

ENACTING ORDINANCE

ORDINANCE NO. 1

Adopting the Revised Ordinances of the City of Wishek, North Dakota, and repealing all ordinances previously adopted with certain exceptions.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WISHEK, NORTH DAKOTA:

Section 1. 2017 Revised Ordinances of the City of Wishek. This ordinance and the ordinances hereby adopted shall be known and cited as the 2017 Revised Ordinances of the City of Wishek.

Section 2. ENACTMENT. The 2017 Revised Ordinances of the City of Wishek, consisting of Chapters One to Twenty, both inclusive, an original copy of which has been authenticated by the original signatures of the City's chief executive officer and auditor and which original is on file in the office of the City Auditor, are hereby adopted as the Ordinances of the City of Wishek.

Section 3. REPEAL. All ordinances of the City adopted prior to the date of this enacting ordinance are hereby repealed except the following ordinance which shall continue in full force and effect regardless of the fact that they are herein omitted:

1. All existing ordinances granting franchises, if omitted from these revised ordinances.
2. All existing ordinances creating contract obligations on the part of the City, which obligations shall remain binding until fully performed by the City.
3. All existing ordinances establishing special improvement districts, or street grades.
4. All of the existing ordinances levying taxes for any years under the provisions of any law relating to the issuance of revenue bonds, municipal bonds, warrants, certificates of indebtedness, or other municipal obligations, whether general or special.
5. All salary and appropriation ordinances.
6. The incorporation herein of any of the ordinances of the City granting franchises shall not operate to repeal the same in their original form nor to extend the term of any franchise beyond that fixed in that ordinance granting the same which is reenacted herein.
7. Any and all other ordinances adopted in said 2017 Revised Ordinances of the City of Wishek by reference, although the same are not set forth in full therein.
8. All existing ordinances establishing, extending or reducing the city limits of the City, if omitted from these revised ordinances.

Section 4. EXISTING LICENSES AND PERMITS. All licenses and permits issued prior to the date on which this ordinance becomes effective shall continue in force for the remainder of the term for which the same were issued, without additional fees, but all licensees and permittees shall be governed by the provisions of the 2017 Revised Ordinances of the City of Wishek for the remainder of the terms of said licenses and permits, in the same manner and to the same extent as if said licenses and permits had been issued under the provisions of the 2017 Revised Ordinances of the City of Wishek.

Section 5. NEW LICENSES AND PERMITS. In the case of any license or permit not heretofore required and appearing for the first time in the 2017 Revised Ordinances of the City of Wishek, such license or permit shall be secured on or before the first day of the first month following the effective date of

this ordinance, and the first fee therefore shall be pro-rated for the remainder of that term thereof on a monthly basis, provided, that the minimum fee for any such new license or permit shall be \$1.00.

Section 6. INVALIDITY OF PART. If any section, subsection, sentence, clause or phrase of these ordinances is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of any other section, subsection, sentence, clause, phrase or portion thereof. The governing body hereby declares that it would have passed these ordinances and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more other sections, subsections, sentences, clauses or phrases may be declared invalid or unconstitutional.

Section 7. EFFECTIVE DATE. This ordinance shall be in full force and effect from and after its final passage and approval, and without publication.


MAYOR

ATTEST:


CITY AUDITOR

CITY SEAL

First Reading: May 1st, 2017

Second Reading and Final Passage: June 5th, 2017



CERTIFICATE

[illegible]

The undersigned city auditor of the City of Wishek, hereby certifies to be the City Auditor of the City of Wishek, and as such is the custodian of the Ordinance Book of the City;

It is further certified that the foregoing is a true and accurate copy of the revised ordinances of 2017, duly enacted by the governing body of the City of Wishek, the first reading Being had at the meeting on May 1st, 2017 and the second reading and final passage Had at the meeting on June 5th, 2017 and passed on a roll call vote as shown in the Records kept of said meeting.

Dated this 5th day of June, 2017.

Mary A. Wald
City Auditor

City of Wishek, North Dakota

TABLE OF CONTENTS

<u>CHAPTER ONE – GOVERNMENT ORGANIZATION</u>	3
ARTICLE 1 - Jurisdiction	3
ARTICLE 2 - Governing Body – Board of City Council.....	3
ARTICLE 3 - Elective Officers.....	4
ARTICLE 4 - Elective Officers Other than Governing Body	6
ARTICLE 5 - Appointive Offices	7
ARTICLE 6 - Special Provisions Regarding City Officers	9
ARTICLE 7 - Purchasing and Disposition of Property	11
ARTICLE 8 - Municipal Elections.....	12
ARTICLE 9 - Records Management Policy.....	14
 <u>CHAPTER TWO – ORDINANCES</u>	15
ARTICLE 1 - Procedure.....	16
 <u>CHAPTER THREE – PUBLIC PLACES AND PROPERTY</u>	19
ARTICLE 1 - Construction and Repair.....	21
ARTICLE 2 - Use and Care of Streets, Sidewalks and Public Places	23
ARTICLE 3 - Unclaimed and Abandoned Property.....	27
ARTICLE 4 - House Numbering.....	29
ARTICLE 5 - Trees - Shade Tree Committee	29
ARTICLE 6 - Street Light Surcharge	30
ARTICLE 7 - Cemetery	30
 <u>CHAPTER FOUR – FIRE PROTECTION AND PREVENTION</u>	32
ARTICLE 1 - Organization and Regulations of the Fire Department	34
ARTICLE 2 - Fire Limits-REMOVED	34
ARTICLE 3 - Fires in Public Places	34
ARTICLE 4 - Fire Prevention	34
ARTICLE 5 - Firearms, Fireworks and Explosives	35
ARTICLE 6 - Adoption of Electrical Code.....	36
ARTICLE 7 - Penalty for Violation of this Chapter.....	36
 <u>CHAPTER FIVE – POLICE DEPARTMENT</u>	37
ARTICLE 1 - Organization and Regulations	38
ARTICLE 2 - Powers and Duties	39
ARTICLE 3 - Miscellaneous	39
 <u>CHAPTER SIX – ZONING – PLANNING</u>	1
6.00 - Introduction.....	4
6.10 - Definitions.....	5
6.20 - General Provisions	13
6.30 - Zoning District Boundaries and Maps.....	13
6.40 - Zoning District Regulations	15
6.50 - Special Provisions	32
6.60 - Administration	42
6.70 - Procedures	49
 <u>CHAPTER SEVEN - WATER AND SEWER</u>	42
ARTICLE 1 - Utility Established	44
ARTICLE 2 - Water Service	51

ARTICLE 3	-	Regulation of Sewer Use	55
ARTICLE 4	-	Sewer Surcharge.....	64
ARTICLE 5	-	Adoption of State Plumbing Code.....	66
ARTICLE 6	-	General Penalty Provision.....	66
<u>CHAPTER EIGHT - BUSINESS REGULATIONS AND LICENSES.....</u>			68
ARTICLE 1	-	General Provisions	70
ARTICLE 2	-	Transient Merchants.....	72
ARTICLE 3	-	Solicitation without Invitation.....	75
ARTICLE 4	-	Alcoholic Beverages.....	75
ARTICLE 5	-	Shows, Carnivals and Circuses.....	84
ARTICLE 6	-	Sales & Use Tax	85
ARTICLE 7	-	Validity.....	98
ARTICLE 8	-	Penalty.....	98
<u>CHAPTER NINE – TRAFFIC.....</u>			100
ARTICLE 1	-	Definitions	105
ARTICLE 2	-	Traffic Administration.....	105
ARTICLE 3	-	Enforcement and Obedience to Traffic Regulations	105
ARTICLE 4	-	Traffic Control Devices.....	110
ARTICLE 5	-	Speed Regulations and Care Required	112
ARTICLE 6	-	Turning Movements	116
ARTICLE 7	-	Special Stops	118
ARTICLE 8	-	Operators	120
ARTICLE 9	-	Miscellaneous Driving Rules	120
ARTICLE 10	-	Pedestrians' Rights and Duties	129
ARTICLE 11	-	Regulations for Motorcycles	132
ARTICLE 12	-	Regulations for Bicycles-REMOVED.....	134
ARTICLE 13	-	Angle Parking.....	134
ARTICLE 14	-	Stopping, Standing or Parking Prohibited in Specific Places.....	135
ARTICLE 15	-	Reserved Parking Areas	139
ARTICLE 16	-	Time Limit Parking Zones-REMOVED.....	139
ARTICLE 17	-	Equipment of Vehicles	139
ARTICLE 18	-	Motorcycle Equipment.....	142
ARTICLE 19	-	Lighted Lamps Required	147
ARTICLE 20	-	Regulating the Kinds of Classes of Traffic on Certain Roads.....	148
ARTICLE 21	-	Criminal Traffic Violations	148
ARTICLE 22	-	Disposition of Traffic Offenses.....	154
ARTICLE 23	-	Sections Not Adopted.....	160
ARTICLE 24	-	Filing of Ordinance	160
ARTICLE 25	-	Adoption of Amendments by Reference	160
ARTICLE 26	-	Severability Clause.....	160
ARTICLE 27	-	Penalties	160
<u>CHAPTER TEN – HEALTH.....</u>			161
ARTICLE 1	-	Board of Health	162
ARTICLE 2	-	Local Health Officer.....	162
ARTICLE 3	-	Garbage, Refuse, Rubbish.....	163
ARTICLE 4	-	Dangerous Buildings	165
ARTICLE 5	-	Sprayer Equipment	173
<u>CHAPTER ELEVEN - ANIMALS AND FOWL.....</u>			174
ARTICLE 1	-	General Regulations	175
ARTICLE 2	-	Dogs and Cats.....	176

<u>CHAPTER TWELVE - PUBLIC NUISANCES</u>	178
ARTICLE 1 - Sanitary Nuisances	179
ARTICLE 2 - Smoke - Gases	180
ARTICLE 3 - Radio Interference and Noise Control.....	180
ARTICLE 4 - Automobiles - Personal Property.....	181
ARTICLE 5 - Noxious Weeds	182
ARTICLE 6 - Man Camps	183
ARTICLE 7 - Penalties	183
ARTICLE 8 - Wind Energy	183
 <u>CHAPTER THIRTEEN – OFFENSES</u>	188
ARTICLE 1 - In General.....	190
ARTICLE 2 - Offenses Against Persons.....	191
ARTICLE 3 - Offenses Against Property.....	192
ARTICLE 4 - Offenses Against Public Order, Health, Safety & Sensibilities.....	200
ARTICLE 5 - Sentencing	208
ARTICLE 6 - Penalties	214
 <u>CHAPTER FOURTEEN – FRANCHISE</u>	215
ARTICLE 1 - Grant of Franchise	216
 <u>CHAPTER FIFTEEN - BUILDING CODE</u>	223
ARTICLE 1 - General Building Code	223
 <u>CHAPTER SIXTEEN - ELECTRICAL CODE</u>	224
ARTICLE 1 - Adoption of Electrical Code.....	224
 <u>CHAPTER SEVENTEEN - PERSONNEL POLICIES</u>	225
ARTICLE 1 - Personnel Policies and Procedures	225
 <u>CHAPTER EIGHTEEN – LODGE TAX</u>	226
ARTICLE 1 - Lodge Tax	226
 <u>APPENDIX</u>	229
 <u>CHAPTER NINETEEN – HOME RULE CHARTER</u>	231
ARTICLE 1 - Home Rule Charter	
 <u>CHAPTER TWENTY – SALES TAX</u>	243
ARTICLE 1 - Sales Tax	
 ORDINANCE TWO	
ARTICLE 1 - Shipping Containers	
 ORDINANCE THREE	
ARTICLE 1 - Street Parking	
 ORDINANCE FOUR	
ARTICLE 1 - Salaries of elected Officers	
 ORDINANCE FIVE	
ARTICLE 1 - Noxious Weeds & Grass	

RESOLUTION	ONE	Multi-Hazard Mitigation Plan
RESOLUTION	TWO	Renaissance Zone
RESOLUTION	THREE	Street Light User
RESOLUTION	FOUR	Liquor License Fees