

**CITY OF HISTORIC MEDORA, NORTH DAKOTA
HOME RULE CHARTER**

ARTICLE 1 - INCORPORATION

The inhabitants of the City of Historic Medora, 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 the "City of Historic Medora".

ARTICLE 2 - GOVERNING BODY TO EXERCISE POWERS

Subject to the limitations imposed by the Constitution of the United States of America, the Constitution of the State of North Dakota, state law, and this Charter, all powers of the city shall be vested in the elected governing body. The elected governing body shall enact ordinances, adopt budgets, determine policies, and prescribe the functions of government to be performed by the city under the authority of the charter and the constitution and laws of this state.

ARTICLE 3 - 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 the implied powers necessary to carry into execution all powers granted.

Among its enumerated powers, which may be implemented by ordinance subject to the limitations specified in this charter, shall be the authority to impose a retail sales and use tax on those gross receipts taxed pursuant to Chapters 57-39.2 and 57-40.2, N.D.C.C., subject to the following:

- A. Any transactions exempted from imposition of the state sales or use tax pursuant to state law shall be exempted from the city sales tax or use tax.
- B. The amount of the sales and use tax shall be determined by the governing body, but the total tax shall not exceed twenty-five dollars (\$25.00) on any single unit purchased.
- C. Any retail sales or use tax imposed shall be computed and collected in the same manner provided by law for the collection of the state sales and use tax. The bracket system for the application of the state sales tax set forth in section 57-39.2-08.2, N.D.C.C., shall be adjusted to incorporate the additional city sales tax.
- D. The proceeds of any sales and use tax, less administrative costs shall be placed in a separate capital improvement account to fund maintenance and/or construction of things such as streets, buildings, water and sewer facilities, etc.
- E. It is intended that the statutes of this state, so far as applicable, shall continue to apply to this city, except insofar as superseded by this charter, or by ordinance passed pursuant to this charter, and that in addition to the powers enumerated herein, or implied hereby, or appropriate to the exercise of such powers, the city shall have and may exercise powers under the constitution and laws of the state applicable generally to all cities.
- F. The collection of a sales and use tax will be effective no earlier than January 1, following the adoption of the home rule charter and the sales and use tax ordinance.**

ARTICLE 4 - BOUNDARIES

The boundaries of the city shall be the boundaries as established at the time this charter takes effect, or as such boundaries may be changed thereafter in the manner established by law.

ARTICLE 5 - SEPARABILITY 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 6 - PLENARY AND IMPLIED POWERS OF THE GOVERNING BODY

The governing body will 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 by law, or 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 7 - SUCCESSION IN GOVERNMENT

Section 1 - Rights of Officers and Employees Preserved

Except as otherwise specifically provided, this charter will not affect or impair the rights or privileges of officers or employees of the city, or any office, department, or agency thereof, existing at the time this charter will take effect. Any provision of law in force at the time this charter shall take effect, which provision of law is consistent herewith, shall remain in full force and effect with respect to qualifications of 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 thereof.

Section 2 - Continuance of Present Officers

All persons holding executive and administrative office at the time this charter takes effect, shall continue in office, and shall continue the performance of their duties, until provisions shall have been made in accordance therewith for the performance of such duties, or the 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.

If any office, department, or agency is abolished by this charter or under its authority, the powers conferred and duties imposed upon the abolished office, department, or agency would, thereafter, be exercised and discharged by the 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, and the powers thereof, 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 the 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 proceeding, civil or criminal, brought by or against the city or any office, department, agency, or officer thereof, which is pending when the charter takes effect.

Section 7 - Ordinances and Statutes to Remain in force

All ordinances, resolutions, and regulations of the city, together with state statutes applicable to municipalities, which are in force at the time this charter takes effect, and consistent with the provisions thereof, are hereby continued in force until such ordinances, resolutions, and regulations of the city are duly amended or repealed, and until ordinances are enacted providing procedures replacing those previously required by state statute.

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 District Court for Billings County, and the office of the City Auditor within ninety (90) days.

ARTICLE 8-INITIATIVE AND REFERENDUM

The right to propose ordinances, and to enact or reject the same at the polls; and the right to approve or reject at the polls any ordinance enacted by the governing body, is hereby expressly reserved unto the people; except that the annual appropriation ordinance shall not be subject to a referendum.

Ordinances may be referred or initiated by filing, with the city auditor, a petition signed by at least thirty (30) percent of the registered voters of the City of Medora. Filing of a petition for referral shall, upon determination by the city auditor that such a petition is sufficient, suspend the operation of any ordinance enacted by the governing body, **except upon an affirmative declaration of an emergency and approval of this declaration by at least two thirds of the governing body.** However, the filing of a referendum petition against one or more items, sections, or parts of any ordinance, shall not prevent the remainder from going into effect. Referendum petitions shall be filed with the city auditor not later than thirty days after adoption of the ordinance. In the event that a referendum petition is filed against an emergency ordinance, that ordinance shall not be suspended upon said filing, but shall remain in effect until voted upon by the electors. The repeal of any referred emergency ordinance, and the operation of any initiated ordinance, shall be effective as of the tenth day after the election thereon.

Each petition to initiate or refer ordinances shall have printed thereon a ballot title, which shall fairly represent the subject matter of the ordinance, and the names of three electors who shall constitute the "committee for the petitioners," and who shall act for and represent the petitioners. At the bottom of each petition, the circulator of that particular petition shall sign an affidavit affirming that the signers thereto are known to be qualified electors of the city. The city auditor shall pass upon each petition, and, if it is found insufficient, shall notify the "committee for the petitioners," and allow five days for correction or amendment.

After receiving a petition for the initiation of an ordinance, the governing body of the city shall act on the **petition** within sixty (60) days after the petition has been deemed sufficient by the city auditor, or call a special election within one hundred twenty (120) days after the petition has been deemed sufficient, to submit the initiated ordinance to a vote of the electors. An initiated ordinance will require approval by a simple majority of the electors. Any ordinance which has been acted upon in accordance with this **paragraph** shall not be subject to another initiation by petition for a period of two (2) years.

After receiving a petition for the referral of an ordinance, the governing body of the city shall act on the petition within sixty (60) days after the petition has been deemed sufficient by the city auditor, or call a special election within one hundred twenty (120) days after the petition has been deemed sufficient, to submit the referred ordinance to a vote of the electors. A referred ordinance will require approval by two-thirds majority of the electors. Any ordinance which has been acted upon in accordance with this paragraph shall not be subject to another referral by petition for a period of two (2) years.

This article shall be self-executing, and all of its provisions treated as mandatory. Ordinances may be enacted to facilitate its operation, but no ordinances shall be enacted to hamper, restrict, or impair the exercise of the rights herein reserved to the people.

ARTICLE 9-REFERENDUM BY GOVERNING BODY

Before adopting ordinances to implement the home rule provisions of this charter, the governing body may, on its own motion, submit questions to the electorate for an advisory vote of the people at any city wide election specified by the governing body. If a question is submitted in the form of a proposed ordinance, and it is approved by a simple majority of the votes cast thereon, and the governing body thereafter adopts the ordinance within six months of such a vote, that ordinance will not be subject to referral by petition within five years of such adoption.

ARTICLE 10-REPEAL OF ORDINANCES

Any enacted ordinance may be repealed by the governing body, provided, however, that any ordinance which has been initiated by petition or referred by the governing body, and approved by the electorate, may not be repealed except by approval of at least two-thirds of the governing body, or by again being referred to the electorate in accordance with article eight.

ARTICLE 11 -METHOD OF AMENDMENT AND REPEAL

This charter may be amended or repealed as provided by Chapter 40-05.1 of the North Dakota Century Code.