

**APPENDIX A
COMMENTS**

<u>Section</u>	
1.0103	<p>In most cases, the fine or penalty for the violation of City ordinances, regulations, or resolutions shall not exceed one thousand dollars, and the imprisonment shall not exceed thirty days for one offense.</p> <p>For violation of motor vehicle operating or equipment or traffic regulations, <u>see</u> NDCC 40-05-06; NDCC 39-06.1-05; and NDCC 39-06.1-06.</p> <p>In 1972, the United States Supreme Court expanded the Sixth Amendment right to counsel of <u>Gideon V. Wainwright</u> to all cases in which the defendant could be imprisoned if found guilty of the charge against. <u>See, Argersinger v. Hamlin</u>, 407 US 25. As a result of this decision, municipalities are now required to provide free legal counsel to all indigent violators of municipal ordinances, if the penalty that can be imposed for such violation is imprisonment.</p>
1.0201	<p>The public is entitled to have the City governing body meet at the times specified by statute or by legal ordinance so as to prevent the council or other governing body from doing business in any secret meetings; <u>See</u>, NDCC 40-06-02; NDCC 44-04-19 to 44-04-21.</p>
2.0101	<p><u>Rules of Construction</u></p> <p>In the construction of this code and of all ordinances, it is the intention of the drafters that the following rules shall be observed unless such construction would be inconsistent with the manifest intent of the mayor and governing body:</p> <ol style="list-style-type: none"> 1. <u>General Rule.</u> All words and phrases shall be construed and understood according to the common and approved usage of the language; but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning. 2. <u>Gender – Singular and Plural.</u> Every word in any code provision or ordinance using the masculine gender includes females as well as males; and every work using the singular number only including several persons or things as well as to one person or thing; and every work importing the plural includes the singular, except when a contrary intention plainly appears. 3. <u>Tenses.</u> The use of any verb in the present tense shall include the future when applicable. 4. <u>Joint Authority.</u> All words purporting to give a joint authority to three or more City officers or other persons shall be construed as giving such authority to a majority of such officers or other persons unless it shall be otherwise expressly declared in the law giving the authority. 5. <u>Delegation of Authority.</u> Whenever a provision requires the head of a department or other officer of the City to do some act or perform some duty, it shall be construed to authorize subordinates to do the required act or to perform the required duty unless the terms of the provision designate otherwise. 6. <u>Computation of Time.</u> The time which an act is to be done as provided in any code provision or ordinance or in any order issued pursuant to any ordinance, when expressed in days, shall be computed by excluding the first day and including the last, except that if the first day be a Sunday or a holiday it shall be excluded; and when any such time is expressed in hours the whole of Sunday, from midnight, shall be excluded. 7. <u>Overlapping Provisions.</u> Where any provision of this Code imposes greater restrictions upon the subject matter than any general provisions imposed by this Code, the provision imposing the greater restriction or regulation shall be applicable. <p>For rules of interpretation as to ordinance construction, refer to NDCC 1-02 et. seq..</p>
4.0401	<p>Incorporation by reference of a national fire code is a valid exercise of municipal authority, as long as such incorporation is prospective. For more information about national fire codes, contact the state fire marshal.</p>
8.0101	<p>Business license fees established by municipalities are imposed as an incident of the municipal police power to protect the health, safety, morals and general welfare of the populace. <u>See</u> NDCC 40-05 et. seq.. Such fees are not in and of themselves revenue-raising devices, but rather are regulatory devices to allow for the control of businesses and occupations which have potentially harmful or detrimental effects on the general public.</p>
8.0103 and 8.0612	<p>The granting or denying of a business license is a discretionary rather than a ministerial act and as such cannot be delegated by the city council.</p>
9.0503	<p>An ordinance altering state special limits within a city does not become effective until such speed limits are properly posted as required by NDCC 39-09-03.</p>

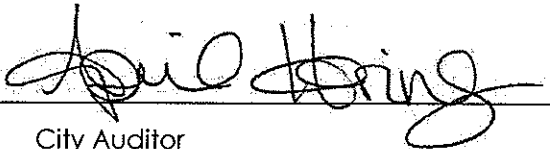
**APPENDIX B
CERTIFICATE**

STATE OF NORTH DAKOTA)
) ss.
COUNTY OF DICKEY)

The undersigned city auditor of the City of Oakes, hereby certifies to be the City Auditor of the City of Oakes, 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 2008, duly enacted by the governing body of the City of Oakes, the first reading which was had on September 8, 2008, and the second reading and final passage had at the regular meeting held on October 7, 2008, and passed on a roll call vote as shown in the records kept of said meeting.

Dated this 13th day of October, 2008.



City Auditor
City of Oakes, North Dakota

APPENDIX C

Copy and Records Request PolicyCopies & Faxes

Copies of public records or to copy personal items will have a fee. A charge of \$.25 each sheet will be billed and must be paid prior to the release of requested copies. (NDCC 44-04-18.2)

(Notices now published stating "copy for review" will need to be more specific. When stating copies available for review, it should include must remain at City Hall or if requesting a copy, charges will apply—example Budget notice)

Electronic Records

Electronic records are free if recoverable without the use of a computer backup. If a request is made for records on a backup or of the backup, the costs for retrieving this information will be billed to the requester. (NDCC 44-04-18.3)

Research

A fee of \$25.00 per hour excluding the first initial hour will be charged for any request requiring research for fulfilling request and/or removing confidential or closed information on such records. (NDCC 44-04-18.2)

Outside Agent Help

If an outside agency or entity is required or requested to fulfill a records request, any fees billed to the City for such request will be billed to the requester or the requester shall pay the fee to that agency or entity directly. (NDCC 44-04-18.2)

****All fees must be paid prior to the release of requested copies or records****

Definitions and requirements as stated in ND Century Code Section 44-04

October 2008

Rates & Fees Summary:

- \$45.00 to disconnect and reconnect water service
- \$10.00 meter inspection when meter is determined 98% accurate

- \$25.00 inspection after water service connection
- \$50.00 inspection fee for a residential or commercial building sewer permit
- \$100.00 inspection fee for an industrial building sewer permit
- \$25.00 inspection fee for private wastewater disposal system & permit signed by superintendent

- \$25.00 for transient merchant each day
- \$25.00 for hawker or peddler each day
- \$25.00 for runner or solicitor each day

- \$20.00 zoning/variance request
- Building Permits:
 - Structural Improvements under \$500..... \$5.00
 - Structural Improvements of \$501 to \$20,000 \$25.00
 - Each Additional \$1000..... \$1.00
- \$20.00 for re-application of building permit expired

- On & Off Sale Beer & Liquor License annual fee of \$2500.00
 (Beer License only annual fee of \$500.00 and Liquor License only annual fee of \$2000.00)
- Off Sale Beer & Liquor License annual fee of \$1250.00
 (Beer License only annual fee of \$250.00 and Liquor License only annual fee of \$1000.00)
- On Sale Beer & Liquor License annual fee of \$1750.00
 (Beer License only annual fee of \$350.00 and Liquor License only annual fee of \$1400.00)

- \$250.00 to transfer ownership of partial alcohol license
- \$25.00 Special Event application
- \$25.00 Sunday Opening

- \$15.00 Pet license, lifetime tag
- \$10.00 Game of Chance Permit
- \$25.00 Gaming Site Authorization
- \$0.00 Public Advertisement
- \$0.00 Cat Traps (but does require \$30.00 deposit)

- Landfill:
 - \$25.00 After Hours Gate Fee
 - Regular Gate Fees
 - \$5.00 Car Load
 - \$15.00 2-Wheel Trailers, Pickups
 - \$18.00 4-Wheel Trailers
 - \$24.00 Single Axle Trucks
 - \$33.00 Tandem Axle Trucks
 - \$3.00 Shingles (**per square**)
 - \$10.00 Appliances
 - \$0.00 Burnables

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Other Services and Products Available Through the City:

GARBAGE PICK-UPS	Rural Pick-Ups Only Within 5 Miles of City	
Rural-Weekly Pick-Up	\$18.00 per Month	Plus Volume
Rural-Owner Drop-Off At City Shop Dumpster	\$18.00 per Month	Plus Volume If Applicable
Additional Residential & Rural Pick-Ups	\$25 per Pick-Up	
Extra Garbage – 300 Gallon Temporary	\$80 per empty	**Used for Cleaning out Homes, Spring Cleaning Property, Construction etc.**

OTHER SERVICES	
1 Inch Water Meter & MXU	\$200
Tamper	\$60 per hour
Sewer Truck Includes One Operator	\$80 per hour Plus \$1 per mile
Mowing Includes One Operator	\$50 per hour
Snow Removal Includes One Operator	\$50 per hour
Pay Loader Use Includes One Operator	\$100 per hour
Additional Operators/Laborers	\$15 per hour per person needed
Dump Truck Use	\$75 plus Landfill Fees (additional charges may be applied)
Optimix (Street Patch)	\$12 per bag (depending on current cost)
Water Shut Off	\$45
Water Turn On	\$45
Meter Inspection	\$10
Root Control	\$20 per quart for Liquid \$5 for Dry Mix
Inspection Fee (Water & Sewer Permit)	\$25 - \$100 (if Hook-Ups done by another, Inspection is Required)
Water Tap (Hook-Up New Line to Existing Line)	\$100
Sewer Tap (Hook-Up New Line to Existing Line)	\$100
Bonds for Street Cut-Residential	\$200
Bonds for Street Cut- Highway or Truck Route	\$300

October 2008

**ARMORY
RENTAL PRICES**

Oct thru April	\$90 per day OR \$50 for ½ day
May thru Sept	\$35 per day
Side Room Only	\$35 per day
Christmas Rental	\$50 per day
Dances	\$150 plus \$50 Cleaning Deposit
Merchant Sales	\$150 per day
Commercial Use	\$12.50 per hour (minimum \$50)
Independent Promotion	\$150 per day
Non-Profit Organization or Charity Events	No Charge
Activities	\$1 per person
Walkers / Runners	No Charge
Activities (Prairie Twisters)	\$20 per day

CONTACT CITY HALL FOR AVAILABILITY AND TO COMPLETE THE NECESSARY FORMS AND RELEASES

The facility should be cleaned after each use and keys returned to City Hall.

Tables and Chairs are available for rent through City Hall. Currently available are "Tables": 30-8 ft tables and 9-6ft tables; "Chairs": about 300. A Rental Release Form will need to be completed plus fees and deposit will need to be paid at time of pick-up.

RENTAL PRICES

EQUIPMENT	DEPOSIT	IN-TOWN	OUT-OF-TOWN
TABLES	\$10.00 PER TABLE	\$2.00/EACH	\$3.00/EACH
CHAIRS	NOT REQUIRED	\$.10/EACH	\$.25/EACH