

TITLE 16
ORDINANCES AND PENALTIES

Chapter
16-01 Procedure

CHAPTER 16-01
PROCEDURE

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16-0101 Voting, Record of. The yeas and nays shall be taken by the governing body upon the passage of all ordinances and on all propositions to create any liability against the city or for the expenditure of appropriation of money, and, in all other cases, at the request of any member, which shall be entered on the journal of its proceedings, and the concurrence of a majority of all the members elected shall be necessary to the passage of any such ordinance or other matter which shall come before it for decision, except as otherwise provided by law or ordinance. It shall require a two-thirds vote of all the members elected to sell any city property where the value is more than \$100.00. A member of the governing body who passes his vote, or who remains silent when the roll call on the vote is taken, shall be deemed to have voted yea and a record of yea shall be entered in the journal.

16-0102 Reconsideration or Rescinding Vote. No vote of the governing body shall be reconsidered or rescinded at a special meeting unless, at such special meeting there is present as large a number of members as was present when such vote was taken.

16-0103 Procedure in Passing Ordinances. All ordinances shall be read twice, and the second reading shall not be had in less than one week after the first reading; and after such first reading, before their final passage, such ordinances may be amended, and shall then be put upon their second reading and final passage; provided such ordinance is not enacted until it

is approved by the Mayor or passed over the Mayor's veto, the ordinance shall be deposited in the office of the City Auditor for approval by the Mayor. If he approved the ordinance, he shall sign it. If he disapproves he shall return the ordinance with his written objections to the next regular or special meeting of the council occurring not less than five days after the passage thereof. If he fails to return the ordinance with his objections within said time, he shall be deemed to have approved the same. He may veto an entire ordinance or items thereof. An ordinance vetoed in whole or in part may be reconsidered by the council and passed over the veto by a two-thirds vote.

16-0104 Publication. The title and penalty clause of each ordinance, imposing any penalty, fine, or imprisonment for its violation, after its final adoption, shall be published in one issue of the official paper of the city.

16-0105 Effective Date. Ordinances adopted and requiring publication shall take effect and be in force from and after publication unless otherwise provided. Ordinances not requiring publication shall take effect and be in force from and after final approval unless otherwise provided.

16-0106 Effect of Repeal. When any ordinance repealing a former ordinance, clause or provision, shall be itself repealed, such repeal shall not be construed to revive such former ordinance, clause or provision, unless it shall be expressly so provided.

16-0107 General Penalties for Violation. In case no other specific penalty is prescribed for the violation of any section or provision of any ordinance of the City of Hebron, any person found guilty of violating the same shall be punished by a fine of not less than One Dollar (\$1.00) nor more than Five Hundred Dollars (\$500.00) or by imprisonment not to exceed thirty (30) days, or both such fine and imprisonment in the discretion of the court; the court to have power to suspend said sentence and to revoke the suspension thereof. Each day any person, firm, association or corporation shall violate any section or provision of any article shall constitute a separate offense.

16-0108 Costs of Prosecution. In every case of conviction of a violation of any ordinance, or any part thereof, the cost of prosecution shall be assessed against the person convicted, as part of the punishment.

16-0109 Judgment on Conviction. In all trials for offenses under the ordinances of the City of Hebron, if the defendant is found guilty, the Municipal Judge shall render judgment accordingly. It shall be part of the judgment that the defendant stand committed until such judgment is complied with, in no case to exceed one (1) day for every One Dollar and Twenty-five cent (\$1.25) of fine and costs assessed against said defendant.

16-0110 Hard Labor, Authorized. If, in the opinion of the court, a person to be sentenced is capable of performing manual labor, such court may sentence such person to confinement at hard labor.

16-0111 Same: Credit For. Any person so imprisoned and sentenced to hard labor, as provided in Section 16-0110, shall be required to work for the city under the direction of Chief of Police, not to exceed ten (10) hours each working day; and for such work the person so employed shall be allowed, exclusive of his board, One Dollar and Twenty-five cents (\$1.25) for each day's work, to be applied on account of such fine and costs.

16-0112 Refusal to Work. Any person refusing to perform manual labor in accordance with the sentence of the court, shall be deemed in contempt of court and shall be punished accordingly. No credit shall be allowed such person on account of such fine and cost for the day or days that such person refuses to perform manual labor in accordance with the sentence of the court,

16-0113 Fines - No Remission. Under no circumstances shall the Municipal Judge remit fines or penalties or payment of costs.

16-0114 Deferring or Suspending Sentence. The Municipal Judge may, in his discretion, upon the conviction of any person of any offense against any of the ordinances of the City of Hebron, then and there impose a sentence of imprisonment as may be regulated by such ordinances, or defer imposition of sentence or suspend the sentence imposed on such person for a period of not to exceed ninety (90) days from the date of such conviction; and may, during such period, allow the defendant to go upon his own recognizance, or upon such bail as may be regulated by law or the ordinances of said City; and may, in his discretion, at or before the expiration of such period have the defendant brought before him and commit such defendant or cause such sentence of imprisonment to be then and there imposed and executed in like manner, so far as applicable, as may be provided by law or the ordinance in cases where the commitment and imposition of the sentence of imprisonment is not deferred or suspended and may then and there forthwith commit such defendant and require that such sentence of imprisonment be executed and carried out.

TITLE 17
PUBLIC PLACES AND PROPERTY

Chapter

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- 17-02 Use and Care of Streets, Sidewalks and Public Places
- 17-03 House Numbering

CHAPTER 17-01
CONSTRUCTION AND REPAIR

Section

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17-0101 Supervision. All construction, maintenance and repair of public streets, alleys, sidewalks and other public ways shall be under the supervision of the city engineer or street superintendent. He shall be charged with the enforcement of all ordinance provisions relating to such public places (except traffic ordinances) and is hereby authorized to enforce such ordinance.

17-0102 Construction and Repair - Permits. It shall be unlawful to construct, reconstruct, alter, grade, or repair, any public street, sidewalk, driveway, curbs, gutters, retaining walls, without having first secured a permit therefor, unless said work is performed by the city contractor. Applications for such permits shall be made to the Auditor and shall state the location of the intended pavement or repair, the extent thereof, and the person or firm who is to do the actual construction work. No such permits shall be issued except where the work will conform to the ordinances of the city.

17-0103 Bond. Each applicant shall file a bond in the amount of \$100.00 with surety to be approved by the governing body conditioned to indemnify the city for any loss or damage resulting from the work undertaken or the manner of doing the same. The City in its descretion may order a higher bond when it feels that the size of the project would warrant same.

17-0104 Specifications. All construction, maintenance and repair herein shall be made in conformity with specifications laid down or approved from time to time by the governing body.

17-0105 Duty of Owner to Maintain. It shall be the duty of the owner of any property along which a sidewalk has been constructed to maintain the same in good repair and safe condition. Should any such owner fail so to maintain such sidewalks the City Engineer or Street Commissioner shall direct him to make such repairs as may be necessary to restore such sidewalk to a safe condition. Should he fail, within a reasonable time, to follow the directions of the City Engineer or Street Commissioner, the City Engineer or Street Commissioner shall report the facts to the governing body who shall then proceed, as provided in the laws of the State of North Dakota, to make such sidewalk safe.

17-0106 Application for Permit. An applicant for a permit hereunder shall file with the City Auditor an application showing:

1. Name and address of the owner, or agent in charge, of the property abutting the proposed work area.
2. Name and address of the party doing the work.
3. Location of the work area.
4. Attached plans or sufficient sketches showing details of the proposed alterations.
5. Estimated cost of the alterations.
6. Such other information as the City Engineer or Street Commissioner shall find reasonably necessary to the determination of whether a permit should be issued hereunder.

17-0107 Fees.

The following fees shall accompany an application for a permit:

17-0108 Standards for Issuance of Permit. The City Engineer or Street Commissioner shall issue a permit hereunder when he finds:

1. That the work will be done according to the standard specifications of the City for public work of like character.
2. That the operation will not unreasonably interfere with vehicular and pedestrian traffic, the demand and necessity for parking spaces, and the means of ingress and egress to and from the property affected and adjacent properties.
3. That the health, welfare and safety of the public will not be unreasonably impaired.

17-0110 Width of Sidewalks. All sidewalks hereinafter constructed within the limits of the City of Hebron shall be constructed with the following widths:

1. All sidewalks in the residential district shall be constructed feet in width and shall have a minimum slop of inch per foot from the inside edge toward the street.
 - a. In locations where the right-of-way width is sixty (60) feet or less the sidewalks shall be constructed on the property line.
 - b. In locations where the right-of-way width is greater than sixty (60) feet the sidewalk shall be constructed eighteen (18) inches out from the property line.
 - c. In no case in the residential district shall the sidewalk be constructed adjacent to the curb unless right-of-way width or topographic features require and then only with specific approval of the governing body.
2. All sidewalks in the commercial and/or industrial districts shall be constructed from the property line to the back of the curb and the width of a sidewalk shall be governed by the width of street section.
 - a. In areas where commercial development is not complete the entire sidewalk need not be constructed. A section six (6) feet in width adjacent to the curb shall be constructed thus leaving an area for structural foundations.

17-0111 Materials and Manner of Construction. The kind and quality of material of which, and the manner in which sidewalks, driveways, curb and gutter, relaying of block walks, and paving repairs shall be constructed shall be as follows: All materials used shall meet State standards and specifications and are to be approved by the City Engineer or the Street Commissioner.

17-0112 City Contractor. The city auditor shall receive bids for the construction of sidewalks, driveways, curb and gutter and paving repair as the city may find necessary to have done. Such bids shall be made upon blanks furnished by the city engineer or street commissioner and shall conform to specifications filed with the City Auditor by the City Engineer or Street Commissioner and approved by the governing body.

All sidewalks, driveways, curb and gutter, and alley returns lying between the property line and the abutting street hereafter constructed with the City of Hebron must conform to this chapter, and the specifications filed with the City Engineer and approved by the governing body must specify the details with respect thereto. When any contract for the construction of sidewalks, driveways, curb and gutter, relaying of block walks, and paving repairs is about to be entered into by the City in accordance with the provisions of the laws of this state, the contractor to whom any such contract shall be awarded shall be required, before such contract is entered into, to give, in addition to the contract bond required by the laws of the State of North Dakota, an additional bond in an amount to be determined by the governing body running to the City of Hebron conditioned that said contractor shall maintain and keep in good repair, for a period of two (2) years from date of final estimate all paving repairs so constructed by such contractor under the terms of such contract, and that in case of default under the terms of such contract, ~~tenso~~ maintain and keep such improvements in good repair made by him for the said period of two (2) years, or in case

they shall within said time begin to crumble or disintegrate or become cracked or broken to such an extent that, in the opinion of the City Engineer or the Street Commissioner, the same is not a satisfactory compliance with the specifications for the construction thereof, then the City Engineer or Street Commissioner may direct that such sidewalks, driveways, curb and gutter, or paving repairs be immediately repaired or relaid in whole or in part as he shall deem best, and the contractor shall immediately cause the same to be repaired or relaid; and in the case of the contractor's neglect, refusal or failure so to repair or to relay the same, the City, at any time within said two (2) year period, or thereafter, may cause the same to be repaired or relaid, and the cost thereof, whether done by the City directly or through a contract, may be recovered against said contractor and the surety upon such bond. Any person desiring to engage in the business of constructing paved driveways, sidewalks, curbs and retaining walls in or along the streets and alleys shall make application to the City Auditor for a license to do such work, and shall present with his application evidence of experience and competency in such work. If upon examination of such evidence the City Auditor is satisfied as to the experience and competency of the applicant, he shall approve his application, which shall be filed with the City Auditor, together with a surety bond in the sum of Five Thousand Dollars (\$5000.00) approved by the governing body for the execution of all work in strict conformity with the provisions of this chapter and the protection, indemnification and saving harmless of the City of Hebron from any or all loss, claim, suit or damages, direct or consequential, which the city may sustain through violation of any of the provisions of this chapter, by the license holder, or through negligence of the license holder, or in any other manner whatsoever. Upon the filing of the application and bond, the City Auditor shall issue a license to the applicant.