construction fund created under Section 1.0903 of this ordinance. The City Commission may irrevocably dedicate any portion of revenues from the tax authorized under Section 1.0902 of this ordinance and may authorize and issue bonds or other evidences of indebtedness in the manner prescribed by Section 40-57.3-01.1, North Dakota Century Code, to be paid by those revenues for any purpose that moneys in the city visitors' promotion capital construction fund may be used; and such tax upon being pledged to payment of such bonds or evidences of indebtedness issued pursuant to this section may not be reduced or repealed by the City Commission or by electors of the municipality by any initiated amendment to or referendum of Section 1.0902, so long as any of such bonds or evidences of indebtedness remain outstanding. The proceeds from the tax imposed by Section 1.0901 may not be used for any type of capital construction or purchase of real property. The proceeds from the tax imposed under Section 1.0902 may be used only for the payment of bonds issued, and the costs of issuance related thereto, under this Section or capital construction, maintenance, and repair or acquisition of property consistent with the purposes of this Article.

1.0905 Payment of Tax – Collection by Tax Commissioner – Administrative Expenses Allowed – Rules The taxes imposed by this Article are due and payable at the same time the taxpayer is required to file a return under Chapter 57-39.2, North Dakota Century Code, and must be collected and administered by the state tax commissioner in accordance with the relevant provisions of Chapter 57-39.2. The amount the Tax Commissioner remits monthly to each city as taxes collected for that city's visitors' promotion fund and visitors' promotion capital construction fund must be reduced by three percent (3%) as an administrative fee necessary to defray the cost of collecting the taxes and the expenses incident to collection. The administrative fee must be deposited in the general fund in the state treasury. The penalties and liabilities provided in Sections 57-39.9-18 and 57-39.2-18.1, North Dakota Century Code, specifically apply to the filing of returns and administration of taxes imposed under this Article.



CHAPTER TWO – ORDINANCES:

Article 1 **Ordinances**

2.0101 **Enacting Clause for Ordinances** The enacting clause for every ordinance adopted by the City of Bowman shall be “Be it ordained by the City Commission of the City of Bowman.” Such caption, however, may be omitted where the ordinances are published in book form, or are revised and digested.

2.0102 **Procedure in Passing Ordinances** All ordinances shall be read twice and the second reading and final passage shall not be had in less than one week after the first reading. After the first reading and before final passage, an ordinance may be amended. Except as otherwise specifically provided, a majority of all of the members of the governing body must concur in the passage of an ordinance, and in the creation of any liability against the City, and in expending and in appropriating money.

2.0103 **Yea and Nay Vote on Passage – When Required** The yeas and nays shall be taken and entered on the journal of the governing body’s proceedings upon the passage of all ordinances and upon all propositions creating any liability against the City, or providing for the expenditure or appropriation of money, and in all other cases at the request of any member. The member of the governing body who passes his vote or who remains silent when the roll call on the vote is taken, shall be deemed to have voted yea, and a record of yea shall be entered in the journal.

2.0104 **Reconsideration or Rescinding Vote** No vote of the governing body shall be reconsidered or rescinded at a special meeting unless at such special meeting there is present as large a number of members as was present when such vote was taken.

2.0105 **Publication of Ordinances** The title and penalty clause of every ordinance imposing any penalty, fine, imprisonment, or forfeiture for violation of its provisions after the final adoption of such ordinance, shall be published in one (1) issue of the official paper of the municipality.

2.0106 **Effective Date of Ordinances** Ordinances finally approved by the governing body of a municipality and which require publication shall take effect and be in force from and after the publication thereof, unless otherwise expressly provided in the ordinance. Ordinances which do not require publication shall take effect and be in force from and after the final approval thereof unless otherwise expressly provided therein.

2.0107 Effect of Repeal When any ordinance repealing a former ordinance, clause or provision shall itself be repealed, such repeal shall not be construed to revive such former ordinance, clause or provision, unless it shall be expressly so provided.

2.0108 Enactment and Revision of Ordinances The provisions of Section 40-11-09 of the North Dakota Century Code and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

The Executive Officer of a municipality may appoint, by and with the advice and consent of the governing body of the municipality, one (1) or more competent persons to prepare and submit to the governing body for its adoption or rejection, an ordinance for the revision or the amendment of existing ordinances or for the enactment of new and additional ordinances for such municipality. The City Attorney for the municipality, if it has an Attorney, shall be appointed as one (1) of the persons to prepare and submit such ordinance. The compensation of the revisor or revisors, including that of the City Attorney, shall be determined by the governing body and shall be paid out of the municipal treasury. Such revision, including any additional ordinances and amendments to existing ordinances contained therein, may be passed as a single ordinance and may be published in a pamphlet, in book form, or bound in notebook, by and under the authority of the governing body of the municipality, and shall be valid and effective without publication in a newspaper or posting.

(REVISED 12/4/18)

2.0109 Action for Violation of Ordinance in Corporate Name – Previous Prosecution Recovery or Acquittal – No Defense The provisions of Section 40-11-10 of the North Dakota Century Code and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

Any action brought to recover any fine, to enforce any penalty, or to punish any violation of an ordinance of any municipality shall be brought in the corporate name of the municipality as plaintiff. A prosecution, recovery or acquittal for the violation of any such ordinance may not constitute a defense to any other prosecution of the same person for any other violation of any such ordinance, notwithstanding that the different causes of action existed at the time of the previous prosecution and if united, would not have exceeded the jurisdiction of the Court.

2.0110 Summons to Issue on Violation of Ordinance – When Warrant of Arrest to Issue The provisions of Section 40-11-11 of the North Dakota Century Code and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

In all actions for the violation of an ordinance, the first process shall be a summons, but a warrant for the arrest of the offender shall be issued upon the sworn complaint of any person that an ordinance has been violated and that the person making the complaint has reasonable grounds to believe the person charged is guilty of such violation. Any person arrested under a warrant shall be taken without unnecessary delay before the proper officer to be tried for the alleged offense.

2.0111 Commitment of Guilty Person for Non-payment of Fines or Costs

REPEALED – 04-03-2001

2.0112 Costs of Prosecution

REPEALED – 1989

2.0113 Judgment of Conviction In all trials for offenses under the ordinances of the City of Bowman, if the defendant is found guilty, the Municipal Judge shall render judgment accordingly. It shall be a part of the judgment that the defendant stands committed until such judgment is complied with, and at the discretion of the Municipal Court, he may be required to work for the municipality at such labor as the defendant's strength and health will permit, not exceeding eight (8) hours in each working day. For that work, the defendant will be allowed for each day exclusive of his board, Ten Dollars and No/100 (\$10.00) on account of the fines and costs assessed against him.

2.0114 Commitment for Violation of City Ordinance – Limitation – Labor in Lieu of Fine Diagnosis and Treatment of Persons Convicted While Driving Under the Influence

REPEALED – 04-03-2001

2.0115 Refusal to Work Any person refusing to perform manual labor in accordance with the sentence of the Court shall be deemed in contempt of Court and shall be punished accordingly. No credit shall be allowed such person on account such fines and costs for the date or days that such person refuses to perform manual labor, in accordance with the sentence of the Court.

2.0116 Fines and Forfeitures for Violation of Ordinances Paid into Municipal Treasury

All fines, penalties and forfeitures collected for offenses against the ordinances of the City of Bowman shall be paid into its treasury. Under no circumstances shall the Municipal Judge remit fines or penalties or payments of costs.

2.0117 Deferring or Suspending Sentence

The Municipal Judge may, in his discretion, upon the conviction of any person of any offence against any of the ordinances of the City of Bowman, then and there impose a sentence of imprisonment as may be regulated by such ordinances, or defer imposition of sentence or suspended the sentence imposed on such person for a period of not to exceed ninety (90) days from the date of such conviction; and may during such period, allow the defendant to go upon his own recognizance, or upon such bail as may be regulated by law or the ordinances of said City, or may suspend or defer such sentence upon such terms and conditions as the Judge may prescribed; and may, in his discretion, at or before the expiration of such period, have the defendant brought before him and commit such defendant or cause such sentence if imprisonment to be then and there imposed and executed in like manner, so far as applicable, as may be provided by law or the ordinance in cases where the commitment and imposition of the sentence of imprisonment is not deferred or suspended and may then and there forthwith commit such defendant and require that such sentence of imprisonment be executed and carried out.

2.0118 Transfer to County Court if Jury Trial Not Waived – Expenses of Prosecution – Division of Funds Between City and County

(REPEALED – 7/1991)



CHAPTER 3 – PUBLIC PLACES AND PROPERTY

ARTICLE 1 **CONSTRUCTION AND REPAIR OF STREETS, ALLEYS, SIDEWALKS AND OTHER PUBLIC WAYS**

3.0101 **Supervision** All construction maintenance and repair of public streets, alleys, sidewalks, and other public ways shall be under the supervision of the Street Superintendent and/or City Engineer or Commissioner of Streets and Public Improvements. He shall be charged with the enforcement of all ordinance provisions relating to such public places (except traffic ordinances) and is hereby authorized to enforce such ordinance.

(REVISED 12/17/2018)

3.0102 **Construction and Repair – Permits**

(REPEALED 12/17/2018)

3.0103 **Specifications** All construction, maintenance and repair herein shall be made in conformity with specifications laid down or approved from time to time by the governing body.

3.0104 **Duty of Owner to Maintain** It shall be the duty of the owner of any property along which sidewalk has been constructed to maintain the same in good repair and safe condition. Should any such owner fail so to maintain such sidewalks the City Engineer or Street Commissioner shall direct him to make such repairs as may be necessary to restore such sidewalk to a safe condition. Should he fail, within a reasonable time, to follow the directions of the Street Superintendent, City Engineer or Commissioner of Streets, then the Street Superintendent, City Engineer or Commissioner of Streets shall report the facts to the governing body who shall then proceed, as provided in the laws of the State of North Dakota, Chapter 40-29 of the North Dakota Century Code.

(REVISED 12/17/2018)

3.0105 **Application for Permit**

(REPEALED 12/17/2018)

3.0106 **Standards for Issuance of Permit**

(REPEALED 12/17/2018)

3.0107 **Sidewalks Build to Grade Specification** All sidewalks shall be constructed in accordance with the elevations and grade therefore to be furnished by the City Engineer and shall be constructed under his direction and supervision or under the direction and supervision of the Street Superintendent. All sidewalks shall meet the following requirements:

1. All sidewalks shall be constructed of concrete.
2. All sidewalks in residential areas shall be constructed not less than five (5) feet in width and shall have a minimum slope one-fourth (1/4th) inch per foot from the inside edge toward the street.
3. All sidewalks shall be of concrete and of at least four (4) inches in thickness.
4. All sidewalks shall be laid out and approved by the City Commission as follows:
 - a. In locations where the right-of-way is sixty (60) feet or less the sidewalks shall be constructed on the property line or adjacent to the curb.
 - b. In locations where the right-of-way is sixty (60) feet the sidewalk shall be constructed eighteen (18) inches out from the property line or adjacent to the curb.
 - c. Notwithstanding any other provision herein all sidewalks shall be set out so that they are in conformity with existing sidewalks to which they may attach.
(REVISED 12/17/2018)
5. All sidewalks in commercial and/or industrial districts shall be constructed from the property line to the back of the curb and the width of sidewalk shall be governed by the width of street section; provided however, in areas where commercial development is not complete the entire sidewalk need not be constructed, a section six (6) feet in width adjacent to the curb shall be constructed thus leaving an area for structural foundations.

Any deviation shall be brought to the City Commission for approval. No public hearing required.
(REVISED 12/17/2018)

3.0108 Materials and Manner of Construction The kind and quality of material of which, and the manner in which curb and gutter, relaying of block walks and paving repairs shall be constructed shall be determined by the City Engineer.

3.0109 City Contractor The City Auditor shall receive bids for the construction of sidewalks, driveways, curb and gutter and paving repairs as the City may find necessary to have done. Such bids shall be made upon forms furnished by the City Engineer and shall conform to specifications filed with the City Auditor by the City Engineer and approved by the governing body.
(REVISED 12//17/2018)

All sidewalks, driveways, curb and gutter and alley return lying between the property line and the abutting street hereafter constructed within the City of Bowman must conform to this Chapter, and the specifications filed with the City Engineer, and approved by the governing body must specify the details with respect thereto. When any contract for the construction of sidewalks, driveways, curb and gutter, relaying of block walks, and paving repairs is about to be entered into by the City in accordance with the provisions of the laws of this state, the

contractor to whom any such contract shall be awarded shall be required, before such contract is entered into, to give in addition to the contract bond required by the laws of the State of North Dakota, an additional bond in an amount to be determined by the governing body, running to the City of Bowman, conditioned that said contractor shall maintain and keep in good repair, for a period of two (2) years from date of final acceptance all sidewalks, driveways, curb and gutter and paving repairs so constructed by such contractor under the terms of such contract, and that in case of default under the part of such contractor to so maintain and keep such improvements in good repair made by him for the said period of two (2) years, or in case they shall within said time begin to crumble or disintegrate or become cracked or broken to such an extent that, in the opinion of the City Engineer or Street Commissioner, the same is not a satisfactory compliance with the specifications for the construction thereof, then the City Engineer or Street Commissioner may direct that such sidewalks, driveways, curb and gutters or paving repairs be immediately repaired or re-laid in whole or in part as he shall deem best, and the contractor shall immediately cause the same to be repaired or failure so to repair or to relay the same, the City at any time within said two (2) years period or thereafter, may cause the same to be repaired or re-laid, and the cost there of whether done by the City directly or through a contract, may be recovered against said contractor and the surety upon such bond.

ARTICLE 2 **USE AND CARE OF STREETS, SIDEWALKS AND PUBLIC PLACES**

3.0201 **Obstructions** It shall be unlawful for any person, firm or corporation to cause, create or maintain any obstruction of any street, alley, sidewalk or other public way, except as may be specified by ordinance or by the City Engineer.

(REVISED 12/17/2018)

It shall be a violation of this Section to remove or cause to be removed snow from private property, driveways or sidewalks and placed upon any street, alley, sidewalk or other public way or any other property owned or maintained by the City.

(REVISED 3-14-2004)

Any person violating the provisions of this section shall be guilty of an infraction and upon conviction thereof, shall be fined not less than Twenty Five and No/100 Dollars (\$25.00), nor more than Five Hundred and No/100 Dollars (\$500.00).

3.0201.1 **City Storm Sewer** The mowing, raking, or placement of grass clippings, leaves or other vegetation onto the street or other drainage into the city storm system sewer system is prohibited. Any person who violates, disobeys, neglects, omits tries willfully to circumvent the intent of the ordinance, or resists the enforcement of any of its provisions shall be guilty of an infraction.

3.0202 **Destruction of City Property – Prohibited – Penalty** It shall be unlawful for any firm, person, or corporation to willfully and without just cause or excuse, to injure, deface or destroy any property owned by the City of Bowman or held by the Bowman for public use. Any person violating the provisions of this Section shall be guilty of an offense and be fined

not less than Twenty Five and No/100 Dollars (\$25.00), nor more than Five Hundred and No/100 Dollars (\$500.00).

3.0203 Encroachments It shall be unlawful for any person to place or store any personal property or equipment or any item upon City property without permission of the governing body. It shall be unlawful to erect or maintain any building or structure which encroaches upon any public street or property. *(REVISED 04-03-2001)*

3.0204 Openings It shall be unlawful to construct or maintain any openings or stairway in any public street or sidewalk or alley without a permit from the governing body. All such lawfully maintained openings shall be guarded by a suitable strong cover or railing to be approved by the City Engineer or the official who supervises public improvements.

3.0205 Wires It shall be unlawful to erect any poles or wires or maintain any poles or wires over any public place, street, alley or other public way without having first secured permission from the governing body.

Any person or company which maintains poles wires in the streets, alleys, or other public places, shall, in the absence of provisions in the franchise concerning the subject, keep such wires and poles free from and away from any trees and shrubs in such places as far as may be possible, and keep all such trees and shrubs near such wires and poles properly trimmed, subject to supervision of the Street Superintendent, so that no injury shall be done either to the poles or wires or to the shrubs and trees by their contract.

(REVISED 12/17/2018)

3.0206 Littering - Prohibited
(REPEALED FEB 2005) (REPLACED BY 7A-01-03)

3.0207 Dumping at Landfill While Unattended – Prohibited
(REPEALED FEB 2005) (REPLACED BY 7A-01-03)

3.0207.1 Landfill Designated as Inert Site
(REPEALED FEB 2005) (REPLACED BY 7A-01-07)

3.0208 Littering or Dumping at Landfill - Penalties
(REPEALED FEB 2005)

3.0209 Burning It shall be unlawful for any person, firm or corporation to burn any leaves, paper, rubbish or other substances upon any of the public streets, sidewalks or alleys in the City.

3.0210 Distributing Hand Bills, Etc. The scattering, throwing or placing of bills, posters, advertising matter, hand bills, and other similar matter on lawns, porches, yards, sidewalks, steps, streets, alleys, public or private parking lots or upon any vehicle in the City of Bowman, by any person, firm, co-partnership, association or corporation, is hereby declared to be a

nuisance and unlawful. Any such person or entity violating the provisions of this section shall be guilty of an infraction.

3.0211 Heavy Vehicles No person, firm or corporation shall move, or cause to be moved over the paved streets, sidewalks, crosswalks, culverts, bridges and viaducts within the City of Bowman, any engine, tractor, wagon, truck or other vehicle, object or thing which will tend to injure the paving, sidewalks, crosswalks, culverts, bridges or viaducts over which the same are transported, or which exceeds in weight, Sixteen Thousand Pounds (16,000 lbs) per axle or exceeds Seven Hundred Fifty Pounds (750 lbs) per inch of tire widths, or any vehicle to the wheels of which are attached spurs, bars, angle, irons, or cleats or any vehicle whose wheels or tracks are steel which will tend to mar or deface the paving, sidewalks, crosswalks, culverts, bridges or viaducts, except under the direction and permission of the governing body and, in addition thereto, shall pay or cause to be paid to said City, upon demand, any and all damages done to the paving, sidewalks, crosswalks, culverts, bridges or viaducts, provided that when the specified load limits herein contained will cause damage to the City's paved streets, the governing body by resolution adopted, and made public, may lower said load limits for such period of time it may deem necessary. The provisions of this Section shall not apply to state and federal highways through the City.

3.0212 Removal of Snow and Ice from Sidewalk It shall be, and hereby is declared to be, the duty of the owner or occupant of each lot in the City of Bowman to remove from the sidewalk in front of or along the same, any ice or snow which forms, accumulates or obstructs such sidewalk, within twenty-four (24) hours after the ice forms or the snow ceases to fall thereon, provided, however, that where the ice accumulated is of such character as to make the removal thereof practically impossible, the sprinkling of salt or sand thereon within the time specified for removal in such manner as to make such sidewalk safe for the travel of pedestrians thereon, shall be deemed a compliance with the provisions of this Article.

3.0213 Removal of Snow and Ice by City In case the owner of any lot in the City refuses or neglects to remove such ice from such sidewalk in front of or along a lot therein, the ice or snow therefrom within the same time above stated or refuses to sprinkle salt or sand on the same within the time specified for removal in such manner as to make such sidewalk safe for travel of pedestrians thereon, the same may be removed by or under the direction of the Street Superintendent or, if approved by the City Commission, the City Engineer, and the necessary expenses thereof shall be charged against the abutting property by special assessment thereof in the manner prescribed by law. *(REVISED 12/17/2018)*

3.0213.1 Cutting or Maintaining the Grass by City In case the owner of any lot or property in the City refuses or neglects to cut maintain the grass, weeds, trees, or other such growth upon such lot or property after due notice to said owner the same may be cut by or under the direction of the City Engineer or Street Commissioner of the City, the necessary expenses thereof shall be charged against the owners property by special assessment thereof in the manner prescribed by law. *(REVISED 12-21-1993)*

3.0213.2 Boulevard Trees and Shrubs- Definitions

Street Trees and Shrubs: defined as trees, shrubs bushes and all other woody vegetation; on land lying between property lines either side of the streets, avenues or ways within the City.

Public and Park Trees: defined as trees, shrubs, bushes and all other woody vegetation in public parks having individual names, and all areas owned by the City, or to which the public has free access as a park.

City: defined as the City of Bowman, State of North Dakota and shall mean all parks, cemetery, lagoon, and all properties owned by the City of Bowman.

3.0213.3 Maintenance of Boulevard Trees and Shrubs All preexisting trees within twenty (20) feet of the curb corners, which obstructs a sidewalk or creates a traffic hazard by obstructing the view of an intersecting street, shall have all branches removed which are less than seven (7) feet in height above the ground.

All preexisting bushes, hedges, shrubs, or other such growth within twenty (20) feet of the curbs and curb corners, which obstruct a sidewalk shall be trimmed to eliminate any such obstruction. If any such growth is of a height sufficient to create a traffic hazard by obstructing the view of an intersecting street, it shall be trimmed to a height not to exceed three (3) feet above the ground.

(ENACTED 12-21-1993)

3.0213.4 Bushes, Shrubs or Trees within Alley No bushes, shrubs, trees or other such growth, or structures, containers, or personal property shall be placed upon or extend into the twenty (20) foot City right-of-way within an alley.

3.0213.5 Placement of Boulevard Trees and Shrubs Trees, bushes, hedges, shrubs and other such similar growth must be back twenty feet (20) from the curbs and curb corners planted outside the thirteen (13) foot public right-of-way which is measured from the back of curb and placed eight (8) feet from the rear of the lot or alley.

3.0213.6 Placement of Shrubs Shrubs, hedges, bushes and other such similar growth that is three (3) feet or less in height at full maturity must be two (2) feet and six (6) inches from the back of curb. Shrubs and other such similar growth over three (3) feet must be placed outside of the thirteen (13) foot public right-of-way which is measured from the back of curb and five (5) feet from the rear of the lot or alley.

3.0213.7 Distance From Street Corners and Fire Hydrants No Street Tree shall be planted closer than twenty (20) feet of any street corner, measured from the point of nearest intersection curbs or curb lines. No Street Tree shall be planted closer than ten (10) feet of any fire hydrant.

3.0213.8 Distance From Utilities No street tree other than those listed as small trees in Section 3.0213.17 of this ordinance may be planted under or within ten (10) lateral feet of any overhead utility wire, or over or within five (5) lateral feet of any underground water line, sewer line transmission line or other utility.

3.0213.9 Administration - Composition and Terms A Tree Board is hereby created and shall be composed of five (5) members; two (2) City Commissioners and three (3) individuals which shall be residents of the City. The term of the three (3) residents to be appointed by the City Commission shall be three (3) years; and the term of the two (2) City Commissioners appointed to the Board shall be for four (4) years. In the event that a vacancy shall occur during the term of any member, a successor shall be appointed for the unexpired portion of the term.

3.0213.10 Compensation Members of the Tree Board shall serve without compensation.

3.0213.11 Comprehensive Forestry Work Plan It shall be the responsibility of the Board to study, investigate and develop and/or update annually a written plan for the care, preservation, trimming, planting, replanting and removal of trees and shrubs in public ways, streets and alleys. Such plan will be presented annually to the City Commission in February and upon their acceptance and approval shall constitute the official comprehensive annual forestry work plan for the City.

3.0213.12 Board Responsibilities The Tree Board, or its Agents, shall be responsible for the planting, pruning and removal of all trees located within the street right-of-way, easements, alleys, cemetery, and parks of the City.

The owner of land abutting on any street may, when acting within the provisions of this ordinance, prune, spray, plant or remove trees in that part of the street abutting his land not used for public travel. A street tree permit shall be required only when the owner of property intends to deviate from the rules and regulations contained in this ordinance.

The Board, when requested by the City Commission, shall consider, investigate, make finding, report and recommend upon any special matter of question coming within the scope of its work.

3.0213.13 Officers The Board shall choose its own officers, make its own rules and regulations and keep a journal or meeting minute book of its proceedings. A majority of the members shall be a quorum for the transaction of business.

3.0213.14 City Forester This position is hereby created to be filled by appointment by the City Commission in consultation with the Tree Board. The term shall be for three (3) years. The City Forester shall be an ex-officio member of the Tree Board and serve without compensation.

3.0113.15 Authority and Jurisdiction of the City Forester The City Forester shall have the authority and jurisdiction, through the Tree Board, to regulate the planting, maintenance, protection and removal of all trees on streets and other public places to ensure safety or preserve the aesthetics of such streets and public places.

The City Forester shall have the authority to make known, with the approval of the Tree Board, the rules and regulations of the Arbor-cultural Specifications and Standards of Practice governing the planting, maintenance, protection, and removal of trees as specified on the streets and public areas of the City.

The City Forester shall have the authority to supervise all work done under any permit issued in accord with the terms of the ordinance.

3.0213.16 Street Tree Species to be Planted The Tree Board will formulate an official Street Tree species list for the City. The list of allowable species shall be broken down into categories of small, medium and large trees. No species other than those included in this list may be planted as Street Trees without written permission of the Tree Board.

3.0213.17 Spacing The spacing of Street Trees will be in accordance with the three (3) species size classes listed in this ordinance, and no trees may be planted closer together than the following: small trees, twenty (20) feet; medium trees, thirty (30) feet; and large trees, forty (40) feet.

3.0213.18 Public Tree Care The City shall have the right to plant, prune, spray, preserve and remove trees, plants and shrubs within the lines of all streets alleys, avenues, lanes, squares and public grounds, as may be necessary to ensure safety when serving City utilities or to preserve the symmetry and beauty of such public grounds. The Tree Board may remove or cause or order to be removed, any tree or part thereof which is in an unsafe condition or which by reason of its nature is injurious to sewers, electric power lines, gas line, waterlines or other public improvements, or is affected with any injurious fungus, insect or other pest.

3.0213.19 Trimming and Corner Clearance Every owner of any tree overhanging any street or right-of-way within the City shall prune the branches so that such branches shall not obstruct the light from any street lamp; or obstruct the view of any street intersection and so that there shall be a clear space of eight (8) feet above the surface of the street or right-of-way. Said owners shall remove all dead, diseased or dangerous trees, or broken or decayed limbs which constitute a menace to the safety of the public. The City shall have the right to prune any tree or shrub on private property when it interferes with the proper spread of light along the street from a street light, or interferes with visibility of any traffic control device or signs, such pruning to be confined to the area immediately above the right-of-way.

3.0213.20 Dead or Diseased Tree Removal on Private Property The City shall have the right to cause the removal of any dead or diseased trees on private property within the City, when such trees constitute a hazard to life and property, or harbor insects or disease which constitutes a potential threat to other trees within the City. The Tree Board will notify in writing the owners of such trees. Removal shall be done by said owners at their own expense within sixty (60) days after the date of service notice. In the event of failure of owners to comply with such provisions, the City shall have the authority to remove such trees and charge the cost of removal on the owner's property tax notice.

3.0213.21 Interface with Tree Board It shall be unlawful for any person to prevent, delay or interfere with the Tree Board, or any of its agents, or servants, while engaging in and about the planting, cultivating, mulching, spraying or removing of any street trees, park trees or trees on private grounds, as authorized in this ordinance.

3.0213.22 Arborist License and Bond It shall be unlawful for any person or firm to engage in the business of occupation of pruning, treating or removing street or park trees within the City without first applying for and procuring a license. The license fee of Twenty Five and No/100 Dollars (\$25.00) shall be paid annually in advance; provided, however, that no license

shall be required of any public service company or City employee doing such work in the pursuit of their public service endeavors. Before any license shall be issued, each applicant shall first file evidence of possession of liability insurance in the minimum amounts of One Hundred Thousand and No/100 Dollars (\$100,000.00) bodily injury and Three Hundred Thousand and No/100 Dollars (\$300,000.00) for property damage indemnifying the City or any person injured or damaged resulting from the pursuit of such endeavors as herein described.

3.0213.23 Review by City Commission The City Commission shall have the right to review the conduct, acts and decisions of the Tree Board. Any person may appeal from any ruling or order of the Tree Board to the City Commission who may hear the matter and make a final decision.

3.0213.24 Violation of Ordinance and Penalty Any person's firm or corporation violating or failing to comply with the provisions of this ordinance shall be guilty of a Class B misdemeanor and upon conviction thereof, shall be subject to a fine not to exceed Five Hundred and No/100 Dollars (\$500.00).

3.0213.25 Severability Should any part or provision of this ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the ordinance as a whole, or any part thereof, other than that declared to be invalid.

3.0213.26 Protection of Public Trees No person shall intentionally damage, cut or carve any public tree; attach any rope, wire or nail advertising posters or other contrivance to any tree; allow any gaseous liquid, or solid substance which is harmful to such trees to come in contact with them; or set fire to, or permit any fire to burn which will injure the tree.

3.0213.27 Removal of Stumps All stumps of street and park trees shall be removed below the surface of the ground so that the top of the stump shall not project above the surface ground.

3.0213.28 Tree Topping It shall be unlawful as a normal practice for any person, firm or City Department to top any street tree, park tree, or other tree on public property. Topping is defined as the severe cutting back of limbs to stubs larger than three (3) inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree. Tree's severely damaged by storms or other causes or certain trees under utility wires or other obstruction where other pruning practices are impractical may be exempted from this ordinance at the determination of the City Tree Board.

3.0214 Notice and Assessments to Proper Owner When Work Done by City Whenever the Commissioner of Streets finds, pursuant to Sections 3.0213, 3.0213.1, 3.0213.2, 3.0213.3, and 3.0213.4 of this Article, that a property owner is in violation; notice shall be given to the property owner and they shall have ten (10) days within which to bring the violation into compliance. If the property owner fails to bring said violation into compliance, the Street Superintendent shall remove or cause to be removed or maintain or caused to be maintained any item or property found to be in violation and shall assess such costs against the property and on or before the first (1st) day of May in each year, make and file in the office of the City Auditor a list of the property chargeable with such expense, the actual cost expense of such removal or maintenance and a description of the lots or parcels of land from which the removal or maintenance was done. (REVISED 04-03-2001) (REVISED 12/17/2018)

3.0215 Same: Assessments, Publication by Auditor, Hearing by City Commission The City Auditor shall give notice by publication in the official newspaper of the hearing and confirmation of such report and assessment at the regular June meeting of the City Commission, notifying all persons objecting thereto appear and present their objections, such notice shall be published twice, once in each week's issue for two (2) consecutive weeks, the last publication to be not less than eight (8) days before the time fixed for the hearing. At the June meeting of the City Commission or at such later meeting as the hearing and confirmation of such assessment may be adjourned to, the City Commission shall take up and consider said assessment and shall hear any objections thereto or to any part thereof, and after revising and correcting the same; the City Auditor shall thereupon attach to such list his certificate that the same is correct as confirmed by the City Commission and shall thereupon file said assessment list in his office as provided by law, and such assessment shall be certified to the County Auditor by the City Auditor at the same time and in the same manner that sidewalk assessments are certified.

3.0215.1 Commercial and Advertising Signs No commercial, advertising, or other such signs shall be placed within 20 feet of the curb or curb corners of any block unless such sign is attached to the building and does not obstruct any sidewalk or create a traffic hazard by obstructing the view of an intersecting street or alley.

(ENACTED 04-03-2001)

3.0216 Street Cleaning – Snow Removal Whenever, in the judgment of the governing body or the Street Superintendent it shall be necessary that streets, alleys or public ways in the City shall be cleared of snow or ice or be cleaned by the use of street sweepers or other methods of cleaning such streets, or for making for traffic purposes, the ordinances of the City regulating the parking of automobiles, truck or other motor vehicle to be parked or left standing between the hours hereinafter mentioned and during the period of time during which the said parking ordinances are suspended.

(REVISED 12/17/2018)

3.0217 Same: Notice Whenever it becomes necessary to remove snow or ice or to sweep and clean streets, or to mark streets for traffic purposes in the City there shall be designated by the City Engineer or Street Commissioner the area and streets to be cleared of snow or ice or cleaned as aforesaid and the time during which such snow or ice removal and street cleaning and making of streets shall be done and posting of such information in the area affected.

3.0218 Impounding Whenever any parked automobile, truck, machinery, vehicle, or equipment shall be found in any place prohibited by these restrictions, and during the hours as provided herein, the same shall be impounded by the City at a place to be provided and it shall be unlawful for any person, firm or corporation to remove or attempt to remove any truck, automobile, machinery, vehicle or equipment from the place where impounded without first paying the cost of such impounding.

3.0219 Blocking Streets No driver of any vehicle shall stop the same on any street, avenue, lane, or alley of the City in such a manner as to hinder or prevent other vehicles or persons from passing at all times, unless in case of absolute necessity, nor shall any driver of

any vehicle stop the same at any regular crossing of said street, alley, lane, or avenue, so as to prevent the free passage of persons traveling or passing on foot.

3.0220 Excavations – Permit It shall be unlawful for any person, firm or corporation, except public utilities which have received a franchise from the City of Bowman, to tunnel under or to make any excavation in any street, alley or other public place in the City without having obtained a permit as is herein required, or without complying with the provisions of this Article or in violation of or variance from the terms of any such permit.

3.0221 Same: Guarding of It shall be unlawful for any person within the City limits to leave or keep open, uncovered or unguarded any cellar door, pit, grating, vault, or other subterranean passage opening from, into or upon any street, alley or sidewalk, or upon any private property if not suitably guarded.

3.0222 Same: Application Applications for such permits shall be made to the City Auditor, and shall describe the location of the intended excavation or tunnel, the size thereof, the purpose therefore, and the person, firm or corporation doing the actual excavating work and the name of the person, firm or corporation for whom or which the work is being done, and shall contain an agreement that the application will comply with all ordinances and laws relating to the work to be done.

3.0223 Same: Bond No permit shall be issued and until the applicant therefore has filed with the Auditor a bond in the sum of Ten Thousand and No/100 Dollars (\$10,000.00), conditioned to indemnify the City for any loss, liability or damage that may result or accrue from or because of the making, existence or manner of guarding or constructing any such tunnel or excavations. Such bond shall have as surety a corporation licensed to do business in the state as a surety company.

3.0224 Same: Deposit No such permit shall be issued unless and until the applicant therefore has deposited with the City Auditor a cash deposit or bond in the sum of Two Thousand and No/100 Dollars (\$2,000.00), if no payment is involved, and if the excavation is in a paved area Four Thousand and No/100 Dollars (\$4,000.00), to insure the proper restoration of the ground and laying of the pavement if any. From this deposit shall be deducted the expense to the City of relaying the surface of the ground or pavement and of making the refill if this is done by the City or at its expense, and the balance shall be returned to the applicant without interest after the tunnel or excavation is completely refilled and the surface or pavement is restored.

3.0225 Same: Manner of It shall be unlawful to make any such excavation or tunnel in any way contrary to or at variance with the terms of the permit therefore. Proper bracing shall be maintained to prevent the collapse of adjoined ground, and in excavations the excavation shall not have anywhere below the surface any portion which extends beyond the opening at the surface.

No injury shall be done to any pipes, cables or conduits in the making of such excavations or tunnels, and notice shall be given to the persons maintaining any such pipes, cables or conduits or to the city department or officer charged with the care thereof, which are or may be endangered or affected by the making of any such excavation or tunnel before such pipes, cables or conduits shall be disturbed. No unnecessary damage or injury shall be done to any tree or shrub or the roots thereof.

3.0226 Same: Restoration Any person, firm or corporation making any excavation or tunnel in or under any public street, alley or other public place in the City shall restore the surface to its original condition if there is no pavement there. Refills shall be properly tamped down, and any bracing in such tunnel or excavation shall be left in the ground.

Any openings in a paved or improved portion of a street shall be repaired and the surface relaid by an applicant, in compliance with the ordinances of the City and under the supervision of the City Engineer.
(REVISED 12/17/2018)

3.0227 Same: Supervision The Street Superintendent, or if required by the City Commission, the City Engineer, shall from time to time inspect or cause to be inspected, all excavations and tunnels being made in or under any public street, ally or other public place in the City to see to the enforcement of the provisions of this article. Notice shall be given to him at least ten (10) hours before the work of refilling any such tunnel or excavation commences.

3.0228 City Parks All City parks in the City of Bowman shall have established hours of public access. The hours shall be from six a.m. (6:00 A.M.) to ten p.m. (10:00 P.M.) each day. Notice of the same may be published in the official newspaper or posted at the public parks. Any variance from the above hours of use shall be under special permission granted by the City Commission.

3.0229 Street Dance Rules and Regulations

1. Approval for such dances shall be made by the City Commission at a regularly scheduled commission meeting.
2. Requests for such dances shall be made no less than two (2) weeks prior to the dance being held.
3. Dances shall not start before eight p.m. (8:00 P.M.) and shall end no later than one a.m. (1:00 A.M.)
4. Any amplified sound system shall be positioned in such a manner as to direct the sound away from any residential homes nearby and the volume of the amplified sound system shall be kept at a level so as to cause minimal disturbance to residential homes nearby.

5. Law enforcement shall be notified no less than two (2) weeks prior to the dance being held and will determine if security officers are required and if so, the number of officers required.
6. The cost of any or all security officers shall be the responsibility of the person requesting approval for the dance and shall be paid prior to the start of such dances.
7. No alcoholic beverages will be allowed on the street area which is open to the public for dancing unless prior approval has been granted by the City Commission.
(ENACTED 04-03-2001) (REVISED 12/17/2018)

ARTICLE 3 TRUCKS STOPPING, PARKING OR TRAVELING PROHIBITED ON STREETS AND AVENUES – NO SIGNS REQUIRED

3.0301 Truck Ordinance Definitions in this Ordinance, Unless the Context of Subject Matter Otherwise Requires, Shall be the Following:

1. “Park” when prohibited, means the standing of a semi-truck, semi-trailer, or truck whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading.
2. “Semi-trailer” includes vehicles of the trailer type so designated and used in conjunction with a semi-truck that part of its own weight and that of its own load rests upon or is carried by a truck, except that it does not include a house-trailer or mobile trailer.
3. “Semi-truck” includes every vehicle of the trailer type so designated and used primarily for driving other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.
4. “Trucks” include every vehicle of the type: single axle, tandem axle, and triple axle used to haul a product. This is not limited to farm product but also to include commercial and industrial commerce products. Standard personal/private “pick-up” trucks are not included in this classification. (ENACTED 12/17/18)

3.0302 Restricted Parking of Truck Vehicles on Streets and Avenues and on Residentially Used and/or Zoned Properties

1. Parking of commercial trucks and truck vans, semi-tractors and/or trailers, farm equipment, stock trailers, wheel loaders, excavators and non-recreational trailers or commercial vehicles shall be prohibited except when such vehicles and/or trailers are being used for the purpose of development, improvements, services or demolition on the adjacent site and shall be allowed to park there for only the duration of the work being done.
2. Overnight parking of any vehicle listed in Section 1.0301 and Section 1.0302(1) is prohibited. Moving vans used for the purposes of loading and unloading a homeowner’s

personal belongings are exempt, but shall comply with the standards listed in Section 1.0302(4) and 1.0302(5).

3. A semi-truck, truck or school bus may park on a street or avenue within the City of Bowman when:
 - a. Parking for delivery, pickup of material and merchandise, or, medical services is being conducted.
 - b. Owned, leased or operated by the City of Bowman.
 - c. Owned, or operated by power companies and telephone companies franchised in the City of Bowman.
 - d. School bus is owned by the City of Bowman.
 - e. Owned or operated by any contractor or material man hired by the City of Bowman and while engaged in the repair, maintenance or construction of streets, street improvements, street utilities or other City work.
 - f. Mail Trucks.
4. Permitted trucks as listed in Section 3.0301 and in Section 3.0302(1) may not idle or keep their headlights on while parked on streets or avenues or residentially used and/or zoned property for more than fifteen minutes while parked on residentially used and/or zoned property for more than 30 minutes. Refrigerated trucks are exempt from this requirement.
5. Refrigerated trucks shall not idle or keep their headlights on while parked on streets or avenues, or residentially used and/or residentially zoned property for more than thirty (30) minutes. *(ENACTED 12/17/18)*

3.0303 Travel of Commercial Trucks and Other Large Equipment Vehicles Restricted on Streets and Avenues Commercial trucks or truck vans, semi tractors and/or trailers, and other heavy equipment vehicles are prohibited from traveling on any street or avenue within the City's limits. Exception granted for delivery vehicles going to a residence or establishment for delivery of goods and then back to a commercial or private business. *(ENACTED 12/17/18)*

3.0304 Inspection of Documents Any person driving or in charge of any of the restricted vehicles defined in the preceding Section when upon streets or avenues other than those designated as truck routes, shall be prepared to present for inspection of police officers any log book, weights slips, delivery slips or other written evidence of the destination and point of origin to justify the presence of the restricted vehicle on a street or avenue other than a designated truck route. *(ENACTED 12/17/18)*

3.0305 Penalty Provision

1. Any violation of this ordinance shall be deemed a nuisance. Any person, firm, business or corporation violating any provisions of this ordinance shall be guilty of a misdemeanor and subject to a fine of One Hundred Dollars and No/100 (\$100.00) for each violation.
2. If the owner allows a nuisance to exist or fail to abate a nuisance they, and each of them upon conviction thereof shall be fined no more than Five Hundred Dollars and No/100 (\$500.00.) *(ENACTED 12/17/2018)*

ARTICLE 4 HOUSE NUMBERING

3.0401 House Numbering Required All lots, buildings and structures in the City shall be numbered in accordance with the following plan:

1. All streets, except Main Street, shall run East and West and all lots, buildings and structures located on streets, except on Main Street, shall bear a number the first (1st) digit or first two (2) digits, as the case may be, being the first number and the second number or numbers will be any number between one (1) and twenty-four (24) depending upon the location of the lot, building or structure. The first digit or digits will be the same as the avenue on the East end of the block of the street, for streets West of Main Street, and the same as the avenue on the West end of the block, for streets East of Main Street. All lots, buildings and structures on the left or South side of the street shall bear an odd number and all lots buildings or structures on the right or North side of the street shall bear an even number of the twenty-four (24) numbers allotted each block, the most Easterly, West of Main Street and Westerly, East of Main Street, shall bear the smallest numbers. In so far as is possible each lot will have an even division of the twenty-four (24) numbers allotted said block.
2. All Avenues shall run North and South and all lots, buildings and structures located on avenues shall bear a number the first digit or first two digits, as the case may be, and whether East or West of Main Street, being the first number and the second number or numbers will be any number between one (1) and twenty-four (24) depending upon the location of the lot, building or structure. The first digit or digits shall be the same as the street number on the North end of the block of the avenue. All lots, buildings and structures on the East side of the avenue shall bear an odd number and all lots, buildings and structures on the right or West side of the avenue shall bear an even number. Of the twenty-four (24) numbers allotted each block the most northerly lot will have an even division of the twenty-four (24) numbers allotted said block.

3.0402 Numbers on Houses It shall be the duty of the owners and occupants of every house in the City to have placed thereon, in a place visible from the street, figures at least two and one-half (2 ½) inches high, showing the number of the house.

ARTICLE 5 UNCLAIMED AND ABANDONED PROPERTY

3.0501 Unclaimed and Abandoned Property – Defined Personal property left upon the streets, alleys, or other public ways in the City shall be deemed to be unclaimed or abandoned within the meaning of this Article when the same is permitted to remain in any one (1) place upon said streets, alleys, or public ways for a period of ten (10) days or more.

3.0502 Same: Seizure of Whenever any unclaimed or abandoned personal property is found upon the streets, alleys or other public ways of the City, the same shall be seized and possession thereof taken by any Police Officer, Street Commissioner or other Officer of the City.

3.0503 Same: Holding – Notice of Sale Such personal property as aforesaid shall be held by the City for a period of not less than sixty (60) days after its seizures as provided herein, and after the expiration of said sixty (60) days the City Auditor shall cause notice to be published in the official newspaper of said City, said notice specifying and stating the description of the property so seized and held, the location of the place where the same was seized or taken by said City, and a further notice that said property will be sold at public auction, to the highest bidder for cash, not less than ten (10) days from and after the date of the publication of such notice and the hour, date and place where said sale will be held. If prior approval is obtained from the governing body such unclaimed or abandoned property may be sold at a community auction provided that the Chief of Police or a Police Officer shall be responsible for the notice and reporting requirements of this Article.

3.0504 Same: Report of Sale At the time specified in said notice the said property shall be sold by the Chief of Police of the City or by any Police Officer designated by him, at public auction, to the highest bidder for cash and within three (3) days after the date of said sale, the officer making the sale shall make a report thereof to the governing body. The report shall contain the description of the property sold, the time and place of the sale, the name or names of the purchaser or purchasers and the amount received therefore. The report shall be made under oath and subscribed by the officer making such sale and shall be filed with the City Auditor within three (3) days after the date of such sale. The officer upon filing the report shall pay to the City Auditor the proceeds of said sale.

3.0505 Same: Bill of Sale Upon the receipt of the report as specified in Section 3.0304 hereof the City Auditor shall prepare a bill of sale of the property sold, conveying the same to such purchaser and the same shall be executed by the presiding officer of the governing body and attested by the City Auditor and delivered to the purchaser.

3.0506 Same: Proceeds of Sale The City Auditor shall retain such money as is received from such sales in a separate account for a period of six (6) months from and after the time of such sale and if proceeds of such sale are not claimed as hereinafter provided by the owner of said property, the said money shall thereupon be transferred to the general fund of the City.

3.0507 Same: Redemption Any person owning such personal property seized as aforesaid, may at any time prior to the sale thereof, upon furnishing satisfactory proof of his ownership thereof to the governing body, reclaim such property upon paying the expenses incurred by the City for the seizure, storage or advertising the sale thereof and any person owing such property as aforesaid may at any time within six (6) months after such sale and upon making satisfactory proof to the governing body of his ownership thereof, claim the proceeds of such sale, upon payment to the City of the necessary expenses incurred by the City for the seizure, storage and sale of property.

3.0508 Annual Report The Chief of Police prior to June 1st of each year shall submit to the City Auditor a written list of all unclaimed and abandoned property held by the City which has not been sold pursuant to the provisions of this Article. The City Auditor shall bring such list to the attention of the governing body at the next regular meeting.