

**HOME RULE CHARTER  
CITY OF FRONTIER, NORTH DAKOTA**

**ARTICLE 1. INCORPORATION**

The inhabitants of the City of Frontier, 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 Frontier."

**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 of North Dakota, 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, raise revenues, determine policies and prescribe the functions of government to be performed by the City under the authority of its charter. The elected city governing body shall have the power to enact all proper and necessary ordinances, resolutions, and orders to carry out and give effect to the express and implied powers granted in this charter, or if the manner be not prescribed, then in such manner as may be prescribed by ordinance.

**ARTICLE 3. POWERS OF THE CITY**

**Section 1. - General powers.**

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 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 following:

1. To acquire, hold, operate, and dispose of property within or without the corporate limits.
2. To control its finances and fiscal affairs; to appropriate money for its purposes, and make payment of its debts and expenses; to levy and collect taxes, excises, fees, charges, and special assessments for benefits conferred, for its public and proprietary functions, activities, operations, undertakings, and improvements; to contract debts, borrow money, issue bonds, warrants, and other evidences of indebtedness; to establish charges for any city or other services, and to establish debt and mill levy limitations, provided that the mill levies ordered imposed by the governing body on taxable property subject to ad valorem taxation shall not exceed in total the sum of levies authorized by state statutes and the constitution for cities of similar classification to that of the City of Frontier, however, those mills may be budgets for any city purpose. The governing body shall be permitted to promulgate the city budget without regard to the specific dedications of mill levies to specific purposes as long as the total of the budget is not more than the

total amount of mills authorized by a city. The authority to levy taxes under this subsection does not include the authority to impose income taxes.

3. To fix the fees, number, terms, conditions, duration, and manner of issuing and revoking licenses in the exercise of its governmental police powers.
4. To provide for city officers, agencies, and employees, their selection, terms, powers, duties, qualifications, and compensation provided that compensation paid to the members of the governing body is limited to the amount allowed by state law. To provide for change, selection, or creation of its form and structure of government including its governing body, executive officer, and city officers.
5. To provide for city courts, their jurisdiction and powers over ordinance violations, duties, administration, and the selection, qualifications, and compensation of their officers; however, the right of appeal from judgment of such courts shall not be in any way affected.
6. To provide for all matters pertaining to city elections, except as to qualifications of electors.
7. To provide for the adoption, amendment, and repeal of ordinances, resolutions, and regulations to carry out its governmental and propriety powers and to provide for public health, safety, morals and welfare, and penalties for a violation thereof.
8. To lay out or vacate streets, alleys, and public grounds, and to provide for the use, operation, and regulation thereof.
9. To define offenses against private persons and property and the public health, safety, morals, and welfare, and provide penalties for violations thereof.
10. To engage in any utility, business, or enterprise permitted by the constitution or not prohibited by statute or to grant and regulate franchises therefor to a private person, firm, corporation, or limited liability company.
11. To provide for zoning, planning, and subdivision of public or private property within the city limits; to provide for such zoning, planning, and subdivision of public or private property outside the city limits as may be permitted by state law.
12. To levy and collect franchise and license taxes for revenue purposes.
13. To exercise in the conduct of its affairs all powers usually exercised by a corporation.
14. To fix the boundary limits of said city and the annexation and de-annexation of territory adjacent to said city except that such power shall be subject to, and shall conform with the state law made and provided.
15. To contract with and receive grants from any other governmental entity or agency, with respect to any local, state, or federal program, project, or works.
16. To impose sales and use taxes as permitted by state law in addition to any other taxes imposed by law. Provided, however, that no sales or use tax may be imposed unless an ordinance authorizing such a tax is approved by a majority of voters voting at a special or general election. Questions related to sales and use

taxes may be submitted to voters at the same election at which this charter, or any amendments thereto, is submitted to the voters. The sales and use tax shall be subject to the following conditions:

- a. The amount of the sales and use tax shall not exceed one and one-half percent (1.5%) of the gross receipt.
- b. Sales and uses taxed shall be limited to those which are taxed by the State of North Dakota, and sales and use taxes must conform in all respects with regard to the taxable or exempt status of items under Chapters 40-05.1, 57-39.2, 57-39.4, 57-39.5, 57-39.6, and 57-40.2 of the North Dakota Century Code and may not be imposed at multiple rates with the exception of sales of electricity, piped natural or artificial gas, or other heating fuels, delivered by the seller, or the retail sale or transfer of motor vehicles, aircraft, watercraft, modular homes, manufactured homes or mobile homes.
- c. The proceeds of any sales and use tax, less administrative costs, shall be dedicated to the City of Frontier's general fund. Additionally, the proceeds collected pursuant to such tax may be pledged to amortize bonds, or other debt instruments which may be sold to finance such debts. The proceeds may also be used as collateral for loans provided to the City of Frontier.

The enumeration of particular powers by this charter shall not be deemed to be exclusive, and in addition to the powers enumerated herein or implied hereby, or appropriate to the exercise of such powers, it is intended that the city shall have and may exercise all powers which under the constitution and laws of this state, it would be competent for this charter specifically to enumerate.

The statutes of the State of North Dakota, so far as applicable, shall continue to apply except insofar as superseded by this Charter or by ordinance passed pursuant to this Charter. This Charter and the ordinances made pursuant thereto in local and city matters shall supersede within the territorial limits and other jurisdiction of the City any law of the state in conflict therewith, and shall be liberally construed for such purposes.

#### **ARTICLE 4. SUCCESSION IN GOVERNMENT**

##### **Section 1. Rights of officers and employees preserved.**

Nothing in this Charter, except as specifically provided, shall affect or impair the rights or privileges of officers or employees of the City or of any office, department, or agency existing at the time when this Charter shall take effect, or any provision of law in force at the time this Charter shall take effect and not inconsistent with the provisions of this Charter, in relation to the 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.

## **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 by the Governing Body for the performance of such duties in some manner or the discontinuance of such office.

## **Section 3. - Continuance of present offices, departments, or agencies.**

- (a) Any office, department, or agency, heretofore existing, shall continue to exercise power 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.
- (b) The powers conferred and the duties imposed upon any office, department or agency of the City by the laws of the State, if such office, department or agency be abolished by this Charter or under its authority, shall be thereafter exercised and discharged by the office, department or agency designated by the Governing Body.

## **Section 4. - Continuance of appointive boards and commissions.**

All appointive boards and commissions, heretofore existing, shall continue and shall exercise such powers and duties as were granted them until such boards and commissions shall be changed or abolished by the Governing Body.

## **Section 5. - Continuance of contracts and franchises.**

All contracts and franchises 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 proceedings, civil or criminal, pending when it takes full effect, brought by or against the City or any office, department, agency, or officer thereof.

## **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 not inconsistent 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 voters of the City 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 Cass County, and the office of

the City Auditor of Frontier. Said filing shall be completed as soon as reasonably possible under the circumstances but not later than ninety (90) days after the election ratifying the Charter.

#### **ARTICLE 5. SEPARABILITY CLAUSE**

If any article, section, or part of article/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. CONSTRUCTION**

The powers granted to the City under this Charter shall be given a broad interpretation, and the specific mention of particular powers in this Charter shall not be construed as limiting in any way the general power of this Charter.

#### **ARTICLE 7. METHOD OF AMENDMENT AND REPEAL**

This Charter may be amended or repealed as provided by Section 40-05.1-07 of the North Dakota Century Code and acts amendatory thereto.

Submitted by the City of Frontier Home Rule Charter Commission, approved by the City of Frontier Council, and adopted by the voters of the City of Frontier at a special election held September 21, 2021.