

**CITY OF ALEXANDER, NORTH DAKOTA  
HOME RULE CHARTER**

**COPY**

Article I - Incorporation:

The inhabitants of the City of Alexander, within the corporate limits as now established or as hereafter established in the manner provided by law, shall continue to be a municipal body politic and corporate in perpetuity, under the name of "City of Alexander."

Article II - Governing Body to Exercise Powers:

Subject to the limitations imposed by the State Constitution, State Law, and this Charter, all powers of the City shall be vested in the elected governing body. The elected governing body shall enact local legislation, adopt budgets, determine policies, and prescribe the function of government to be performed under this Charter by the City. All powers of the City shall be exercised in the manner prescribed by this Charter, or if the manner not be prescribed, then in such manner as may be prescribed by ordinance.

Article III - Powers of City:

The City shall have all powers granted to municipal corporations by the constitution and laws of this State and by this Charter, together with all implied powers necessary to carry into execution all powers granted.

This Charter, and the ordinances enacted pursuant thereto, shall supersede within the territorial limits and other jurisdictions of the City, and law of the State in conflict therewith.

Among its enumerated powers, which may be implemented by ordinance subject to the limitations specified in the Charter, shall be the following:

1. To acquire, hold, operate, and dispose of property within or without the corporate limits, and, subject to Chapter 32-15, exercise the right of eminent domain for such purposes.
2. To control its finances and fiscal affairs; to appropriate money for its purposes, and make payment of its debts and expenses; to levy and collect taxes, excises, fees, charges, and special assessments for benefits conferred, for its public and proprietary functions, activities, operations, undertakings, and improvements; to contract debts, borrow money, issue bonds, warrants, and other evidences of indebtedness; to establish charges for any city or other services; and to establish debt and mill levy limitations. Notwithstanding any authority granted under this Chapter, all property must be assessed in a uniform manner as prescribed by the State Board of Equalization and the State Supervisor of Assessments and all taxable property must be taxed by the City at the same rate unless otherwise provided by law. The authority to levy taxes under this subsection does not include authority to impose income taxes.
3. To fix the fees, number, terms, conditions, duration, and manner of issuing and revoking licenses in the exercise of its governmental police powers.

4. To provide for city officers, agencies, and employees, their selection, terms, powers, duties, qualifications, and compensation. To provide for change, selection, or creation of its form and structure of government, including its governing body, executive officer, and city officers.
5. To provide for City Courts, their jurisdiction and powers over ordinance violations, duties, administration, and the selection, qualifications, and compensation of their officers; however, the right of appeal from judgment of such courts shall not be in any way affected.
6. To provide for all matters pertaining to City elections, except as to qualifications of electors.
7. To provide for the adoption, amendment, and repeal of ordinances, resolutions, and regulations to carry out its governmental and proprietary powers and to provide for public health, safety, morals, and welfare, and penalties for a violation thereof.
8. To lay out or vacate streets, alleys, and public grounds, and to provide for the use, operation, and regulation thereof.
9. To define offenses against private persons and property and the public health, safety, morals, and welfare, and provide penalties for violations thereof.
10. To engage in any utility, business, or enterprise permitted by the constitution or not prohibited by statute or to grant and regulate franchises therefor to a private person, firm, corporation, or limited liability company.
11. To provide for zoning, planning, and subdivision of public or private property within the City limits. To provide for such zoning, planning, and subdivision of public or private property outside the City limits as may be permitted by State law.
12. To levy and collect franchise and license taxes for revenue purposes.
13. To exercise in the conduct of its affairs all powers usually exercised by a corporation.
14. To fix the boundary limits of said city and the annexation and deannexation of territory adjacent to said City except that such power shall be subject to, and shall conform with the State Law made and provided.
15. To contract with and receive grants from any other governmental entity or agency, with respect to any local, state, or federal program, project, or works.
16. To impose registration fees on motor vehicles, farm machinery gross receipts taxes, alcoholic beverage gross receipts taxes, or sales and use taxes in addition to any other taxes imposed by law. After December 31, 2005, sales and use taxes and gross receipts taxes levied under this Chapter:
  - a. Must conform in all respects with regard to the taxable or exempt status of items under Chapters 57-39.2, 57-39.5, 57-39.6, and 57-40.2 and may not be imposed at multiple rates with the exception of sales of fuel used to power motor vehicles, aircraft, locomotives, or watercraft, or to

electricity, piped natural or artificial gas, or other fuels delivered by the seller or the retail sale or transfer of motor vehicles, aircraft, watercraft, modular homes, manufactured homes, or mobile homes.

b. May not be newly imposed or changed except to be effective on the first day of a calendar quarterly period after a minimum of ninety days' notice to the tax commissioner or, for purchases from printed catalogs, on the first day of a calendar quarter after a minimum of one hundred twenty days' notice to the seller.

c. May not be limited to apply to less than the full value of the transaction or item as determined for state sales and use tax purposes, except for farm machinery gross receipt tax.

d. Must be subject to collection by the tax commissioner under an agreement under Section 57-01-02.1 and must be administered by the tax commissioner in accordance with the relevant provisions of Chapter 57-39.02, including reporting and paying requirements, correction of errors, payment of refunds, and application of penalty and interest.

It is the intention of this Chapter to grant and confirm to the people of all cities coming within its provisions the full right of self-government in both local and city matters within the powers enumerated herein. The statutes of the State of North Dakota, so far as applicable, shall continue to apply to home rule cities, except insofar as superseded by the charters of such cities or by ordinance passed pursuant to such charters.

After December 31, 2005, any portion of a charter or any portion of an ordinance passed pursuant to a charter which does not conform to the requirements of subsection 16 is invalid to the extent that it does not conform. The invalidity of a portion of a charter or ordinance because it does not conform to Subsection 16 does not affect the validity of any other portion of the Charter or ordinance or the eligibility for a refund under Section 57-01-02.1. Any taxes imposed under this Chapter on farm machinery, farm irrigation equipment, and farm machinery repair parts used exclusively for agricultural purposes, or on alcoholic beverages, which were in effect on December 31, 2005, become gross receipts taxes after December 31, 2005.

#### Article IV - Referendum and Initiative

Section 1: The voters of the City of Alexander shall have the powers to refer and initiate ordinances and resolutions, except that the power of initiative and referendum shall not extend to the annual appropriations ordinance, nor to those ordinances or resolutions implementing public projects upon which an election has previously been held, nor shall the power of initiative and referendum extend to special improvement projects under which the law provides for protest procedures or to special assessment projects carried out under the provisions of the North Dakota Century Code.

Section 2: Initiative petitions must be signed by qualified voters of the City equal to at least twenty-five percent (25%) of the total votes cast in the City at the most recent gubernatorial election.

Section 3: Referendum petitions must be signed by qualified voters of the City equal to at least twenty-five percent (25%) of the total votes cast in the City at the most recent gubernatorial election.

Section 4: Each petition, whether for initiating or referring an ordinance or resolution, shall contain or have attached thereto throughout their circulation the full text of the ordinance or resolution proposed or referred. In addition, each petition shall list the names of the three electors who shall constitute the "Committee for the Petitioners" who shall represent and act for the petitioners. Each petition shall also contain an affidavit signed by the circulation of the petition affirming that the signers thereto are believed by him or her to be qualified electors of the City of Alexander.

Section 5: Referendum petitions for ordinances must be filed with the City Auditor within 30 days after the second reading of the ordinance referred. Referendums petitions for resolutions must be filed with the City Auditor within 30 days after the passage of the resolution referred.

Section 6: The City Auditor shall pass upon the sufficiency of each petition and shall have 20 days after the petition is filed to certify as to its sufficiency. A petition shall be deemed sufficient if City Auditor has not certified to the contrary in said 20 day period. If the City Auditor finds the petition insufficient, he shall notify the "Committee for the Petitioners", specifying the insufficiencies, and allow seven (7) days for correction or amendment, and, in the case of a petition for initiating an ordinance only, for additional signatures within said seven (7) day period.

Section 7: Upon the filing of a referendum petition, the ordinance or resolution referred, except emergency ordinances or resolutions, as hereafter defined, shall be suspended. Such suspension shall terminate:

1. If the petitions are deemed to be insufficient and not corrected or amended as above provided; or
2. The petitions are withdrawn by the "Committee for the Petitioners", as provided in subsection 10 of the article; or
3. The governing body of the City repeals the ordinance or resolution; or
4. After 30 days have elapsed after the City election on the referral.

An "emergency ordinance" or resolution is an ordinance or resolution thus designated by the full governing body and passed by a 4/5 vote of such body.

Section 8: Upon the final determination of the sufficiency of the petitions for initiating an ordinance or resolution the governing body shall have 60 days in which to adopt the proposed ordinance or resolution. If the council fails to adopt the proposed ordinance or resolution, without any change in substance from the proposed, within the said 60 day period, the governing body shall submit the same to the voters of the City at an election within 180 days after the final determination of the sufficiency of the petition. If no regular City election is held within said time period, the governing body shall provide for a special election, otherwise the vote shall be taken at such regular election.

Copies of the proposed ordinance or resolution shall be available at the office of the City Auditor at least 10 days prior to the election. The ballot shall fairly state a summary of the proposed

ordinance(s) or resolution(s) provisions and copies of the ordinance or resolution shall be made available at the polling places.

Section 9: Upon the final determination of the sufficiency of the petition of referendum, the City governing body shall cause an election on the referral to be held within 90 days thereafter. The election shall be held at a regular City election if one is scheduled within said time period; if none, then at a special election called by the governing body. The ballot shall fairly state a summary of the ordinance or resolution referred. Copies of the ordinance or resolution shall be available at the polls as well as from the City Auditor for at least 10 days prior to the election.

Section 10: An initiative or referred referendum petition may be withdrawn at any time prior to the scheduling of the election by the governing body upon the filing of a request for withdrawal signed by all the members of the (Committee for the Petitioners).

Section 11: If a majority of electors voting on an initiated ordinance or resolution vote in its favor, it shall be considered adopted by the City's governing body. If a majority of electors voting on a referred ordinance or resolution vote against it, such ordinance or resolution shall be considered repealed upon certification of the election results.

Section 12: Any ordinance or resolution adopted pursuant to initiative as by this Article provided may not be referred except at a regular City election taking place at least two years after the election at which such initiated ordinance or resolution was adopted. The governing body may not repeal or make any material amendment to the initiated ordinance or resolution or to an ordinance or resolution referred and upheld by a vote of the people except by a vote of 4/5 of the members thereof for ten years after the date of the election adopting such ordinance or resolution; thereafter such an ordinance or resolution may be repealed or amended the same as any other ordinance or resolution.

Section 13: This article shall be self-executing and all of its provisions treated as mandatory. Ordinances or resolutions may be enacted to facilitate its operation but no ordinance or resolution shall be enacted to hamper, or impair the exercise of the right herein reserved to the people.

#### Article V - Severability Clause

If any section or part of section of this Charter shall be held invalid by a court of competent jurisdiction, such holding shall not affect the remainder of this Charter, except to the extent that an entire section or part of section may be inseparably connected in meaning and effect with the section or part of section to which such holding shall directly apply.

#### Article VI - Plenary and Implied Powers of the Governing Body

The governing body shall have plenary power to enact and make all proper and necessary ordinances, resolutions and orders to carry out and give effect to the express and implied powers granted in this Charter to the end that a complete, harmonious and effective municipal government may be initiated, installed, operated and maintained in the City, and thereby protect and safeguard the rights, interest, safety, morality, health and welfare of the City and its inhabitants.

## Article VII - Succession in Government

Section 1: Rights of Officers and Employees Preserved: Nothing in this Charter, except as specifically provided, shall affect or impair the rights or privileges of officers or employees of the City or of any office, department or agency existing at the time when this Charter shall take effect and not inconsistent with the provisions of this Charter, in relation to the personnel, appointment, removal, pension, and retirement rights, civil rights or any other rights or privileges of officers or employees of the City or any office, department or agency.

Section 2: Continuance of Present Officers: All persons holding executive and administrative offices at the time this Charter takes effect shall continue in office and shall continue the performance of their duties until provisions have been made by the governing board for their performance of such duties in some other manner or discontinuance of such office.

Section 3: Continuance of Present Offices, Departments or Agencies: Any office, department, or agency heretofore existing, shall continue to exercise powers and duties the same as were heretofore exercised and shall have the power to continue any business proceedings or other matters within the scope of its regular powers and duties until such office, department, or agency shall be changed or abolished by the governing body.

The powers conferred and the duties imposed upon any office, department, or agency of the City by the laws of this State shall, if such office, department, or agency be abolished by this Charter or under its authority, be hereafter exercised and discharged by this office, department or agency designated by the governing body.

Section 4: Continuance of Appointive Boards, Authorities, and Commissions: All appointive boards, authorities, and commissions, heretofore existing shall continue and shall exercise such powers and duties as were granted them until such boards, authorities, and commissions shall be changed or abolished by the governing body.

Section 5: Continuance of Contracts: All contracts entered into by the City, or for its benefit, prior to taking effect of this Charter, shall continue in full force and effect.

Section 6: Pending Actions and Proceedings: The adoption of this Charter shall not abate or otherwise affect any action or proceedings, civil or criminal, pending when it takes full effect, brought by or against the City or any office, department, agency or officer thereof.

Section 7: Ordinances to Remain in Force: All ordinances, resolutions and regulations of the City in force at the time this Charter takes effect, and not inconsistent with the provisions thereof, are hereby continued in force until the same shall be duly amended or repealed.

Section 8: Inauguration of Government Under This Charter: If a majority of the qualified electors of the City voting on the question, vote to ratify this Charter, the provisions of this Charter shall go into effect upon the filing of the Charter by the governing body with the Secretary of State, the Clerk of the District Court for McKenzie County, and the office of the City Auditor.

#### Article VIII - Changing the Forms of Government

Changes in the form of government may be proposed and effected in the manner provided by the North Dakota Century Codes and acts mandatory thereto.

#### Article IX - Construction:

The powers of the City under this Charter shall be constructed liberally in favor of the City, and the specific mention of particular powers in the Charter shall not be constructed as limiting in any way the general power stated in this Charter.

#### Article X - Method of Amendment and Repeal:

This Charter may be amended or repealed as provided by Section 40-50.1-07 of the North Dakota Century Code and acts amendatory.