

CHAPTER II  
ORDINANCES

Article

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**2.0101 Voting, Record of**

The yeas and nays shall be taken by the governing body upon the passage of all ordinances and on all propositions to create any liability against the City or for the expenditure of appropriation of money, and, in all other cases, at the request of any member, which shall be entered on the journal of its proceedings, and the concurrence of a majority of all the members elected shall be necessary to the passage of any such ordinance or other matter which shall come before it for decision, except as otherwise provided by law or ordinance. It shall require a two-thirds vote of all the members elected to sell any city property where the value is more than \$100.00. A 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.

05/05/80

**2.0102 Reconsideration of 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No vote of the governing body shall be reconsidered or rescinded at a special meeting unless, at such special meeting there is present as large a number of members as was present when such vote was taken.

05/05/80

**2.0103 Procedure in Passing Ordinances**

All ordinances shall be read twice, and the second reading shall not be had in less than one week after the first reading; and after such first reading, before their final passage, such ordinances may be amended, and shall then be put upon their second reading and final passage; provided such ordinance is not enacted until it is approved by the Mayor or passed over the Mayor's veto, the ordinance shall be deposited in the office of the City Auditor for approval by the Mayor. If he approves the ordinance, he shall sign it. If he disapproves, he shall return the ordinance with his written objections to the next regular or special meeting of the Council occurring not less than five days after the passage thereof. If he fails to return the ordinance with his objections within said time, he shall be deemed to have approved the same. He may veto an entire ordinance or items thereof. An ordinance vetoed in whole or in part may be reconsidered by the Council and passed over the veto by a two-thirds vote.

05/05/80

**2.0104 Publication**

The title and penalty clause of each ordinance, imposing any penalty, fine or imprisonment for its violation, after its final adoption, shall be published in one issue of the official paper of the city.

05/05/80

**2.0105           Effective Date**

Ordinances adopted and requiring publication shall take effect and be in force from and after publication unless otherwise provided. Ordinances not requiring publication shall take effect and be in force from and after final approval unless otherwise provided.

05/05/80

**2.0106           Effect of Repeal**

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

05/05/80

**2.0107           General Penalties for Violation**

In case no other specific penalty is prescribed for the violation of any section or provision of any ordinance of the City, any person found guilty of violating the same shall be punished by a fine of not more than One Thousand Dollars (\$1,000.00) or by imprisonment not to exceed thirty (30) days, or both such fine and imprisonment in the discretion of the court; the court to have power to suspend said sentence and to revoke the suspension thereof, except as otherwise provided. Each day any person, firm, association or corporation shall violate any section or provision of any article shall constitute a separate offense.

02/01/99

**2.0108           Costs of Prosecution**

In every case of conviction of a violation of any ordinance, or any part thereof, the reasonable costs of prosecution may be assessed against the person convicted, as part of the punishment.

05/05/80

**2.0109           Judgment on Conviction**

In all trials for offenses under the ordinances of the City, if the defendant is found guilty, the municipal judge shall render judgment accordingly. The defendant shall stand committed until such judgment is complied with and if the defendant does not pay the fine and costs or make any required partial payment, the court, upon motion of the city attorney or on its own motion, may issue an order to show cause why the defendant should not be imprisoned for nonpayment. Unless the defendant shows that his default is excusable, the court may sentence him to a period not to exceed thirty (30) days of imprisonment for failure to pay each such fine and costs.

02/01/99

**2.0110           Alternatives to Sentencing**

Alternatives to sentencing are set forth in *N.D.C.C.* §12.1-32-02, as amended, are adopted as though set forth in full herein.

05/05/80

**2.0111 Fines – No Remission**

Under no circumstances shall the municipal judge remit fines or penalties or payment of costs.

05/05/80

**2.0112 Deferring or Suspending Sentence**

The municipal judge may, in his discretion, upon the conviction of any person of any offense against any of the ordinances of the City, then and there impose a sentence of imprisonment as may be regulated by such ordinances, or defer imposition of sentence or suspend the sentence imposed on such person for a period of not to exceed one (1) year from the date of the 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; 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 of 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.

05/05/80

**2.0113 Amendment Procedure**

After any ordinance has become effective, the Auditor shall determine the appropriate chapter and ordinance number for said ordinance. The page or pages upon which the new ordinance is to be placed shall be removed from the master book of ordinances and shall be retained in an appropriate 3-ring binder in the same manner as the city records are retained. The removed page or pages shall then be retyped in their amended form and placed in the master book of ordinances. A notation showing the date of amendment of a particular ordinance shall be included immediately following the ordinance. The date that page or pages have been replaced in the master book of ordinances shall be indicated on the bottom right hand corner of the page. To insure that amendments do not require retyping of an entire chapter, additional pages may be inserted with a portion of an ordinance or ordinances on them and they shall be numbered 1a, 2a or any other such designation that would indicate that said page is a continuation of a preceding page.

05/05/80