

ORDINANCE NO. 2

An ordinance defining, creating and establishing, City Officials and duties and rules and order of business.

Be it ordained by the City Council;

Section 1 (Officers Appointed, When, How) That at the first regular session of the City Council after the biennial election for Mayor, or within a reasonable time thereafter, the Mayor may appoint and submit to the council for their approval and confirmation, a City Auditor; A City Street Commissioner; and such other officers as may be provided for by ordinance, and at the first meeting of the City Council in each odd numbered year, a Health Officer, whose term of office shall comence at once upon their qualification.

And the said appointments shall be confirmed by a majority ballot of all aldermen elected; and in case of a failure of the Council to confirm any such appointees, the Mayor shall immediately make another appointment to be acted on in like manner by the City Council, and shall proceed until all of said offices are filled. The Mayor can a second time submit the name of any appointee who has once failed of confirmation by stating in writing with such appointment, his reasons therefor; but an appointee twice rejected by the Council cannot a third time be appointed by the Mayor.

The Council may, upon concurrence of two-thirds of the aldermen elected, postpone action on such appointments to a special session of the Council to be held within one week from the date of such adjournment, and not later.

The Mayor shall also appoint such number of policemen from time to time as he and the City Council may deem necessary for the preservation of good order in the city.

Section 2: (Removal of Appointive Officers) A successor ad interim maybe appointer by the Mayor to fill a vacancy caused by the removal of any officer by the Mayor, who shall qualify and be subjected to the same liabilities and vested with the same rights of a duly appointed and confirmed officer until the next regular meeting of the City Council. At the next regular meeting of the City Council the Mayor shall in writing submit his reasons for the removal of said officer and his appointment of the successor; the Council shall then proceed to ballot on the appointment as in case of original appointments, as provided in Section 1 of this ordinance.

Section 3: (Term of Office.) All appointed officers, unless sooner removed shall hold office until the expiration of the term of the Mayor appointing them, unless otherwise provided by the laws of this state, and until their successors have been appointed, confirmed and qualified; and before entering upon the duties of their office shall take the oath and give the bonds required by law and the ordinances, rules and regulations of this City. Provided, that the term of office of the City health officer shall be two years, and the chief and assistant chief of the fire department one year unless sooner removed.

Section 4 : (Duties of Officials) The officer mentioned in section 1 of this ordinance shall perform the duties required by the laws of this state relating to cities incorporated under the general laws and the ordinances, rules and regulations of this City respecting their official duties, and such other duties as the Mayor and Council shall from time to time by ordinance or resolution require.

Section 5: (Mayor the Presiding Officer at Council Meetings) The Mayor when present shall be the presiding officer of the Council. He shall have control over the members of the police force and shall see that the officers of the City perform their respective duties; and he shall perform such other duties as by law and the ordinances he shall be required to do.

Section 6. (Council Meetings When to Be Held) The regular meetings of the Council shall be held on the First Monday in each month at eight o'clock P.M., and such meetings may be adjourned from time to time and all proceedings held under such adjourned meetings shall be as of the regular meeting for the month, and one week intervening between sessions, shall be construed as the interval necessary for the second reading and passage of ordinances.

Special meetings may be called by the Mayor whenever he may deem such meetings necessary for the transaction of business; and shall call a special meeting whenever requested in writing to do so by three members of the Council, which request shall be filed with the City Auditor; notice of such special meetings shall be given to each member of the Council not absent from the City.

Section 7. (President and Vice President of Council. Duties of.) At the first regular meeting after the annual election in each year, the City Council shall proceed to elect from its own members a President and Vice President, who shall hold their respective offices for the municipal year

It shall be the duty of the President in the absence or temporary disability of the Mayor to act as presiding officer of the Council, and shall during the absence of the Mayor from the City or his temporary disability, be acting mayor and shall possess all the powers of the Mayor; and in the absence or disability of the Mayor and the President of the Council, the Vice President shall perform the duties of the Mayor and President of the Council; provided that all warrants on the treasury signed by the President or Vice President shall be signed in his official capacity and as acting Mayor.

Section 8. (Standing Committees) The following standing committees shall be appointed by the Mayor at the organization of the Council or as soon thereafter as practicable; and their reports shall be received in the following order unless otherwise received by consent.

1. Ways and Means
2. Streets and Walks
3. Electric Lights and Waterworks
4. Fire and Fire department
5. Licenses
6. Printing
7. Public Buildings and Grounds
8. Auditing
9. Ordinances
10. Salaries
11. Such other committees as may be added by resolution or ordinance

Section 9. (Rules and Order of Business)

First. At the hour appointed for the meeting of the council the Mayor shall take his chair and direct a call of the members by the Auditor, who shall note the absentees. If a quorum be not present the Mayor shall send for the absent members. Upon the appearance of a quorum, the Mayor shall call to order and proceed with the order of business as follows:

1. Reading and approval of the minutes of the preceeding meetings; but the reading of the minutes of any preceeding meeting may be dispensed with and they may be approved by a majority vote of those present.
2. Communications from the Mayor
3. Communications and reports of corporation officers
4. Petitions, remonstrances and accounts
5. Reading ordinances and referring to committees
6. Motions, resolutions and notices
7. Reports of standing committees
8. Reports of special committees
9. Committee of the whole
10. Unfinished business
11. Adjournment

The above order of business shall not be changed except by the unanimous consent of all members present and shall govern all special meetings as far as applicable.

Second. All questions as to the priority of business shall be decided without debate, subject to appeal to the council

Third. The presiding officer shall preserve order and decorum and shall decide all questions of order, subject to an appeal to the council without debate.

Fourth. When two or members address the presiding officer, he shall decide who is to speak.

Fifth. No member shall speak more than twice upon the same question nor more than once upon "the previous question" without leave of the council; nor more than once in any case until every member choosing to speak shall have spoken.

Sixth. When the presiding officer is putting the question, or when a member is speaking, no member shall walk across or out of the room, or entertain any private discourse or pass between the speaker and the presiding officer.

Seventh. Every member previous to speaking, shall arise and address the presiding officer as "Mr. President", but shall not proceed until recognized and named by the presiding officer.

Eighth. No personalities or reflections injurious to the feelings of any member or the harmony of the council shall be tolerated and every person indulging in such shall be called to order by the President.

Ninth. A member called to order shall immediately sit down unless permitted by the council to explain. If he appeals, the council shall decide the point without debate. If no appeal is taken, the decision of the President shall be conclusive.

Tenth. No motion shall be entertained unless seconded. When seconded it shall be stated by the president, and if any member requires it, reduced to writing.

Eleventh. When a motion is stated, every member present shall vote unless excused by the council, or unless directly interested in the question in which case he shall not vote.

Twelfth. When a resolution or motion has been stated by the presiding officer it shall be deemed to be in possession of the council, but may be withdrawn at any time before a decision, or amended by consent of the council.

Thirteenth. If a question under consideration contains more than one distinct proposition it may be divided upon the request of any member.

Fourteenth. When a question is pending no motion shall be received except as hereinafter specified, which motion shall have precedence in the order stated: first, an adjournment of the council; second, a call of the council; third, to lay on the table; fourth, for the previous question; fifth, to postpone indefinitely; sixth, to postpone to a day certain; seventh, to refer to a committee of the whole; eighth, to refer to a standing committee; ninth, to refer to a special or select committee; tenth, to amend.

Fifteenth. A motion for the "previous question", to lay on the table, or commit until decided, shall preclude all amendments to the main question.

Sixteenth. The previous question shall be put as follows: "Shall the main question be now put?" and may be called on request of two members of the council.

Seventeenth. A motion to adjourn shall always be in order and decided without debate.

Eighteenth. In all cases the name of the member offering a resolution or motion shall be entered with it upon the Journal.

Nineteenth. The committees shall be appointed by the presiding officer unless otherwise specially directed by the council.

Twentieth. When a question has once been put and decided it shall be in order for any member who voted with the majority to move for a reconsideration thereof; but no motion for a reconsideration or any vote shall be in order after the subject upon which the vote was taken shall have gone out of the council, unless with the consent of five members of the council.

Twenty-first. A motion for a reconsideration, if lost, shall not again be repeated at the same meeting of the council; nor shall any question be reconsidered more than once.

Twenty-second. No standing rule of order of the council shall be repealed, rescinded, changed or suspended, except by a vote of the majority of the members elect; nor shall any new rule be added thereto except by like vote.

Twenty-third. Any regular meeting of the council may be adjourned from time to time and all proceedings held under such adjourned meeting shall be as of the regular meeting for the month; and one week intervening between sessions shall be considered as the interval necessary for the second reading and passing of ordinances. When any regular meeting day shall come on a legal holiday then such meeting shall be held on the first business day following.

Twenty-fourth. When any special meeting is called the auditor or the chief of police, as directed by the Mayor, shall give written notice to each member of the council, which notice shall state the object or objects of the meeting.

Twenty-fifth. It shall be the duty of every member of the council to attend all meetings of the council at the hour appointed therefor, and to remain until the close of the session, unless excused.

Twenty-sixth. The chief of police shall be ex-officio sergeant-at-arms and shall attend all meeting of the council at the hour appointed and remain in attendance until the close of the session, unless otherwise ordered. It shall be his duty to prevent spectators from entering within the bar unless invited, and to prevent members from leaving the room unless excused. He shall bring in the absent members under the direction of the presiding officer and shall further obey all orders of the presiding officer in enforcing order and decorum.

Twenty-seventh. No person except officers of the corporation and their deputies and clerks in the exercise of an official duty, and such reporters as may be designated, shall be admitted within the bar unless by request of the Mayor, but the right of such admission shall not extend beyond that meeting.

Section 10. (City Auditor, Duties) The City Auditor shall perform such duties as are prescribed by law and the ordinances of the City. He shall issue the calls for all special meetings of the council when requested to do so by the Mayor; he shall keep a full and complete record of all meetings of the council and shall record in proper books all business of the council, and shall keep a book to be styled "Ordinance book" and shall record therein at length all ordinances of the city, and all books shall have full and complete indexes therefor; and shall use special care to record the Yeas and nays upon the passage of all ordinances, giving the names of the members voting and their vote whether yeas or nays, so that it shall appear exactly how each member present voted.

Section 11 (Assessor, Duties) The City Assessor shall perform all the duties prescribed by law and the ordinances of the City. He shall attend all meetings of the board of equalization and shall attend any meeting of the council when requested to do so by the Mayor or city council and make such report of his proceedings as the Mayor or city council may require.

Section 12. (Treasurer, Duties) The city Treasurer shall perform all the duties prescribed by the laws of this state and the ordinances and resolutions of this city. He shall make a monthly report to the City Council of all moneys received by him and all moneys paid out by him; and when requested to do so shall furnish the city council a complete statement of all moneys in his hands belonging to the city, or any other information pertaining to the finances of the city required by the city council or any committee thereof acting under direction of the city council.

Section 13. (Attorney, Duties) It shall be the duty of the City Attorney to prosecute and defend all suits and actions originating and pending in any court in this state, in which the city is a party or in which, in the opinion of the city council, the interests of the city are brought into controversy, or in which the official acts of any of the its officers, servants or agents are involved.

When requested he shall furnish opinions upon any subject submitted to him by the city council, its committees or the Mayor.

He shall when requested, draft ordinances, bonds, contracts, leases, conveyances and such other instruments as may be required by the business of the city; and shall perform such other duties and services in the line of his profession connected with the business of the city, though not specially enumerated.

He shall upon request, attend the meetings of the city council, and shall attend the meetings of any of its committees when requested by the chairman of such committee to do so.

Section 14 (Engineer, Duties, To attend meetings of the board of health, To keep records) The city engineer shall have the qualifications prescribed by law and shall perform the duties pertaining to his office as prescribed by law and the ordinances of the city. He shall make all surveys, plans, plats, statements and estimates required by the Mayor or city council or any of its committees and keep a record thereof in a book kept specially for that purpose. He shall also keep a record of all grades and streets in a book kept for that purpose alone, together with a profile of such street grades.

He shall keep a complete record of the sewerage and water pipe systems of the city. He shall make a quarterly report to the city council of all work done in his department; he shall make such plats, maps or profiles as may be required by the city attorney in the prosecution or defense of any action in which the city is an interested party.

He shall superintend in person and carefully watch the building or repairing of any sewers built or ordered by the city council or any extensions or repairs of the waterworks system and shall see that the work is done in conformity to the contract, ordinance or resolution

authorizing the same; and shall, on request of the street commissioner see that the improvement of all streets, sidewalks and culverts are in conformity to the grade of the streets on which such improvements are being made.

He shall attend all meetings of the Board of Health and perform such other duties pertaining to his office as are directed by the Mayor and city council or of a committee of the city council.

Section 15 (Police Magistrate. City Justice. Duties, Report, Penalties) The police magistrate and city justice of the peace shall perform all the duties prescribed by law and the ordinances of the city, and it shall be the duty of such police magistrate or city Justice of the peace to make a full report under oath of their proceedings in actions or matters in which the City of Washburn is a party or interested therein, to the council of Washburn on the first Monday of each month. Such report shall contain the names of the parties to the action or proceeding, a statement of all orders made, whether the defendant be bound over or otherwise, the judgement, the extent thereof and costs, the amount of fine and costs paid if any, and the disposition thereof, together with an itemized account of the fees of said police magistrate, or city justice of the peace, and of all officers and witnesses and the names of each, which report shall be accompanied by the duplicate receipt of the treasurer for the amount of the fees and moneys so collected on behalf of the city. If any police magistrate or city justice of the peace shall neglect or refuse to pay over the money collected by him, or shall refuse to allow the city council or any of its committees to examine his records in regard to such matters, he shall be deemed guilty of willful neglect in office.

Section 16 (Chief of Fire Department, Assistant Chief, and other Fire Dept. Officers) The duties of the chief, assistant chief, secretary, treasurer and other officers of the fire department are defined, limited and set forth in an ordinance entitled, "An ordinance to regulate and govern the fire department of the City of Washburn North Dakota"

Section 17 (Health Officer, Duties.) The health officer shall perform all the duties prescribed by the laws of this state and the ordinances of this city pertaining to his office; he shall notify the city attorney and chief of police of any violation of the health ordinances the health laws of the state or any violations of the orders or requirements of the city board of health, health officer or subordinate health officer of said city.

Section 18 (Street Commissioner and Overseer of Roads, First, Office of Street Commissioner and Road Overseer Created. Report, When.) That there be and hereby is created the office of street commissioner and overseer of roads of the city of Washburn, whose duties shall be hereinafter provided. He shall perform all the duties pertaining to his office as are prescribed by law and the ordinances and resolutions of this city; he shall make monthly reports to the city council and shall on the first Monday in April in each year make an annual report to the city council, which report shall contain a list of all property in his hands or under his control belonging to the city and its general condition.

Second (To have charge of streets, bridges and sidewalks) The street commissioner, under direction of the Mayor, council and committee on streets and bridges, shall have charge of the streets, bridges and sidewalks of the city, and shall see that all needful repairs are made thereon, but he shall not make any expenditure of money for any purpose other than for necessary repairs as limited by law, without first submitting to the council a report and estimate of the work he considers should be done and obtaining the direction of the council thereon.

Third (To keep streets clean, to see that all ordinances are enforced, to act as Assistant Health Inspector) He shall see that the streets and alleys are kept cleaned and free from filth, manure, paper and other rubbish and from all noxious weeds, and see that all ordinances relating to the care of such streets and alleys are strictly enforced. He shall cause to be brought and prosecuted in the name of the city such actions as may be necessary for the enforcement of this ordinance. He shall act as assistant health inspector and it shall be his duty to report promptly to the health officer all violations of the health

ordinance which come to his notice and render any practical assistance to the health officer, which the health officer may require.

Fourth (To inspect sidewalks, notify property owners, report to council, what) He shall as soon as is necessary, inspect the sidewalks and promptly notify in writing, personally or by mail, all owners of lots or lands in front of or along which sidewalks are out of repair, to immediately repair the same and shall promptly report to the council all defective walks and those which in his judgement should be built and repaired.

Fifth. (Duty to post danger signals and prevent use of sidewalks, when) He shall have power, and it is hereby made his duty, when the condition of any sidewalk is such as to render it dangerous to the public, to take such measures as shall prevent the use of the same, and shall post danger signals thereon and shall at once repair the same. It shall also be his duty, when any excavations are made in the streets, whether by the city or private contractors, to see that such openings are protected by proper obstructions and lights.

Sixth. (Polltax, duties of road overseer) He shall annually prepare a list of the male inhabitants of the city, between the ages of 21 and 50, except paupers, idiots, lunatics, the members of any militia and fire company within the city and other persons exempt by law, who shall be liable to payment of poll tax, or perform street labor within said city for said year and the powers, duties and liabilities of the street commissioner in addition to those hereinbefore conferred, shall be the same as is conferred upon the overseer of highways in townships in this state. He shall warn all persons from whom labor is due, to work on the streets in said city, at such times and places as he or the city council may direct; collect all commutation money, execute all lawful orders of the city council in that regard and prosecute any failure or refusal to appear upon proper notice, and work out, or commute poll tax upon the streets of said city as directed.

Seventh. (Annual Report) He shall also present to the city auditor on or before the first Monday in September in each year, to be submitted at the next regular meeting of the city council, an annual report, which shall show the name of every person liable to perform street labor for the current year. It shall also show how many and who have performed said labor, and how many and who have commuted the same, and the total amount received for commutation and how disposed of. It shall also show how many and who have failed or refused to work out or commute said poll tax and how many and who have been prosecuted therefor. And in case that it appears from such report or otherwise that said street commissioner and overseer of highways has failed or neglected ~~each and every~~ to prosecute each and every such neglect or refusal he shall forfeit the sum of \$2.00 for every such failure, unless he can show good and satisfactory reason to the city council why the same was not prosecuted, and such forfeits shall be deducted from any moneys due him from the city.

Eighth. (Disposition of moneys) He shall handle, pay out, dispose of and be accountable for all moneys received by him in the manner prescribed in the political code of this state and the ordinances, resolutions or orders of the city; and shall keep accounts and make the reports provided for in said code in addition to any requirements of the laws of this city.

Section 19 (Chief of Police, Report Violations of Ordinances, report to council, when) The chief of police shall perform such duties pertaining to his office as are prescribed by law and the ordinances of this city. He shall report to the Mayor and city attorney all violations of the city ordinances and laws as may come to his notice and assist in the securing of evidence. He shall make a monthly report to the city council and shall annually on the first Monday in April in each year make an annual report to the city council, which report shall contain a list of all property in his custody and control, and its general condition, and such other matters as he may deem expedient. It is especially enjoined upon him to see that all ordinances relating to the public health and good order are enforced; also that the prescribed fire limits of said city are observed; and to assist the officers of the city in enforcing the ordinances and laws as to licenses and privileges.

Ordinance No. 2 Cont'd

Section 20 (The city hall, custody and control of) The city hall and jail shall be under the custody and control of the chief of police and shall be subject to such regulations as the council shall from time to time direct.

Section 21 (City officers to turn over property, When) All city officers, at the expiration of their terms of service, shall turn over and deliver to their successor or successors in office all books, accounts, records and property of whatever kind or description in their possession as such and shall be entitled to a receipt therefor if desired.

Read first time Sept. 8th 1908

Read second time Oct. 5th 1908

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Approved January 20th 1909
(seal)

T. J. Haugeberg,
Mayor.

Attest: Theo, Serr,
City Auditor.

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