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1.0101 **Over Persons and Property**

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

1.0102 **Defining City Limits**

There shall be included within the municipal limits of the City of Wilton 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 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 Montefiore School District Number 1, within the city limits of the City of Wilton.

1.0103 **Division of City into Precincts**

There shall be one precincts within the City of Wilton to be known and designates as Wilton and each of said precincts shall consist of all that part of the City of Wilton which lies within the boundaries hereinafter set forth for each of the precincts and the polling place in each precinct shall be located at the site hereinafter set forth to wit: Wilton Memorial Hall

1.104 **City Fines and Penalties Limited\***

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

1. Except as provided in subsection 2 and 3, the fine or penalty for the violation of any ordinance, resolution, or regulation of a city shall not exceed five hundred dollars and the imprisonment shall not exceed thirty days for one offense.
2. For every violation of a city ordinance regulation the operation or equipment of motor vehicles or regulation traffic, except those ordinances listed in section 39-06.1-06
3. For every violation of a city ordinance prohibiting shoplifting, vandalism, criminal mischief, or malicious mischief, the penalty may not exceed a fine of one thousand dollars, imprisonment for thirty days, or both such fine and imprisonment.

This section shall not be construed to prohibit the utilization of the sentencing alternatives, other than a fine or imprisonment, provided by NDCC Section 12.1-32-02 for the violation of a City ordinance, nor shall this section limit the use of deferred or suspended sentences pursuant to NDCC Chapter 12.53.

(\* See Appendix)

1.0201 **Regular Meetings\***

The Board of City Commissioners shall meet regularly at the City Hall on the first and third Wednesday of each month at the hour of 8:00 PM unless some other time and place specifically fixed by the board. The board shall meet in addition thereto, as often as required by Section 40-08-10 of the North Dakota Century Code

1.0202 **Special Meetings**

Special meetings may be called at any time by the 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 hours before the time of the meeting.

1.0203 **Meeting to be Public- Journal of Proceeding to be Kept**

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

The provisions of Section 40-09-08 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 shall be reconsidered or rescinded at a special meeting unless there is present at such special meeting as large a number of members as were present when such vote was taken.

1.0206 **Rules and Order of Business**

Rules and order of business for the parliamentary government of the governing body shall be governed by Robert's Rules of Order.

(\* See Appendix)

1.0301 **Board of City Commissioners\***

The governing body of the City of Wilton shall be the Board of City Commissioners which shall be composed of the President of the Board of City Commissioners and four City Commissioners. The President and four City Commissioners shall be elected as provided by law.

1.0302 **Commissioners- Terms of Office- Terms of Members of the First Board- Resignations**

The provisions of Section 40-09-04 of the North Dakota Century Code and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

Each commissioner and the president of the board of city commissioners shall hold office for four years commencing on the fourth Tuesday in June of the year in which the officer was elected and until a successor has been duly elected and qualified. The commission shall establish by ordinance a procedure whereby one-half of all commissioners, as nearly as practicable, are elected biennially. The president or any other member of the board may resign from office by filing a written resignation with the city auditor, who shall submit the resignation to the board of city commissioners at its next regular meeting or at a special meeting called for consideration of the resignation. The resignation is effective upon its acceptance by the board.

1.0303 **President of Board of Executive Officer- Duties- No Veto Power**

The provisions of Section 40-09-08 of the North Dakota Century Code and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

The president of the board of commissioners shall be the executive officer of the city and he shall see that all the laws of the city are enforced. He shall have the right to vote as a member of the board, but he shall have no veto power.

1.0304 **Vice- President and Acting President of the Board- Powers to Act**

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

At the first meeting of the board after each biennial election, one of its own members shall be elected vice-president. The vice-president shall perform all the duties of the office of president in the absence or inability of the president to act. In the absence or inability to act of both the president and the vice president, the board shall elect one of its members as acting president, who shall have all the powers and perform all the duties of the president during his absence or disability.

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 hereby are incorporated by reference in this ordinance.

If a vacancy occurs in the office of the city commissioner or president of the board of city commissioners, the board may call a special city election to fill such vacancy for the unexpired term, or may, after fifteen days from the date of such vacancy appoint a person to fill such

vacancy until the next city election, at which election the unexpired terms shall be filled. Upon petition of five percent of the electors, as determined by the total number of votes cast in the city in the last general election, the commission shall call a special city election to fill a vacancy occurring more than six months prior to the next city election, provided such petition has been submitted within fifteen days of the date of such vacancy.

**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 hereby are incorporated by reference in this ordinance.

The board of city commissioners, by a majority vote of all members thereof, shall designate from among its members:

1. A police and fire commissioner who shall have under his special charge the enforcement of all police regulations of the city and the general supervision of the fire department of the city.
2. A commissioner of streets and improvements 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 rules and regulations relating thereto, and with the preservation for the health of the inhabitants of the city. He shall have under his special charge the supervision of all public improvements and the conditions of all grants of franchises or privileges are compiled with faithfully and performed;
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 hereby are incorporated by reference in this ordinance.

The commissioner who is the head of each department shall audit all accounts against it, but before payment the accounts shall be acted upon and approved by at least three members of the board of city commissioners. Approval by at least three 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.

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 hereby are incorporated by reference in this ordinance.

The board of commissioners shall have the sole authority to pass and adopt rules and regulations concerning the organization, management, and operation of all 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 Witnesses 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 hereby are 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 of the county 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 auditor, and served by any member of the police force of the city.

1.0310 **Restrictions of Member of Board**

The provisions of Section 40-09-17 of the North Dakota Century Code and all subsequent amendments shall be and hereby are incorporated by reference in this ordinance.

1. Except as provided in subsection 2, a member of the board of city commissioners may not:
  - a. Be eligible to any other office the salary of which is payable out of the city treasury;
  - b. Hold any other office under the city government; and
  - c. Hold a position of remuneration in the employment of the city.
  
2. A member of a board of city commissioners may serve as an ambulance crew member employed by the city or under a contract with the city and be remunerated for those services or as a volunteer firefighter or ambulance crew member for the city and be compensated for attending training or responding to emergency calls or may be reimbursed for expenses incurred in attending training or in responding to emergency calls

(\* See Appendix)

1.0401 **Municipal Judge**

There shall be elected each four years a municipal judge who shall hold office until his successor is elected and qualified. The municipal judge shall perform all the duties prescribed by law and the ordinances of this city. He shall receive an annual salary as full compensation for all services rendered.

1.0402 **Report to Board of City Commissioners**

It shall be the duty of the municipal judge to make a full report under oath, of all proceedings in the actions and matters before him in the City of Wilton is a party, or interested therein, to the governing body of the City of Wilton, at the close of each month. Until such report has been filed with the City Auditor, no salary shall be paid the judge for such work.

1.0403 **Contents of Report**

Such report shall contain the names of the parties to such actions or proceeding, a statement of all orders made whether the defendants be committed, fined or released from custody, the judgment, the extent thereof, the costs, the amount of costs and fine paid, if any, with the disposition thereof, together with an itemized account of any fees of all officers and witnesses and the names of each, the name of each person making the complaint, and the nature and date thereof.

1.0404 **Receipt of Accompany Report**

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

1.0405 **Court Hours**

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

1.0406 **Duties of Municipal Judge**

Additional duties of the municipal judge shall be as provided by the provisions of Chapter 40-18 of the North Dakota Century Code and all amendments thereto.

**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 Commissioners, shall appoint the following officers;

1. City Auditor
2. City Attorney
3. City Assessor
4. City Health Officer
5. Chief of Police
6. City Engineer

In addition, governing body may appoint a Treasurer, additional assessors, a street commission, a chief of the fire department, one or more policemen, a board of public works, and such other officers or boards as the Board of 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.

**1.0502 Term of Appointive Officers**

The provisions of Section 40-15-06 of the North Dakota Century Code and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

The terms of all appointive officers of a city operating under the commission system of government commences on the first day of July succeeding their appointment unless otherwise provided by ordinance, and the officers shall hold their respective offices for the term provided by ordinance, and until their respective successors are qualified.

**1.0503 Postponement of Appointments**

The Commission may, upon the concurrence of two-thirds 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 week from the date of such adjournment.

**1.0504 Appointive Officers- Removal Upon Hearing- Suspension Appointments and Removal of Temporary Officers**

The provisions of Section 40-15-07 of the North Dakota Century Code and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

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 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. Within ten 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 of the vote of its members, may suspend any officers 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 the City 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. He shall also keep a full and complete record of all meetings of the City Commission and shall keep a book titled as the "Ordinance Book" and shall record therein at length all ordinances of the City. He shall keep a book to be styled the "Special Assessment Book" in which he shall keep all records of special assessments. All such books shall have full and complete indexes of the contents thereof. He 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 receipt therefore. He shall further handle all correspondence, permits and licenses and shall do and perform each, every and all duties and things prescribed for him to do by statutes of this state, or by an ordinance, resolution or proper instruction of the City Commission.

**1.0506 General Duties of the City Attorney**

The City Attorney shall conduct all the law business of the City and of the departments thereof, and all law business in which the City shall be interested; 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 his duty to draft all ordinances, bonds, contracts, leases, conveyances and such other instruments as may be required by the officers of the City; to examine and inspect tax and assessment rolls and all other proceedings in reference to the levying and collection of taxes and to perform each and every and all duties and things prescribed by him to do by statutes of the state, or by an ordinance, resolution or proper instruction of the City Commission.

**1.0507 General Duties of Other Appointive Officers**

All other appointive officers shall perform such duties as directed by the Board of City Commissioners, directed by these ordinances, or directed or authorized by the Laws of the State of North Dakota.

1.0601 **Bonds of Municipal Officers and Employees**

The following officers and employees of the City of Wilton shall be bonded in the sums as hereinafter set forth:

President of the City Commission  
City Auditor  
Deputy City Auditor  
Municipal Judge  
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 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. Each Commissioner, before entering upon the duties of his office, shall furnish bond in the penal sum of \$3,000.00, conforming to the provisions of law applicable to the bonds of state officers. Section 40-13-02 and Chapter 26.1-21

1.0602 **Oaths of Municipal Officers**

Every person appointed to any municipal office, before he enters upon the discharge of the duties thereof, shall take and subscribe the oath of office prescribed for civil officers and, except in the case of the treasurer and auditor, shall file the same with the city auditor within ten (10) days after notice of his or her 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 person to the office of policeman, fireman, or any other office, position or appointment under the city government

1.0603 **Salaries of City Commissioners**

Beginning January 1, 2015, the monthly salary of the President of the City Commission shall be 150% of the rest of the commission. The monthly salary of the City Commission shall be \$150.00. The President of the Commission and City Commissioners shall be paid \$25.00 for special meetings. Such salary may be declined by a commissioner upon written notice to the City Auditor.

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.

1.0605 **Meals and Lodging**

Each elective or appointive officer, employee, representative, or agent of this City, or of any of its subdivisions, board, or commissions may make claim and shall upon approval of such claims, be paid an allowance for meals and lodging while engaged within this State, in the

discharge of a public duty away from his normal working and living residence for all or any part of any quarter of a day at the rates specified by state law.

Verification of claims shall not be required for the first three quarters listed above and only a lodging receipt shall be required for the fourth quarter; provided however, the amount paid for such lodging shall not be required to be listed.

Such persons engaged in travel without the State shall claim a sum in excess of that allowed by state law a day for meals and in addition thereto actual lodging expenses. Verification by receipt for such out-of-state travel expense shall be required only for lodging expense claimed. Verification of any other type of expenses not prescribed by this section shall be by sworn statement and receipts shall be required for taxi or cab fares up to and including the sum of five dollars.

Any person filing a false claim with the City of Wilton for mileage or expenses as herein permitted is guilty of an offense, and may be punished by a fine of not to exceed \$500.00 and imprisonment not to exceed 30 days.

**1.0606 Personal Interest in Contract by Public Officer- Prohibited**

No contract for the furnishing of supplies to the City, or buying of property from the City shall be entered into by any officer of the municipality, provided, however, that such contracts may be entered into with an officer of the City, if such contract is unanimously approved by 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 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 \$500.00 and imprisonment of not to exceed 30 days.

**1.0608 Administrative Policy and Procedures**

PERFORM DUTIES. Each officer shall:

1. Perform all duties required of his office by law or ordinance and such other duties not in conflict as may be required by the governing body.
2. Be immediately responsible to the governing body for the effective administration of their departments and all activities assigned thereto.
3. Keep informed as to the latest practices in their particular field and shall inaugurate with approval of the governing body such new practices as appear to be of benefit to the service and to the public.
4. Submit such reports of activities of their departments as the governing board may request.

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5. Be responsible for the proper maintenance of all City property and equipment used by his departments.
6. Establish and maintain records in sufficient detail to furnish all information needed for proper control of department activities and to form a basis for reports to the governing board.
7. Cooperate with other officers, departments and employees.
8. Have power to direct and supervise all department subordinates.

1.0609 **Obstructing a Public Official- Prohibited**

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

1.0701 **Competitive Bidding Requirements**

All purchase of and contracts for supplies and contractual services with a cost in excess of one hundred thousand dollars shall be based on competitive bids.

1.0702 **Procedure**

All supplies and contractual services except as otherwise provided herein, when the estimated cost thereof shall exceed \$100,000.00 shall be proposals. Due notice shall be given by advertising for the sale and purchase of the property or service by giving written notice in the official newspaper of the City for three (3) consecutive weeks and the opening of the bids so received not less than 21 days after the first publication thereof. The lowest responsible bidder shall be the bidder who, in addition to price, has the best ability, capacity and skill to perform the contract or provide the service required promptly or within the specified time without delay or interference. There shall also be considered character, integrity, reputation, judgment, experience and efficiency of the bidder, the quality of performance of previous contract, sufficiency of financial resources and previous and existing compliance with state law and City ordinances.

1.0703 **Open Market Purchases- Emergency**

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

1.0704 **Accounts Against City to be in Writing and Verified**

Accounts, claims and demands against the City of Wilton, 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 to be furnished by the City Auditor and reading as follows:

“Verification. I do hereby certify that the within bill, claim, account, or demand is just and true; that the money therein charged was actually paid for the purpose therein stated; that the services therein charged were actually rendered and of the value therein charged, and that no part of such bill, claim, account or demand, has been paid; and that the goods therein charged were actually delivered and were of the value charged.

Signed \_\_\_\_\_

(If signed for a firm or company, show authority on this line)”

1.0706 **Further Verification May Be Required**

It is hereby provided that any officer of the Board of City Commissioners before whom any bill, claim, account or demand against the city shall come for audit or 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 vouchers forms for bills, claims, accounts, and demands against the City shall have printed thereon the language of Section 1.0705

**1.0708 Conveyance, Sale, Lease or Disposal of Property**

Real property belonging to the municipality shall be conveyed, sold, leased or disposed of, only as approved of by a two-thirds vote of all members of the governing body. Instruments affecting such conveyance, sale, lease or disposal shall be valid only when duly executed by the President of the City Commissioners and attested by the City Auditor. Personal property shall be conveyed by a majority vote of all members of the governing body. When the property to be disposed of, whether real property or personal property is estimated, by the governing body of the municipality to be of a value of less than \$2,500.00, such property may be sold at private sale upon the proper resolution of the governing body. In all other cases, such property may be sold only at public sale. 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. When specific statutory provisions contained in the North Dakota Century Code provide for a procedure which is in conflict with this section, governing the conveyance, sale, lease or disposal of real property, this section shall not apply insofar as it is in conflict with such state law. Said statutory procedures include the following:

1. Lease of airports or landing fields, or portions thereof shall be under authority granted in Section 2-02-15, NDCC. Said lease shall further be in compliance with regulations and directives appropriate federal agencies.
2. Conveyance of right of way for any state highway shall be as provided in Section 24-01-46, NDCC.
3. Leasing of oil and gas lands shall be as provided in Sections 38-09-02 through 38-09-04 and Sections 38-09-14 through 38-09-20, NDCC.
4. Conveyance of property to a municipal parking authority shall be as provided in Section 40-61-05, NDCC.
5. Lease of public buildings or portions thereof shall be as provided in Chapter 48-08, NDCC.
6. Granting of concessions for cafes, restaurants and confectioneries in public buildings or on public grounds shall be as provided in Chapter 48-09, NDCC.
7. Granting of right-of-way for a railway, telephone lines, electric light system or a gas or oil pipeline system shall be as provided in Section 49-09-16, NDCC.

**1.0709 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 into this ordinance.

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 into 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 into this ordinance.

Biennial municipal elections must be held on the second Tuesday in June in each even numbered year.

1. Thirty days before the filing deadline for candidate names to be printed on the ballot, an official notice of this deadline along with a list of the offices to appear on the ballot must be published in the official newspaper of the city as provided by section 40-01-09.
2. Ten days' notice of the time and place of the election and of the offices to be filled at the election must be given by the city auditor by publication in the official newspaper of the city as provided by section 40-01-09.
3. The governing body of a city shall enter into an agreement with the governing body of the county or counties in which the city lies concerning the use of a single canvassing board, the sharing of election personnel, the printing of election materials, the publishing of legal notices, and the apportioning of election expenses.
4. For city elections that are not held under an agreement with any county, the governing body of the city shall appoint one inspector and two judges of election for each polling place in the city at least ten days before the election is held and the polls must be opened and closed as provided for the opening and closing of polls at statewide elections. In voting precincts in which over three hundred votes are cast in any previous election, the governing body may appoint two election clerks for each polling place. For a city election that is not held under an agreement with any county in a precinct in which seventy-five or fewer votes were cast in the last city election, the governing body of the city may appoint one inspector and one judge for each polling place.
5. When a city enters into an agreement with the county to hold the city election in conjunction with the county election, the deadline for giving notice of the city election along with the offices to be filled at the election may be adjusted in order to meet the publishing requirements of the county. Each city governing body that enters into an agreement with the county must notify the county auditor, in writing, immediately after the candidate filing deadline on the sixty-fourth day before the election of the offices to be filled at the election and any measures to appear on the ballot.

**1.0803 Designation of Polling Places for Municipal Elections**

The governing body of any city at the time of calling any general or special municipal election, or prior to the time of registration for said election, if such 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 Elections**

The provisions of Section 40-21-05 of the North Dakota Century Code and all subsequent amendments shall be and are hereby incorporated by reference into this ordinance.

Each inspector, judge, or clerk of any regular or special municipal election shall receive compensation as determined for election officials in section 16.1-05-05. The amounts determined to be due election officials at municipal elections shall be paid from the funds of the municipality holding the election. In the event a special municipal election is held on the same date as a statewide, districtwide, or countywide election, and if the same election officials perform services for both elections, the city shall not be required to pay the election officials, except for any extra officials necessary for such special municipal election.

**1.0805 Reference to Party Ballot or Affiliation in Petition of Candidate for Municipal Office- Prohibited- Principals Stated**

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

No reference may 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.

**1.0806 Petition for Nomination of Elected Official in Municipalities- Signatures Required- Contents**

The provisions of Section 40-21-07 of the North Dakota Century Code and all subsequent amendments shall be and are hereby incorporated by reference into this ordinance.

A candidate for any public office in an incorporated city may be nominated by filing with the city auditor, before four p.m. on the sixty-fourth day before the holding of the election, a petition signed by not less than ten percent of the number of qualified electors who voted for that office in the last city election. A candidate shall also file a statement of interests as required by section 16.1-09-02. If multiple candidates were elected to the office at the preceding city election at which the office was voted upon, the number of signatures must equal at least ten percent of the total votes cast for all candidates divided by the number of candidates that were to be elected to that office at that election. Qualified electors who sign a petition must reside within the ward or precinct in and for which that officer is to be elected, if the election is by wards, or within the corporate limits of the city, if the officer is elected at large. In cities operating under the commission system of government the required petition may be signed by the qualified electors at large residing within the city. If a petition is mailed, it must be in the possession of the city auditor before four p.m. on the sixty-fourth day before the holding of the election. However, no more than three hundred signatures may be required and the signatures may be on separate

sheets of paper. Petitions must meet the 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. on the sixty-fourth 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 days before the time when a petition for a special election must be filed. A candidate for city council may run for either the office of mayor or council member but not both in the same election. 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 commissioners but not both in the same election. A candidate may run for only one office in a city at any given election.

**1.0807 Ballots in Municipalities- Markup**

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 into this ordinance.

The auditor of the city shall place only the names of the persons nominated upon the ballot.

The auditor shall arrange the offices upon the ballot in the order in which they are named in the statutes. 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 day before the election. The city auditor shall set the date, time, and location for conducting the drawing and shall give advance notice of the drawing to the candidates involved.

**1.0808 Clerks Appointed to Fill Vacancies- Oath- Powers and Duties of Judges and Clerks 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 into this ordinance.

When necessary, the judges of election at a municipal election shall appoint clerks to fill vacancies. The judges and clerks of a municipal election shall take the same oath and have the same powers and authority as judges and clerks of general state elections.

**1.0809 Counting Ballots- Returns- Canvass of Returns by Governing Body of Municipality**

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

Repealed by S.L.2005, ch.185, §18

**1.0810 Municipal Elections to be Governed by Rule 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 into this ordinance.

The manner of conducting, voting at, keeping poll lists, and canvassing votes at municipal elections, recounts, and contests of the results of the elections is governed, as nearly as possible and except as otherwise provided in this chapter, by the laws of this state applicable to

elections and contests in the case of county officers. Absent voters' ballots must be available in municipal elections in accordance with chapter 16.1-07.

1.0811 **City Auditor to Notify Election or Appointments**

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

The city auditor, within five days after the result of an election is declared or the appointment of an officer is made within the municipality, shall notify each person elected or appointed to municipal office of 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 into 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 into this ordinance

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

1.0814 **Highest Number of Votes Elects in Municipal Election- Procedure for Tie Vote**

The person having the highest number of votes for any municipal office shall be declared elected to such office. In case of a tie vote in the election of any municipal officer, the choice shall be determined by a coin flip in the presence of the governing body of the municipality and in such manner as it shall direct.