# City of Kramer Municipal Code**Chapter 2 – Management of the Municipal Code for the City of Kramer**

Section 1 – Enacting Clause
Section 2 - Definitions
Section 3 - Procedures for Ordinances
Section 4 - Procedures for Resolutions

**Section 1 - Enacting Clause – Permits - Severability**

**2.1. Enacting Clause.** Be it ordained by the Kramer City Council of the city of Kramer, North Dakota declares this ordinance and the ordinances hereby adopted shall be known and cited as the City of Kramer Municipal Code. The ordinances consisting of Chapters 1 to 18 and supporting City of Kramer Resolutions, both inclusive, shall be authenticated by the city’s chief executive officer and auditor and shall be on file with the city auditor and are hereby adopted as the Ordinances of the City of Kramer.

**2.1.1. Repeal and Existing Licenses and Permits**

All ordinances and resolutions of the City adopted prior to the enacting of this ordinance are hereby repealed with the exception of existing licenses and permits, which shall continue in force for the remainer of the term for which said were issued without additional fees or penalty and in the same manner and to the same extent under the City of Kramer Municipal Code.

**2.1.2. New Licenses and Permits.**

In the case of any new license or permit not heretofore required and appearing for the first time in 2025 City of Kramer Municipal Code, such shall be secured on or before the first day of the month following the effective date of the ordinance and shall be pro-rated for the remainder of the term.

**2.1.3. Severability.**

In the event that any clause, sentence, paragraph, chapter, or other part of any title, is adjudged by any court of competent or final jurisdiction to be invalid, such judgment does not affect, impair, nor invalidate any other clause, sentence, paragraph, chapter, section, or part of such title, but is confined in its operation to the clause, sentence, paragraph, section, or part thereof directly involved in the controversy in which such judgment has been rendered.

**Section 2. Definitions**

**2.2. Definitions.** For the purpose of this chapter and the City of Kramer Municipal Code the following words shall have the meanings given herein:

* City: The words "the City" or "this City" shall be construed as if followed by the words "of Kramer".
* Code: The words "the code" or "this code" shall mean "Code of the City of Kramer.”
* Computation of time. The time in which any act provided by law is to be done is computed by excluding the first day including the last, unless the last is a holiday, and then it is also excluded.
* Council. "Council" shall be construed as though the words "of the Kramer City Council” followed it.
* County. "County" or “the county" means Bottineau County, in the state of North Dakota.
* Daytime, Nighttime. "Daytime" is the period between sunrise and sunset. "Nighttime" is the period of time between sunset and sunrise.
* Month. "Month" means a calendar month.
* Number. The singular number includes the plural, and the plural the singular.
* Oath. "Oath" shall include "affirmation."
* Ordinance. An ordinance is a law created by a local government. You may see a collection of city ordinances referred to as a "municipal code" or "city code." A code organizes the ordinances by topic in Chapters. Each chapter within the city code is essentially a collection of ordinances related to that specific subject matter.
* Owner. The word "owner," applied to a building or land, shall include any part owner, joint owner, tenant in common, tenant in co-partnership, or joint tenant of the whole or a part of such building or land.
* Person. The word "person," except when used by way of contrast, shall include not only a human being, but a body politic or corporate.
* Personal property. "Personal property" includes money, goods, chattels, things in action and evidence of debt.
* Preceding, following. The words "preceding" and "following" mean next before and next after, respectively.
* Property. "Property" includes property, real and personal.
* Real property. "Real property" is coextensive with land, tenements and hereditaments.
* Several. The word "several," in relation to number, means two or more.
* Shall, May. "Shall" is mandatory and "may" is permissive.
* Sidewalk. "Sidewalk" means that portion of a street between the curb lines, or the lateral lines of a roadway and the adjacent property lines, intended for the use of pedestrians.
* State. The words "state" or "the state" shall mean the state of North Dakota.
* Street, Avenue. "Street" and “Avenue” mean the entire width between property lines of every way or place of whatsoever nature when any part thereof is open to the use of the public as a matter of right of way for purposes of vehicular traffic.
* Written and printed. "Writing" and "written" include "typewritten" and "typewriting" and "printing" and "printed," except in the case of signatures and when the words are used by way of contrast to "typewriting" and "printing." Writing may be made in any manner, except that when a person entitled to require the execution of a writing demands that it be made with ink, it must be so made.
* Year. "Year" means a calendar year, except where otherwise provided.

**Section 3 – Procedures for Ordinances**

**2.3.1.** **The Enacting Clause for Ordinances**

The enacting clause for every ordinance adopted by the City of Kramer shall be “Be it ordained by the Kramer City Council of the city of Kramer, North Dakota.” Such caption however, may be omitted where the ordinances are published in book form or are revised and digested.

**2.3.2. Process of Revision, Amendment, Rejection and/or Development of New Ordinance.**

The mayor, by and with the advice and consent of the Kramer City Council shall appoint one or more competent persons to prepare and submit to the council for its adoption or rejection, the revision or amendment of existing ordinances or for the enactment of new and additional ordinances for such municipality and in accordance with NDCC Chapter 1-02 Rules of Interpretation.

 The NDCC doesn't mandate an attorney review every new ordinance, it does require the city attorney's involvement in drafting and revising ordinances, if one is employed. Given the complexities of legal compliance and potential ramifications of poorly drafted ordinances, it is strongly recommended that the City of Kramer engage legal counsel to review new ordinances of significant impact before their final adoption.  When employed, the compensation of the attorney shall be paid out of the General Operating Account.

**2.3.3. Procedure in Passing Ordinances.**

**Be it ordained by the Kramer City Council of the city of Kramer, North Dakota** all ordinances shall be read twice, with the second reading and final passage occurring no less than one week after the first reading. An ordinance may be amended after the first reading and before the final passage.

**2.3.3.a. First Reading**

“First Reading” is the initial introduction of the ordinance. This is the initial introduction of the ordinance. A council member introduces the ordinance, and another member seconds the motion. The entire ordinance may be read aloud, or a summary can be provided. While amendments can be proposed and voted on during the first reading, no vote for final passage occurs at this stage.

**2.3.3.b. Second Reading**

The second reading and final passage of the ordinance cannot occur less than one week after the first reading. The ordinance may be further amended before final passage. For final passage, a majority of all the members of the governing body must concur in passing the ordinance.

**2.3.3.c. Signature Required – Veto - Publication**

For cities with a mayor, the ordinance is not enacted until the mayor approves it or it's passed over their veto. The mayor has a certain amount of time to approve or veto the ordinance.

If the ordinance includes a penalty, its title and penalty clause must be published in the city's official newspaper after final adoption. Ordinances requiring publication become effective after publication, unless otherwise specified in the ordinance.

**2.3.4. Roll Call Yea and Nay Vote on Passage – When Required**

The yea and nay vote shall be taken and documented as part of the ordinance and entered in the journal of the Kramer City Council proceedings upon the passage of all ordinances. All ordinances shall be signed by the mayor and attested by the City Auditor.

**2.3.5. Effective Date of Ordinances**.

Such revision, amendments to existing ordinances or new ordinances under the 2025 City of Kramer Municipal Code may be passed as a single ordinance and may published in pamphlet or book form without publication in the Bottineau Courant.

Ordinance passed individually as ordained by and under the authority of the council, shall be valid upon signature unless:

* Publication Requirement: Ordinances with penalties, such as fines, imprisonment, or forfeitures, must be published.
* What to Publish: The title and the penalty clause of the ordinance must be published.
* Official Newspaper: Publication must occur in the city's official newspaper.
* Effective Date: Ordinances that require publication become effective after publication unless the ordinance specifies otherwise.
* Ordinances without Penalties: Ordinances that do not impose a penalty do not require publication to be effective.
* Revised Ordinances: If a city revises its ordinances and publishes them in a pamphlet or book form, the revised ordinances are valid and effective without newspaper publication or posting.

**2.3.6. Violations – Penalties.**

Whenever in such ordinance of the city any act is prohibited or is made or is declared to be unlawful, or an offense or whenever in this code or any ordinance the doing of any act is required or the failure to do any act is declared to be unlawful, where no specific penalty is provided therefore, any person upon conviction for the violation of such provision of such code or any ordinance shall be punished by a fine not less than twenty-five dollars ($25.00) and not exceeding five hundred dollars ($500.00).

**2.3.7. Publication Requirements and Effective Date of Ordinances**.

Such revision, amendments to existing ordinances or new ordinance under the 2025 City of Kramer Municipal Code may be passed as a single ordinance and may published in pamphlet or book form and do not require publication in the Bottineau Courant. Ordinance passed individually as ordained by and under the authority of the council, shall be valid upon signature unless said ordinances contain penalties, such as fines, imprisonment, or forfeitures, must be published as outlined herein:

* The title and the penalty clause of the ordinance must be published.
* Publication must occur in the city's official newspaper: Bottineau Courant
* Ordinances that require publication become effective after publication unless the ordinance specifies otherwise.

**2.3.7.a.** **Ordinances without Penalties:**  Ordinances that do not impose a penalty or fine do not require publication to be effective.

## **Section 4 – Procedures for Resolutions.**

**2.4.1. Nature of Resolutions**

The city council shall deal with matters of a temporary or advisory nature with the use of a resolution as outlined herein.

* **Expressing opinions and positions:** Resolutions can be made to formally state the council's stance on a particular issue, like federal policy or a voiced community concern.
* **Establishing policies:** Resolutions can be made to adopt or amend policies, particularly those related to internal administration or specific areas of city government.
* **Directing administrative action:** Resolutions can direct the city auditor or other officials to take specific actions, like payment of council salaries for a specific duration or establishing administrative fees required in city ordinance. Resolutions can be used to officially record findings or decisions that need to be documented for future reference.

**2.4.2. Introduction of Resolutions:** The Kramer City Council shall follow the following procedure for the introduction of a resolution.

* **Motion.** A council member introduces the resolution and makes a motion to approve it.
* **Seconding:** It shall be required for another council member to second the motion for the motion to move forward. If a second is not provided the council member making the motion has two options.
	+ **Amendment or Defeat of Motion:** The council members may elect to discuss the motion, change the wording of the motion, or address potential amendments or the council may seek a public hearing before moving forward.
	+ The motion may be dismissed and marked as defeated.
* **Public Hearing:** The council depending on the reach and scope of the resolution may consider a public hearing before the final vote, allowing community members to comment.
* **Vote.** When the motion is again brought to the floor, a roll-call vote is taken, with a majority vote generally required to approve the resolution.
* **Recordkeeping.** The resolution is recorded in the meeting minutes and shall be signed by the City Mayor and attested by the City Auditor.

**2.4.3.** **Requirement for Implementation and** **Important Considerations:**

Ordinances imposing penalties or fines generally need to be published, whereas resolutions typically do not. Some resolutions may impact the community when used to define critical and/or significant fees. Resolutions of this nature require a unanimous vote from the council for approval, must be signed by the mayor, with the vote recorded and implementation date clearly documented. Furthermore, the Kramer City Council should consider publication before enacting such resolutions.

**2.5. Date of Authorization**

This municipal Chapter requires two readings, a vote of approval by the Kramer City Council, after which the chapter becomes effective on the date of publication of the associated penalties in the Bottineau Courant.

Date of First Reading:

Date of Second Reading:

Publication in Bottineau Courant:

Council Vote:

Adopted this day: Mayor: Auditor Attests