

Steele City Ordinances

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ORDINANCE NO. 30

AN ORDINANCE REGULATING AND GOVERNING THE WATERWORKS OF THE CITY OF STEELE, AND PROVIDING FOR THE APPOINTMENT OF A WATERWORKS SUPERINTENDENT, AND SPECIFYING THE DUTIES OF HIS OFFICE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF STEELE, North Dakota:

Section 1. Definition of Waterworks System. All land, Buildings, machinery, equipment, tools, apparatus, supplies, water mains, hydrants, service connections, meters and all other property used for the purpose of furnishing a water supply to the City of Steele and the inhabitants thereof, now owned or to be owned, or hereafter acquired, by said City, shall constitute and be known as the waterworks system, and all service connections up to the curb line shall be and forever remain the property of the City of Steele and part of the waterworks system.

Section 2. Waterworks Superintendent. The Mayor, with the consent of the City Council shall, on or before the first day of July in each even numbered year, appoint and fix the salary of a waterworks superintendent, who shall serve for a term of two years from and after July 1st, of the year of his appointment, and who shall be under the general control and supervision of the city council. It shall be the duty of the waterworks superintendent to exercise general control and management over the waterworks system, to care for and preserve all waterworks property, to operate and repair the waterworks system, to read all meters at the times provided for in this ordinance and to certify such readings to the city auditor, to perform or supervise all tapping of water mains and installation of services, to and including the curb stop and curb stop box, to supervise all excavations for service connections, and to furnish to the city council or any city official any and all information required by them. He shall also supervise and inspect the installation of all service connections to and including the water meter, and it shall be his duty to require all such service connections to be made in full conformity with all ordinances and regulations of the City of Steele. He shall have power, with the concurrence of the city council, to appoint and discharge such employees as may be necessary. He shall have power, with the consent of the City Council, to purchase such material, supplies, and repairs as maybe necessary for the water works system, and shall at all times keep a correct and, accurate inventory of all supplies on hand. He shall issue all permits for water connections, and shall promptly pay to the city auditor all fees received by him therefore;

Section 3. Applications for Permits. Before any person shall excavate to lay, relay, repair or tap any water main or service pipe he shall first make application for a permit therefor from the waterworks superintendent. Such application shall be made by the owner of the property to which water is to be furnished or is furnished, or his agent, and must state the size of connection desired and the purposes for which the water is to be used, the lot and block on which the building is located to which the water is to be piped, and such other information as the waterworks superintendent shall require. No permit shall be issued for the making of any connection between any water main in the City of Steele and any property which has not been assessed for the construction of such water main, except as specifically authorized by the city council, and no permit shall be issued for the making of any connection between any water main of the City of Steele and any property on which any waterworks special assessment tax is delinquent. Permits shall be issued only upon the payment of such fees as may from time to time be required by resolution of the city council.

Section 4. Service Connections. That part of all service connections not constructed by the waterworks superintendent shall be constructed only by a licensed plumber duly licensed by the City of Steele, and shall be constructed in all respects to conform to the requirements of all ordinances

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and regulations of the City of Steele. All excavations for service connections shall be done by the owner, and all service connections from the curb stop to the meter shall be installed by a licensed plumber at the owner's expense, and each service shall be maintained and repaired at the owner's expense, if done by the City, or by the owner. All services shall be constructed of Government Type "K" copper service pipe or tubing, for the full distance from the main to the meter. Services shall not have a greater capacity than 50% of the main capacity, and shall not be less than three fourths inch in diameter. All services shall have a minimum cover of at least seven and one half feet below the finished grade at all points from the corporation cock to the point of entry into or below the basement, and all excavations shall be properly tamped and slushed upon filling. No excavation on city property shall be permitted to remain open for a longer period than seventy-two hours, and open excavations shall at all times be properly guarded. A separate tap and complete Service connection, including curb stop and box, shall be made for each consumer of water, and no more than one consumer shall be permitted to take water from any service connection. No taps on any main in the City of Steele shall be permitted to be closer together than twelve inches. All curb stops shall be fitted with boxes and shall be uniform throughout the city, as installed by the waterworks superintendent. They shall be placed three and one half feet outside the property line, and the box shall be at the same grade as the sidewalk.

Section 5. Meters. Every service connection made with the city waterworks system shall have installed in connection therewith a water meter for the purpose of measuring the amount of water used by the consumer, and in case of failure of the meter properly to register the amount of water used, the waterworks superintendent and city auditor shall estimate the amount of water used which estimate shall be final. All meters shall be and remain the property of the City of Steele, and shall be by the city maintained and kept in repair; provided, that any damage done to said meter through the negligence, fault, neglect or wilful act of the consumer or any other person not under the direction of the waterworks superintendent, and all damage caused by freezing or by hot water backing into said meter, shall be paid for by the consumer. Such repairs as are necessary shall be made by the waterworks superintendents and the cost of the repairs herein required to be borne by the consumer shall be charged for and collected in the same manner and at the same time as water rents, and in case of failure to pay for said repairs, the waterworks superintendent shall turn off the water as in case of failure to pay water rents. No outlet faucets of any kind shall be permitted between the main and the meter, and all meters shall be sealed. It shall be unlawful for any person other than the waterworks superintendent to break the seal on a meter, to tamper with the meter in any manner, or to take any water from said services prior to its passing through the meter.

Section 6. Repairs Other than Meter Repairs. All service pipes, stopcocks, corporation cocks and other fixtures from the main to the curb lines shall be maintained and kept in repair by the consumer. If such repairs are made by the waterworks superintendent, the cost thereof shall be added to the next water bill. In case of failure to make the necessary repairs, after twenty-four hours notice, the waterworks superintendent shall in his discretion either make the repairs himself, with the consent of the consumer, or shall turn off the water, which shall not be turned on again until the repairs shall have been made and a fee of \$1.00 paid by the consumer.

Section 7. Public Fire Hydrants. No person, except a member of the fire department in the discharge of his duties as a fireman, shall use a fire hydrant without first obtaining a permit therefor from the water works superintendent. Hydrants shall be opened only with a hydrant wrench, which shall be obtained from the waterworks superintendent.

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Section 8. Water rates. The water rates to be charged shall be fixed from time to time by resolution of the City Council, and it is hereby expressly provided by this ordinance that the City of Steele reserves the right to change the rates for the use of water from time to time as it may deem best.

Section 9. Collections. All meter readings shall be taken on or about the twentieth day of March, June, September and December of each year by or under the supervision of the waterworks superintendent, and by him reported to the city auditor, who shall render a statement for the amount due, including any amounts due for meter or service connection repairs, on or before the first day of the month succeeding that in which the reading is taken. If such bills are not paid by the fifteenth of the month succeeding the month in which the meters are read, a penalty of five percent shall be added to such bill, and if not paid within fifteen days of the day penalty attaches, the water supply shall be shut off by the waterworks superintendent, on the order of the city auditor. When water is so shut off it shall not again be turned on until all past due bills and penalty thereon are paid, with the further sum of one dollar for turning off said water. When any consumer desires to discontinue using city water, he shall notify the city auditor to that effect, and shall pay all his water bill to date, including all bills, if any, for repairs made to either meter or service connections. In any case where a tenant does not pay the water bill charged to him, the owner of said premises shall be liable for water rents, and when water is turned off for failure to pay the water bill or repair bill, or both, whether the tenant has moved or not, the water shall not be again turned on until the bill, including all penalties, is paid. It shall be no defense against the payment of said water bill that the water was consumed by a former tenant.

Section 10. Duties of Auditor. The City Auditor shall be the auditor and accountant for the waterworks system. He shall send out statements for all water and repair bills, in accordance with the schedule of rates adopted by the city council and the information given to him by the waterworks superintendent, and shall collect all bills for water and repairs in the manner outlined in the preceding section of this ordinance. In case any water bill is unpaid for more than thirty days, as set forth above, it shall be his duty to order the waterworks superintendent to shut off the water for the delinquent consumer. All monies collected by him or turned over to him by the waterworks superintendent, in behalf of the waterworks system, shall be by him kept in a separate fund upon his books, and shall be by him, within ten days of his receipt thereof, turned over to the City Treasurer. He shall quarterly, and as much oftener as required, report to the City Council the collections and disbursements made by him from such waterworks fund, and the balance on hand therein, if any.

Section 11. Shutting off Water. No person except an authorized employee of the waterworks department shall shut off or turn on the water at the curb cock at any premises without first obtaining permission from the waterworks superintendent. Whenever water is shut off at any curb cock or on any main, other than for failure to pay a water bill when due, reasonable notice shall be given to all consumers affected, the reasonableness of such notice to be determined by the circumstances, but in case of necessity, the water may be shut off without any notice. The City of Steele does not guarantee to consumers any fixed pressure or a continuous supply of water, nor the quality thereof.

Section 12. Access to Premises. The waterworks superintendent and his authorized employees shall at all proper times have access to any premises supplied with water, to inspect and ascertain the condition of the meters and fixtures, and for reading meters or for other reasonable purposes, and no owner or occupant shall refuse such employees such access. The waterworks superintendent shall have the right to enter any premises and remove the meter for the purpose of examination and test after first notifying the owner or occupant, and to shut off the water from premises where free

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access is prevented. No person shall so obstruct any meter or meter connection that it may not be freely and easily inspected by the proper official of the City of Steele.

Section 13. No more than one premises shall be permitted to make use of one service connection, and it shall be unlawful to supply other persons with water or to permit them to take water from the premises, except for drinking water or other similar uses upon the premises supplied with water by the city connections.

Section 14. Whenever there shall be any alarm of fire in the City of Steele, all persons using city water for sprinkling lawns or gardens shall immediately cease such use, and shall not again commence so using water until they know that all immediate need for water for fire fighting purposes has passed.

Section 15. It shall be unlawful to ground any electrical apparatus or connections of any sort upon any water mains or service connections, or plumbing attached thereto, within the City of Steele, or upon any water pipes in any way connected with the waterworks system of the City of Steele, North Dakota.

Section 16. Penalties. Any person, firm or corporation violating any of the provisions of this ordinance shall upon conviction thereof, be subject to a fine of not less than five dollars and not more than one hundred dollars, or imprisonment in the city jail for not more than thirty days, or both such fine and imprisonment, together with all costs of prosecution.

First reading, June 8th, 1936.

Second reading and passage by City Council, June 16th, 1936

Approved, June 16th, 1936.

ORDINANCE NO. 46

AN ORDINANCE PROHIBITING AND RESTRICTING PARKING VEHICLES UPON CERTAIN STREETS AND HIGHWAYS IN THE CITY OF STEELE, NORTH DAKOTA AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF.

Be, it ordained by the City Council of the City of Steele, In Kidder County, North Dakota:

Sec. 1. That it shall hereafter be illegal to park any motor vehicle or other vehicle upon any part of the right-of-way of United States Highway No. 10 within the limits of City of Steele.

Sec. 2. That it shall hereinafter be illegal to park any motor vehicle or other vehicle upon that part of Mitchell Avenue within the City Of Steele, North Dakota, lying between Park Street and the junction of the railroad tracks of the Northern Pacific Railway Company with said Mitchell Avenue.

Sec. 3. That the City Council of the City of Steele may by resolution authorize the stopping and parking of passenger busses and other vehicles upon such parts of the streets and roads hereinbefore specified as it shall deem expedient and proper.

Sec. 4. That the City Council of the City of Steele may by resolution prohibit the parking of any motor vehicle or other vehicle upon such other of the streets and avenues of the said City at Steele as may from time to time be necessary and proper.

Sec. 5. Any person convicted of violating any of the provisions of this ordinance shall be punished by a fine of not to exceed \$100.00, or by imprisonment in jail for not to exceed thirty days, or by both such fine and imprisonment.

Sec. 6. That all ordinances and parts of ordinances in conflict herewith are hereby repealed.

FIRST READING 1-6-47

SECOND READING AND FINAL PASSAGE 1-13-47

ORDINANCE NO. 49

AN ORDINANCE DIVIDING THE CITY OF STEELE INTO WARDS, AND DEFINING THE BOUNDARIES THEREOF:

Be It Ordained by the City Council of the City of Steele, In Kidder County, North Dakota:

Section 1. That In accordance with the provisions of the laws, of the State of North Dakota, the City of Steele shall be and is hereby divided into three wards, to be known respectively as First Ward, Second Ward and Third Ward.

Section 2. The First Ward shall comprise and consist of all that part of the City of Steele which lies north of the north edge of the right of way of the Northern Pacific Railway Company as it lies across and through the said City of Steele.

Section 3. The Second Ward shall comprise and consist of all that part of the City of Steele which lies south of the north edge of the right of way of the Northern Pacific Railway Company as it lies across and through the said City of Steele, and east of the west edge of Mitchell Avenue in said city.

Section 4. The Third Ward shall comprise and consist of all that part of the City of Steele which lies south of the north edge of the right of way of the Northern Pacific Railway Company as it lies across and through the said City of Steele, and west of the west edge of Mitchell Avenue in said city.

Section 5. That this ordinance shall be in full force and effect from and after the date Its passage and approval.

First reading on April 27, 1948.

Second reading and final passage, on May 10, 1948.

ORDINANCE NO. 59

AN ORDINANCE TO PROHIBIT KEEPING LIVESTOCK WITHIN THE CITY OF STEELE, NORTH DAKOTA, AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF STEELE, NORTH DAKOTA:

Sec. 1. That from and after the effective date of this ordinance, it shall be unlawful to keep any horses, cattle, sheep, pigs, or goats within the city limits of the City of Steele, North Dakota, for any period of twenty—four consecutive hours.

Sec. 2. That if any person, firm or corporation shall permit such horses, cattle, sheep, pigs or goats to be and remain within the City limits of the City of Steele, North Dakota, in violation of the provisions of Sec. 1 hereof, each twenty-four hour period that such livestock remains within the city limits of the City of Steele, shall constitute a distinct and separate violation of the provisions of this ordinance.

Sec. 3. That if any person shall be convicted of violating this ordinance, he shall be punished for each such violation by a fine of not more than \$100.00, or by imprisonment in the city jail for not more than thirty days, or by both such fine and imprisonment.

First reading on October 6th, 1952.

Second reading and final passage on November 3rd, 1952.

Approved November 3rd, 1952.

ORDINANCE NO. 61

AN ORDINANCE REGULATING SOLICITORS PEDDLERS, ITINERANT MERCHANTS OR TRANSIENT VENDOR OF MERCHANDISE IN THE CITY OF STEELE, KIDDER COUNTY, NORTH DAKOTA. DECLARING IT TO BE A NUISANCE FOR THOSE ENGAGED IN SUCH PURSUITS TO GO IN OR UPON PRIVATE RESIDENCES WITHOUT HAVING BEEN REQUESTED OR INVITED TO DO SO: AND PROVIDING PENALTIES FOR THE VIOLATION HEREOF:

Be it ordained by the City Council of the City of Steele, North Dakota:

SECTION 1: Solicitations of Orders, Peddling and Hawking Declared to be A Nuisance.

The practice of going in and upon private residences or privately owned property in the City of Steele by solicitors, magazine salesmen, peddlers, hawkers, itinerant merchants or transient vendors of merchandise, not having been requested or invited to do so by the owner or owners, occupant or occupants of said private residences or property, for the purpose soliciting orders for the sales of goods, wares and merchandise and/or disposing of and/or peddling or hawking the same is hereby declared to be a nuisance and punishable in the manner herein provided.

SECTION 2: Exceptions.

The provisions of this ordinance shall not apply to the sale or solicitation of orders for the sale of milk, dairy products, vegetables, poultry, eggs and other farm products, so far as the sale of said commodities is now authorized by law.

SECTION 3: Repeal.

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 4: Penalty.

Any person, firm or corporation violating any of the provisions of this ordinance, shall be punished upon conviction therefor, by a fine of not more than One Hundred dollars (\$100.00) or by imprisonment in the City Jail for a period of not more than ninety (90) days) or by both such fine and imprisonment.

First Reading: September 7, 1954.

Second Reading: October 11, 1954.

Approved October 11, 1954.

ORDINANCE NO. 63

AN ORDINANCE AMENDING AND RE-ENACTING ORDINANCE NO.57 OF THE CITY OF STEELE, NORTH DAKOTA, PROHIBITING AND INJURING OR DEFACING OF SIDE WALKS, CURBS, GUTTERS, PAVING AND STREET SIGNS WITHIN THE CITY OF STEELE, PROVIDING CONDITIONS FOR OBTAINING A PERMIT TO BREAK OR CUT PAVING AND SIDEWALKS FOR ANY LAWFUL PURPOSE, AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF STEELE, IN KIDDER COUNTY, NORTH DAKOTA:

Sec. 1. Except as hereinafter provided, it shall hereafter be unlawful for any person to wilfully or wantonly injure, engrave, break, cut, deface, tarnish or destroy any sidewalk, curb, gutter, paving or asphalt paving or any street or traffic sign lawfully standing in the streets, of the City of Steele, North Dakota, and it shall also be unlawful for any person wilfully or wantonly to daub or besmear the same, or any part thereof, with paint, mud, filth, tar, soap, oil, grease or any other substance, or injure the same in any manner, and all things mentioned in this section are hereby prohibited.

Sec. 2. Any person, before cutting or breaking through any-pavement, asphalt pavement, curb, gutter, or sidewalk in the City of Steele, for any purpose, shall first obtain therefor a permit from the City Auditor. Such permit shall be issued only after the applicant shall have posted and left with the said City Auditor a cash deposit of \$500.00, or a surety bond in double that amount, signed by sufficient surety approved as to form by the City Attorney, and as to sufficiency by the City Council. Such cash deposit or surety bond shall be conditioned that all such work shall be promptly done and completed, that all excavations shall be filled with clean, well tamped gravel, to within six inches of the surface, that the top six inches shall be filled with concrete or asphalt concrete, properly and strongly mixed and made, and leveled and finished even with the surrounding surface, that all dirt taken from such excavation shall be removed from the streets and public ways of the City of Steele, and that all such work shall be done under the supervision of, in accordance with the instructions of, and to the satisfaction of the Street Commissioner of the City of Steele, or his duly designated and appointed agent or deputy. Unless all such conditions are complied with, and so certified by the Street Commissioner, within a reasonable length of time after the issuance of such permit, the said cash deposit or bond shall be forfeit to the City of Steele.

Sec. 3. Any person who shall be guilty of doing any of the acts or things prohibited by this ordinance or made unlawful thereby, or who shall fail to do any of the things required to be done by this ordinance, shall, upon conviction thereof, be punished by a fine of not more than fifty dollars, or by imprisonment in the city jail not to exceed fifteen days, or by both such fine and imprisonment.

First reading on September 10th, 1956.

Second reading and final passage on October 1, 1956.

ORDINANCE NO. 65

AN ORDINANCE DEFINING PUBLIC AND SANITARY NUISANCES IN THE CITY OF STEELE, KIDDER COUNTY, NORTH DAKOTA: PROHIBITING SUCH NUISANCES: AND PROVIDING PENALTIES FOR VIOLATION HEREOF.

BE IT ORDAINED BY THE STEELE **(GOVERNING BODY)** OF THE CITY OF STEELE, NORTH DAKOTA:

Sec. 1. PRIVY VAULTS. Each and every house or tenement within the city (village) Used as a residence, hotel, tavern, or place of business where privy vaults are permitted shall be furnished with a suitable privy, the vault of which shall be furnished with a movable box, or sunk under the ground at least six (6) feet deep, and shall be constructed so that the outside wall of such hole shall be at least three (3) feet distant from the line of every adjacent lot, unless the owner of the adjacent lot shall otherwise agree, and shall also be at least five (5) feet distant from every street, lane, avenue, or alley, and any privy hereafter built or constructed not in accordance with the foregoing provisions shall be deemed and is hereby declared to be a nuisance; and if the owner or occupant or agent of the lot or premises upon which any nuisance be located, shall fail or refuse to abate the same within five (5) days after notice to do so, he shall, upon conviction, be subject to the penalty as hereinafter defined, and shall also be subjected to a like penalty for every day he shall so fail to abate such nuisance after the first conviction.

Section 2. CELLAR, VAULTS, DRAINS, POOLS, SEWERS, ETC. If any person shall allow any cellar, vault, private drain, pool, sewer, or grounds upon any premises belonging to or occupied by him, to become offensive because of its odor to any portion of the citizens, or injurious or dangerous to the public health, the same shall be deemed and declared to be a nuisance; and such owner or occupant shall be subject to a like penalty for each and every day such nuisance shall continue after the first conviction.

Section 3. WATER-CLOSETS, VAULTS, DRAINS, AND CESSPOOLS TO BE CONNECTED WITH PUBLIC SEWERS. Every water-closet, privy vault, or cesspool shall be properly connected with a public or private sewer whenever such public sewer is within a distance of two hundred (200) feet, which connection shall be in all parts adequate for the purpose so as to permit entirely and freely to pass whatever enters the same and all such water-closets, privy vaults, and cesspools, shall be provided with proper traps, ventilation pipes, and tight pipes for connection with house sewer, and sufficient water and other matters for flushing the same, and every owner, lessee and occupant shall take adequate measures to prevent improper substances from entering such water closets, privy vaults, or other connections and to secure the prompt removal of any improper substance that may enter therein, so that no accumulation shall take place and so as to prevent any odor and contamination therefrom, offensive, dangerous, or prejudicial to health and so as to prevent the same from being or becoming obstructed.

Section 4. BARN, STABLES, HOG PENS, ETC. Whenever any privy, barn, stable, livery stable, cow yard, shed, hog pen or chicken house within the city (village) shall be kept or allowed to be or remain in such a condition as to endanger public health or that the smell arising therefrom shall become offensive to any portion of the citizens, the same shall be deemed and is hereby declared a nuisance, and the owner or occupant of the lot or premises on which the same is located shall be guilty of maintaining a nuisance, and upon conviction, shall be subject to the penalty as hereinafter defined, and shall be subject to a like penalty for each and every day he shall fail or refuse to abate such nuisance after the first conviction.

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Section 5. NAUSEOUS OR OFFENSIVE HOUSES, TENAMENTS, STORES, FACTORIES. Whenever any place of business, private residence or tenement within the city (village) shall be kept, used or carried on in such a situation or condition as to become objectionable or offensive to the neighborhood or to any of the citizens, or as to endanger the public health, the same shall be deemed and is hereby declared a nuisance, and the owner or occupant thereof shall be subject to the penalty as hereinafter defined, and shall also be subject to a like penalty for each and every day such nuisance shall continue after the first conviction.

Section 6. DIRT OR FILTH FROM FACTORIES, STABLES, STORES, ETC. No business man or other person, shall himself, or by any other, throw, place, deposit, discharge out of, or permit to flow from, any business establishment, private house or place any foul or nauseous liquor, offal, manure, or offensive substance of any kind whatever, into or upon any adjacent ground or lot, or into any street, lane, avenue, alley or any other public or private place within the city (village), and every twelve (12) hours the same shall remain after the first conviction shall be deemed a separate offense.

Section 7. PUTRID MEAT, FISH, HIDES, FEATHERS, ETC., ON STREETS. No person shall hereafter throw or deposit, or allow anyone else to throw or deposit, upon any street, lane, avenue, alley, lot or premises, any putrid or waste matter, or any thing or matter whatsoever which, by putrefaction or decomposition, will produce an offensive smell, or whereby the health of any portion of the citizens may be affected or endangered, nor shall any person allow any such putrid or waste matter or things aforesaid to be or remain upon the premises owned or occupied by him, nor in any street, lane, avenue, or alley in front of or adjoining to such premises. Every twelve (12) hours any such person shall allow any such thing or substance to remain in any such street, lane, avenue, or alley, premises or other place as aforesaid, after notice to remove or abate the same, shall be deemed a separate offense.

Section 8. DEAD ANIMALS OR FOWL PROHIBITED IN CITY (VILLAGE) LIMITS. Any dead horse, cow, hog, other animal, or fowl, or the carcass or remains of any animal or fowl whatever, lying or being within the limits of the city (village) is hereby defined and declared to be a nuisance; and no person shall throw, place or deposit, or cause to be thrown, placed, or deposited, at any place within the city (village), remains of any animal or fowl whatever. Every twelve (12) hours such a nuisance shall remain after notice to remove or abate the same shall be deemed a separate offense.

Section 9. SAME: REMOVAL OF. When any dead animal or fowl shall be found in any lot or part of a lot or premises in the city (village), it shall be the duty of the owner or occupant of such lot or part of a lot or premises to cause the same to be removed at once, and such owner or occupant or other person removing such animal or fowl may recover and collect the expenses of such removal from the person owning or depositing such dead animal or fowl. Every twelve (12) hours any such owner or occupant shall fail or refuse to remove the same after notice to do so shall be deemed a separate offense.

Section 10. RUBBISH THROWING IN STREETS. No person shall throw or deposit, or permit to be thrown or deposited any dirt, paper or filth, the sweepings of any house, store, or shop or office, or any ashes, shavings, garbage, or rubbish of any kind on or into any street, sidewalk, or alley of the city (village).

Section 11. SPITTING: PROHIBITED IN PUBLIC PLACES. No person shall spit upon the entrance to or floor of any store, bank, church, school, depot, theater, post office, or lodge room, nor upon the entrance to any building to which the public has access, nor upon the floor of any hall,

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stairway, or elevator in any such building or in any such other place of public meeting, nor upon any sidewalk within the limits of this city (village).

Section 12. CHIEF OF POLICE TO CARRY OUT ORDERS OF HEALTH OFFICER. It shall be the duty of the Chief of Police to carry out all of the orders of the Governing Body of the City in regard to the sanitary condition of the City; to proceed immediately upon view of information when complaint shall be made and make a thorough examination, and cause all nuisances to be abated with reasonable promptness. For the purpose of carrying out the foregoing requirements the Chief of Police or any police officer shall be permitted at any time to enter into any house, store, stable, or other building and cause the floor to be raised, if he shall deem it necessary, in order to make a thorough examination of the cellar, vault, sink, drain or sewer; to enter upon all lots or ground and to cause all stagnant water to be drained off; and pools, sinks, vaults, drains, sewers, or low grounds to be cleansed, purified, filled up or otherwise improved, amended or abated; to cause all privies to be cleaned and kept in good condition, and to cause all dead animals, fowl, and other offensive thing or substance to be eliminated or removed beyond the city (village) limits.

Section 13. ABATEMENT OF NUISANCES, POLICE TO SERVE NOTICE. In order to carry out the provisions of the foregoing Section 12, it shall be the duty of the Chief of Police or any police officer to serve notice in writing or printing, or partly both, upon the owner, occupant, or agent, of any lot, building, or premises in or upon which any nuisance may be found, or upon the person who may be the cause of such nuisance, requiring him to abate or remove the same in such a manner as such officer shall prescribe, within such time as such officer shall deem reasonable. Provided, that it shall not be necessary in any case for such officer to specify in his notice the manner in which such nuisance shall be removed or abated, unless he shall deem it advisable to do so; and such notice may be given or served by any person or officer who may be directed or deputed to give or make the same, and if such owner, occupant, agent, or person who maybe the cause of the nuisance shall neglect or refuse to comply with the requirements of such notice or order within the time specified, he shall be subject to the penalty as hereinafter defined for every violation. It shall be the duty of such officer on the expiration of the time specified in such notice to cause such nuisance to be abated or removed. Provided, that whenever the owner, occupant, or agent of any lot or premises in or upon which any nuisance may be found, or the owner or cause of such nuisance is unknown or cannot be found, the Chief of Police shall proceed to abate the same without notice; and in all cases shall proceed to assess and collect the expenses of the abatement of all nuisances upon the premises or property, upon which the same may be found, or on which such expenses may be chargeable, as in the case of expenditures for building sidewalks, or by suit in the name of the city against the owner, occupant, or agent of such lot or premises, or the owner or the person who may be the cause of the nuisance, as for money paid at his request; and in all cases where nuisances shall be found on any premises, and abated under the provisions hereof at the expense of the city, after notice to the owner, occupant, or agent of the premises, when known or can be found, to abate the same in accordance herewith, it shall be the duty of the officer to report the amount of the expenses thereof to the City Council, in writing and a description of the premises chargeable therewith, the name of the owner when known, and the manner in which notice has been served. Such further proceedings in the assessment and collection of such expense shall then be had as is required in the assessment and collection of expenditures for sidewalks, or as the (governing body) may direct.

Section 14. WEEDS: DECLARED TO BE A NUISANCE. All weeds growing within the limits of the city are hereby declared to be a common nuisance and it shall be the duty of every person owning, occupying, or in charge of any premises, lot, or parcel of land in said city to keep such

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premises, lot, or parcel of land free from all weeds and to cut and destroy the same at all times during the growing season.

Section 15. SAME: SUPERINTENDENT OF STREETS TO CUT OR DESTROY. Whenever any individual, firm, or corporation owning, occupying, or in charge of any premises, lot, or parcel of land within the limits of the city, shall neglect or refuse to comply with the provisions of Section 14, then it shall be the duty of Superintendent of Streets to proceed forthwith to cause such nuisance to be abated by cutting or destroying said weeds, and in all cases shall proceed to assess and collect the expenses of the abatement of such nuisance upon the premises, lot, or parcel of land upon which the same may be found, or on which such expenses may be chargeable as in the case of expenditures for building sidewalks, or by suit in the name of the city against the owner, occupant, or agent in charge of such premises, lot, or parcel of land, and it shall be the duty of the Superintendent of Streets to report the amount of the expenses thereof to the City Council in writing and a description of the premises, lot, or parcel of land chargeable therewith, the name of the owner when known, and the name of the occupant of such premises, if occupied, or the name of the person in charge of such premises, lot, or parcel of land. Such further proceeding in the assessment and collection of such expenses shall then be had as is required in the assessment and collection of the expenditures for sidewalk repairs, or as the City Council shall direct.

Section 16. NUISANCES TO BE ABATED, BY WHOM. Whenever any nuisance whatever shall be found on any premises or elsewhere within the city, contrary to the provisions of this ordinance, the Health Officer and Chief of Police of the city are hereby respectively authorized in their discretion to cause the same to be summarily abated in such manner as they may direct.

Section 17. DUTIES OF CITY HEALTH OFFICER. Whenever any nuisance as herein defined, is injurious or dangerous to the public health, it shall be the duty of the City Health Officer to so certify to the Chief of Police, together with his recommendations, if any, and orders for the abatement thereof, and a copy of the same shall be filed with the City Auditor. The City Health Officer and Chief of Police shall then proceed to abate said nuisance in accordance with the provisions of this ordinance.

Section 18. PENALTY. Any person, firm or corporation violating any of the provisions of this ordinance shall, upon conviction thereof, be punished by a fine of not more than One Hundred Dollars (\$100.00) or by imprisonment for not more than ninety (90) days, or by both such fine and imprisonment.

Section 19. EFFECTIVE DATE. This ordinance shall be in full force and take effect immediately upon its final passage and the publication of its title and penalty clause.

First Reading: June 2, 1958

Second Reading and Final Passage: July 7, 1958

ORDINANCE NO. 66

AN ORDINANCE SETTING LIMITS AND PROVIDING FOR FIRE PROTECTION AND PREVENTION THEREIN IN THE CITY OF STEELE, NORTH DAKOTA.

Be it ordained by the City Council of the City of Steele, in Kidder County, North Dakota, as follows:

Section 1. FIRE LIMITS. The following shall be and is hereby declared to be the fire limits area of the City of Steele, North Dakota:

All area bounded by the following; named streets: Park St., Broadway, and Ordway and Henderson Aves., Also all of block 17, 18, and lots 7 through 18 of blocks 11, 12, and lots 7 through 12 and 19 through 24 of block 16, Original Plat.

Section 2. PERMITS. Within the fire limits area, no wall structure, building or part thereof, shall hereafter be built, enlarged, or altered, until a plan of the proposed work shall have been submitted to the Building Inspector, to be appointed by Mayor and approved by City Council, who shall if in accordance with the provisions herein contained, issue a permit for the proposed construction. Structures hereafter erected, enlarged or altered without a permit, or not in conformity with this ordinance shall be removed. Permits shall be issued only upon payment of such fee as may from time to time be required by resolution of the City Council.

Section 3. No building or structure of frame exterior wall, or of unprotected metal exterior wall construction or which has an unprotected wooden cornice shall hereafter be erected in the fire limits except the following: Buildings of frame construction or of unprotected metal construction occupied exclusively as a private garage or, not more than one story in height nor more than three hundred square feet in area located on the same lot with a dwelling presently existing; or such minor alterations to existing structures as shall be permitted by the Building Inspector, Buildings of ordinary (wood joist and masonry wall) construction shall not exceed fifty feet in height and 7500 square feet in area.

Section 4. WALLS. The thickness of exterior masonry walls, fire walls and party walls, shall not be less than twelve inches except that reinforced concrete walls and walls in one story buildings may have a minimum thickness of eight inches. Parapets shall be provided on all fire walls, party wall, and exterior walls of masonry or reinforced concrete. Except it may be omitted on the rear of building if same is joining public property or is at least ten feet from any private property. Such parapets shall be not less than the thickness provided for such walls, and carried not less than eighteen inches above the roof.

Section 5. ROOF COVERING. Every roof hereafter placed on a building shall be covered with a roofing of brick, concrete, tile, slate, metal, asbestos, or built up roofing furnished with asphalt, slag, or gravel.

Section 6. CHIMNEYS. All chimneys shall be built of masonry not less than four inches thick. Every such chimney shall be lined with a flue lining and shall be built upon a solid masonry foundation.

Section 7. BURNING GARBAGE OR RUBBISH. No garbage, rubbish or other combustible material shall be burned within the fire limits as defined in this ordinance, unless in a covered container of a type approved by the City Council of Steele.

Section 8. REMOVAL OR REPAIR OF UNSAFE BUILDINGS. A building structure or part thereof declared structurally unsafe or hazardous by duly constituted authority, may be restored to

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safe condition; provided that is the cost of restoration, reconstruction and repair, such building or structure if re-constructed, repaired or restored, shall be made to conform to the requirements for building and structures contained in this ordinance.

Section 9. INSPECTIONS. (a) It shall be the duty of the Chief of the Fire Department to inspect or cause to be inspected by fire department members, at least once a year, all buildings and premises, except the interiors of private dwellings, for the purpose of ascertaining and causing to be corrected any conditions liable to cause fire.

(b) Whenever the inspector shall find in any building or upon any premises or other place combustible or explosive matter or dangerous accumulation of rubbish, or any highly flammable materials, and so situated as to endanger property, he shall order the same to be removed or remedied.

Section 10. ELECTRICAL INSTALLATIONS. All electrical wiring, apparatus, or appliances for furnishing light, heat or power shall be in strict conformity with the statutes of the State of North Dakota and with approved methods of construction for safety of life and property. The regulations in the National Electrical Code shall be prima facie evidence of such approved methods.

Section 11. PENALTIES FOR VIOLATION. A person who shall violate a provision of this ordinance or fail to comply therewith, shall severally for each and every such violation and noncompliance, forfeit and pay a penalty not to exceed the sum of twenty-five dollars. Such violation shall be remedied within a reasonable time and each ten days that such violation is permitted to exist shall constitute a separate offense.

Section 12. VALIDITY. If any section or part of section or paragraph of this ordinance is declared invalid or unconstitutional, it shall not be held to invalidate or impair the validity, force or effect of any other section or sections or part of a section or paragraph of this ordinance.

Section 13. CONFLICTING ORDINANCES REPEALED. All ordinances and parts of ordinance inconsistent herewith are hereby repealed.

Section 14. DATE OF EFFECT. This ordinance shall take effect and be in force from and after its passage and legal publication.

Passage April 6, 1959

ORDINANCE NO. 69

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF STEELE, IN KIDDER COUNTY, NORTH DAKOTA:

Section 1. That the names of some of the streets and avenues in the City of Steele, Kidder County, North Dakota, be and the same are hereby changed from the names appearing on the present official plats of the said City of Steele, and all additions thereto, as follows:

The name of that part of Reed Street lying west of Mitchell Avenue is hereby changed to First Street South West

The name of that part of Reed Street lying east of Mitchell Avenue is hereby changed to First Street South East

The name of that part of Haggart Street lying west of Mitchell Avenue is hereby changed to Second Street South West

The name of that part of Haggett Street lying east of Mitchell Avenue is hereby changed to Second Street South East

The name of that part of Reynolds Street lying west of Mitchell Avenue is hereby changed to Third Street South West

The name of that part of Reynolds Street lying east of Mitchell Avenue is hereby changed to Third Street South East

The name of that part of Chase Street lying west of Mitchell Avenue is hereby changed to Fourth Street South West

The name of that part of Chase Street lying east of Mitchell Avenue is hereby changed to Fourth Street South East

The name of that part of Park Street lying west of Mitchell Avenue is hereby changed to First Street North West

The name of that part of Park Street lying east of Mitchell Avenue is hereby changed to First Street North East

The name of that part of Davis Street lying west of Mitchell Avenue is hereby changed to Second Street North West

The name of that part of Davis Street lying east of Mitchell Avenue is hereby changed to Second Street North East

The name of that part of Barnes Street lying west of Mitchell Avenue is hereby changed to Third Street North West

The name of that part of Barnes Street lying east of Mitchell Avenue is hereby changed to Third Street North East

The name of that part of Humphrey Street lying west of Mitchell Avenue Is hereby changed to Fourth Street North West

The name of that part of Humphrey Street lying east of Mitchell Avenue is hereby changed to Fourth Street North East

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The name of that part of Ellison Street lying west of Mitchell Avenue is hereby changed to Fifth Street North West

The name of that part of Ellison Street lying east of Mitchell Avenue is hereby changed to Fifth Street North East

The name of that part of Haupt Avenue lying south of Broadway is hereby changed to First Avenue South East

The name of that part of Haupt Avenue lying north of Broadway is hereby changed to First Avenue North East

The name of that part of Villard Avenue lying south of Broadway is hereby changed to Second Avenue South East

The name of that part of Villard Avenue lying north of Broadway is hereby changed to Second Avenue North East

The name of that part of Henderson Avenue lying south of Broadway is hereby changed to Third Avenue South East

The name of that part of Henderson Avenue lying north of Broadway is hereby changed to Third Avenue North East

The name of that part of Ordway Avenue lying south of Broadway is hereby changed to First Avenue South West

The name of that part of Ordway Avenue lying north of Broadway is hereby changed to First Avenue North West

The name of that part of Hobart Avenue lying south of Broadway is hereby changed to Second Avenue South West

The name of that part of Hobart Avenue lying north of Broadway is hereby changed to Second Avenue North West

The name of that part of Raymond Avenue lying south of Broadway is hereby changed to Third Avenue Southwest

The name of that part of Raymond Avenue lying north of Broadway is hereby changed to Third Avenue North West

The name of that part of Hills Avenue lying south of Broadway is hereby changed to Fourth Avenue South West

The name of that of part of Hills Avenue lying north of Broadway is hereby changed to Fourth Avenue West

The name of that part of Whitley Avenue lying south of Broadway is hereby changed to Fifth Avenue South West

The name of that part of Whitley Avenue lying north of Broadway is hereby changed to Fifty Avenue North West

The name of that part of Clock Avenue lying south of Broadway is hereby changed to Sixth Avenue South West

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The name of that part of Clock Avenue lying north of Broadway is hereby changed to Sixth Avenue North West

The names of Broadway, Mitchell Avenue, Yerkes Avenue and McKenzie Avenue shall be and remain as they appear on the present official plats of the said City of Steele, and all additions thereto.

Section 2. That the proper city officials of the City of Steele are hereby authorized, instructed and directed to place and erect at each street and avenue intersection within the City of Steele, not less than one approved type, plainly legible and intelligible sign, showing the names of the intersecting streets and avenues, as named herein, and that this ordinance shall not become effective and operative until all such signs shall have been erected and marked.

Section 3. That promptly after the erection of all signs provided for in Section Two hereof, the City Auditor shall cause to be recorded in the office of the Register of Deeds of Kidder County, North Dakota, a certified copy of this ordinance, with his certificate attached, showing that all signs have been erected as provided for herein.

Section 4. That Ordinance No. 69 of the City of Steele, and all other ordinances and parts of ordinances in conflict herewith, are hereby repealed as of the effective date of this ordinance, as herein provided.

First reading on August 24, 1962.

Second reading and final passage on September 4, 1962

ORDINANCE NO. 72

AN ORDINANCE PROVIDING FOR A CURFEW AND FOR PENALTIES FOR THE VIOLATION THEREOF:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF STEELE, IN KIDDER COUNTY, NORTH DAKOTA:

Sec. 1. It shall be unlawful for any person under the age of 17 years to loiter or be in any public business place, or upon any public place, street, alley or highway within the corporate limits of the City of Steele, North Dakota, between the hours of 10 o'clock P. M., and six o'clock A. M., unless such minor is under the supervision of and actually accompanied by his or her parent or guardian, or other adult of suitable discretion.

Sec. 2. It shall be unlawful for the parents, guardian, or any other person, having the care, custody and control of a minor child under the age of 17 years, to permit or allow such minor child to loiter or be in any public business place, or upon any public place, street, alley, or highway within the corporate limits of the City of Steele, North Dakota, between the hours of 10 o'clock P.M., and six o'clock A.M., unless such minor is under the supervision of and actually accompanied by such parent or guardian, or other adult of suitable discretion.

Sec. 3. Any person violating this ordinance or any provision thereof, shall be punished for each violation thereof by a fine of not more than \$25.00, or by imprisonment in the City Jail for not more than ten days, or by both such fine and imprisonment.

Sec. 4. Ordinance No. 53 entitled Curfew Ordinance, of the City of Steele, North Dakota, is hereby repealed.

First reading November 4, 1963

Second reading and final passage December 2, 1963

ORDINANCE NO. 74

AN ORDINANCE DECLARING DOGS TO BE A NUISANCE, PROHIBITING DOGS RUNNING AT LARGE, AND PROVIDING PENALTIES FOR THE VIOLATION HEREOF.

Section 1. Dogs Declared to be a Nuisance. Any dog within the City of Steele which,

- (1) Shall run at large at any time, or
- (2) Shall frighten, annoy, bark at, or chase any person or vehicle, or,
- (3) Shall by loud and frequent yelping, barking or howling annoy any person, or
- (4) Shall destroy or injure any property not the property of the owner or keeper of such dog,
- (5) Shall not have been inoculated against rabies if over six old, is hereby declared to be a public nuisance, and may be abated as such

Section 2. Running at Large Prohibited. No owner or keeper of a dog shall permit such dog to run at large within the City of Steele at any time.

Section 3. Enforcement. If my police officer or other official of the City of Steele shall discover any dog running at large within the corporate limits of the city of Steele, such officer or official shall make a reasonable effort to find the owner or keeper of such dog. If such owner or keeper cannot readily be found, or if when found he shall refuse or neglect to confine such dog, or to remove the same from the City of Steele, such officer or official shall without further delay or delay or notice destroy such dog.

Section 4. Penalties. Any person violating any of the provisions of this ordinance shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than \$5.00 nor more than \$100.00, or by imprisonment for not more than thirty days, or by both such fine and imprisonment. It shall not be a defense to a prosecution under this ordinance that the dog has been destroyed or removed from the City of Steele.

Section 5. Repeal of Inconsistent Ordinances. Ordinance No. 68 of the City of Steele, adopted and approved March 6, 1961, and all other ordinances and parts of ordinances in conflict herewith, are hereby repealed.

First reading on May 3, 1965

Second reading and final passage on _____, 1965

Approved

ORDINANCE NO. 76

AN ORDINANCE CREATING THE PARK DISTRICT OF THE CITY OF STEELE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF STEELE, IN KIDDER COUNTY, NORTH DAKOTA:

Section 1. There is hereby created a park district in the City of Steele, North Dakota, and the name of said park district shall be the "Park District of the City of Steele.

Section 2. Such park district shall embrace the whole of the territory within the city limits of the City of Steele, and also the South Half of the Southwest Quarter (S 1/2 SW 1/4) and the West Half of the Southwest Quarter of the Southeast Quarter (W 1/2 SW 1/4 SE 1/4) of Section Fourteen (14), in Township One Hundred Thirty-nine (139) North, Range Seventy-four (74) West of the Fifth Principal Meridian, in Kidder County, North Dakota, and any other park which may be acquired under the provisions of the laws of North Dakota relating to park districts.11

Section 3. It is the intention of the City Council of the City of Steele hereby to accept, and to create a park district of the property above described, under the provisions of Chapter 40-49 of the North Dakota Century Code.

First reading on March 11, 1966.

Second reading and final passage on March 18,1966

Approved March 18, 1966.

ORDINANCE NO. 79

AN ORDINANCE TO REENACT AND AMEND ORDINANCE NO. 30

AN ORDINANCE REGULATING AND GOVERNING THE WATERWORKS OF THE CITY OF STEELE, AND PROVIDING FOR THE APPOINTMENT OF A WATERWORKS SUPERINTENDENT, AND SPECIFYING THE DUTIES OF HIS OFFICE.

Section 4. Service Connections. That part of all service connections not constructed by the waterworks superintendent shall be constructed only by a licensed plumber duly licensed by the City of Steele, and shall be constructed in all respects to conform to the requirements of all ordinances and regulations of the City of Steele. All excavations for service connections shall be done By the owner, and all service connections from the curb stop to the meter shall be installed by a licensed plumber at the owner's expense, and each service shall be maintained and repaired at the owner's expense, if done by the City, or by the owner. All services shall be constructed of Government Type "K" copper pipe or tubing, for the full distance from the main to the curb stop. State approved plastic pipe or tubing may be used from curb stop to meter. Services shall not have a greater capacity than 50% of the main capacity, and shall not be less than three fourths inch in diameter. All services shall have a minimum cover of at least seven and one, half feet below the finished grade at all points from the corporation cock to the point of entry into or below the basements and all excavations shall be properly tamped and slushed upon filling. No excavation on city property shall be permitted to remain open for a longer period than seventy two hours, and open excavations shall at all times be properly guarded. A separate tap and complete service connection, including curb stop and box, shall be made for each consumer of water, and no more than one consumer shall be permitted to take water from any service connection. No tape on any main in the City of Steele shall be permitted to be closer together than twelve inches. All curb stops shall be fitted with boxes and shall conform throughout the City, as installed by the waterworks superintendent. They shall be placed three and on half feet outside the property line, and the box shall be at the same grade as the sidewalk.

Final Passage July 18, 1969

ORDINANCE NO. 80

WHEREAS, there has been presented to and filed with the City Council of the City of Steele, in Kidder County, North Dakota, a petition requesting that the territory hereinafter described be annexed to the said City of Steele; AND WHEREAS, it appears that said territory is contiguous to the City of Steele, and is not now embraced within the limits of said City; AND WHEREAS, it appears that said petition is duly signed by not less than three fourths of the qualified electors and the owners of not less than three fourths in assessed value of the property in said territory:

AND WHEREAS, the petitioners have caused to be published in the Steele Ozone-Press, official legal newspaper of the said City of Steele, a notice of the presentation of their petition, which notice has been published once each week for two successive weeks;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF STEELE IN KIDDER COUNTY, NORTH DAKOTA, that there shall be and is hereby annexed to the said City of Steele, in Kidder County, North Dakota, the following tract and territory, to-wit:

All that part of the Northeast Quarter (NE 1/4) of Section Seventeen (17), in Township One Hundred Thirty-nine (139) North, Range Seventy-three (73) West of the Fifth Principal Meridian, in Kidder County, North Dakota, which lies south of the right-of-way of U.S. Highway No. 10, and south and east of the tracts conveyed to the State of North Dakota by deed dated February 5, 1965, recorded in Book 185, page 321, office of the Register of Deeds of Kidder County, North Dakota, and north of the City of Steele and its additions, and more particularly described as follows: Beginning at a point 635.48 feet south and 45.0 feet west of the northeast corner of Section Seventeen (17), in Township One Hundred Thirty-nine (139) North, Range Seventy-three (73) West of the Fifth Principal Meridian, thence South parallel to the east line of said Section 984.82 feet; thence West 1019.00 feet to a point on the east right-of-way line of Highway No. 3; thence North along said right-of-way line 413.2 feet; thence N 14°02' E 203.03 feet; thence N 68°17' E 451.19 feet; thence N 2.1°43' W 25.00 feet; thence northeasterly along a spiral curve having a chord bearing N 60°17' E 296.04 feet; thence northeasterly along a circular curve having a radius of 2,789.93 feet to the point of beginning, said tract of land containing 18.7 acres, more or less.

First Reading: October 6, 1969

Second Reading and Final Passage: November 3, 1969

Approved: November 3, 1969

ORDINANCE NO. 83

AN ORDINANCE RELATING TO SNOWMOBILES, REGULATING THE OPERATION AND USE THEREOF, AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF

Code Reference: 39-24-07 N.D.C.C

BE ORDANINED BY THE CITY COUNCIL, CITY OF STEELE, STEELE, N.D.

Section 1. Definitions: For the purpose of this Ordinance, the following definitions are hereby adopted.

1. "Person" includes an individual, firm, partnership, corporation, trustee, association, the state, and any body of person, whether incorporated or not, and with respect to acts prohibited or required herein shall include employees and licensees.
2. "Snowmobile" means a self propelled vehicle designed for travel on snow or ice or a natural terrain, steered by wheels, skis or runners.
3. "Owner" means a person, other than a lien holder, having the property in or title to a snowmobile entitled to the use or possession thereof.
4. "Operate" means every person who operates or is in the actual physical control of a snowmobile.
5. "Operator" means to ride in or on and control the operation of a snowmobile.
6. "Register" means the act of assigning a registration number of a snowmobile by the Register of Motor Vehicles of the State of North Dakota.
7. "Registrar" means the Registrar of Motor Vehicles under 39-02 N.D.C.C. Acting directly or through his authorized agent.
8. "Roadway" means that portion of highway improved, designed, or ordinarily used for vehicular travel.
9. "Street" or "Highway" shall mean the entire width between the boundary lines of way of place when any part thereof is open to the use of the public in the City of Steele, as a matter of right for the purposes of vehicular traffic.
10. "Daylight" hours shall mean any time except from a half hour after sunset to a half hour before sunrise and at any other time when there is not sufficient light to render clearly discernable persons and vehicles at a distance of 500 feet.

Section No. 2 Prohibited Operation: It shall be unlawful for any person to drive or operate any snowmobile in the following ways or under the following circumstances, which are hereby declared to be unsafe and a public nuisance.

1. At a rate of speed greater than reasonable or proper under all the surrounding circumstances, no time in excess of 15 miles per hour.
2. In a careless, reckless, or negligent manner so as to endanger the person or property of another or to cause injury or damage to such person or property.
3. While under the influence of intoxicating liquor or narcotics or habit-forming drugs.
4. Without a lighted head lamp and tail lamp when required for safety.

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5. In any tree nursery or planting in a manner which damages or destroys growing stock.
6. Without a manufactured installed or equivalent muffler in good working order and connected to the snowmobile exhaust system.
7. On direct crossing of a street or highway unless:
 - (a) The crossing is made at an angle of approximately ninety degrees to the direction of the highway and at a place where no obstruction prevents a quick and safe crossing; and
 - (b) The snowmobile is brought to a complete stop before crossing the shoulder or main traveled way of the highway; and
 - (c) The driver yields the right of way to all oncoming traffic which constitutes an immediate hazard; and
8. While towing a sled, toboggan, or other object without a direct solid hitch not more than 3 feet long.
9. Passing another snowmobile while such snowmobile is in operation and underway on any street, alley, highway or other public ground or place in the city.
10. If the operator does not hold a valid, current North Dakota driver's license.
11. Abreast of another snowmobile upon any street, alley, highway, or other public ground or place.
12. Upon private property, other than that of snowmobile owner, or operator, without express permission of the owner.
13. While carrying a bow or firearm unless the same is securely encased.
14. Leaving or allowing a snowmobile to be or remain unattended on public property, streets, highway or other public grounds or places where the motor is running or with keys to start the same in the ignition switch.
15. At any time with more than (1) one person riding thereon in addition to the operator.
16. Without observing all traffic signs, signals, rules and regulations applying to motor vehicles when also applicable to snowmobiles.
17. Without a pennant flag of red or blaze material of a size not less than 12 inches by 12 inches by 9 inches to be displayed at a height of not less than six feet from the ground level at any time when the vehicle is operated on a public street.

Section No. 3 Permitting Use on Streets as Regulated Herein. No person shall operate a snowmobile upon the roadway, shoulder, or inside bank or slope of any road, street or highway in this city except as provided in this ordinance. No snowmobile shall be operated at anytime within the right of way of any interstate highway within this city except for emergency purposes, which shall mean under emergency conditions such as to render the use of an automobile impractical under such conditions at such period of time and location. No snowmobile shall be operated upon a public street or highway unless it is equipped with at least one head lamp, one tail lamp and brakes all in working order which conform to standards prescribed by rule of the highway commissioner.

When snowmobiles are operated within the right of way of any road, street or highway of this city pursuant to this ordinance during times or conditions that warrant the use of lights such snowmobiles shall travel in the same direction as the direction of motor vehicles traveling on the side of the roadway immediately adjacent to the side of the right of way traveled by the snowmobile.

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Section No. 4 Penalty. Any person who violates or fails to comply with any provision of this ordinance shall be subject to a fine or not more than Five Hundred (\$500.00) Dollars or by imprisonment for not more than thirty (30) days or both such fine and imprisonment.

Section No. 5 Effective Date. This ordinance shall be in full force and effective from and after its final passage and approval.

Introduction and First Reading: February 2, 1970

Second Reading and final approval: March 2, 1970

Approved: March 2, 1970

ORDINANCE NO. 89

AN ORDINANCE AMENDING AND REENACTING SECTION 2 OF ORDINANCE NO. 47 OF THE CITY OF STEELE, IN KIDDER COUNTY, NORTH DAKOTA, PERTAINING TO LICENSE FEE REQUIRED.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF STEELE, IN KIDDER COUNTY, NORTH DAKOTA:

Section 2. License required. No person as hereinafter defined shall sell, exchange, barter, dispose of, or keep for sale any intoxicating liquor without first having obtained from the City Council of the City of Steele, North Dakota, a license as herein provided. The fee for this license shall be five hundred and no/100 dollars for "off" sale license and five hundred and no/100 dollars for "on and off" sale license.

First reading November 1, 1971

Second Reading December 6, 1971

Approved December 6, 1971

HOURS AND TIME OF SALE OF ALCOHOLIC BEVERAGES

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF STEEL:

Section 1. Hours and Time of Sale.

No licensee shall dispense or permit the consumption of alcoholic beverages on licensed premises after one o'clock a.m. on Sundays, before eight o'clock a.m. on Mondays, or between the hours of one o'clock a.m. and eight o'clock a.m. on all other days of the week, nor dispense or permit such consumption on Memorial Day, Good Friday, Thanksgiving Day, Christmas Day, or after six o'clock p.m. on Christmas Eve, or between the hours of one o'clock a.m. and eight o'clock p.m. on the day of any statewide, special primary or general election. No premises licensed under the provisions of this ordinance shall be open to the public at any hour during which sale of intoxicating liquor is herein forbidden, and premises are to be cleared of all persons except employees by one o'clock A.M.

1st Reading September 5, 1973

2nd Reading October 1, 1973

City of Steele Code of Ordinances

ORDINANCE NO. 91

The Council of the City of Steele was called to order by Mayor Miller, March 6, 1972, at 8:00 o'clock P.M. in the meeting room of the City Hall, with the following councilmen present, G.A. Iszler, Thomas Thompson, Victor Goettertz, Emil Hockhalter, Ray Blotsky, Edwin Humann and Clerk Gertz.

Minutes of the February 7th meeting were read and approved.

Two representatives of Swanston Equipment Co, Fargo, showed a film and explained their MOBIL SWEEPER.

Discussed annexing area north of Steele. Motion by Hockhalter and seconded by Humann to annex the area North of Steele City limits, west of Mitchell Avenue, South of Highway No. 10. On roll call vote the vote was as follows; Iszler - Yes, Thompson – Yes, Goettertz – Yes, Hockhalter - Yes, Blotsky - Yes, Humann -Yes , all present and voting. Mayor Miller declared the resolution carried and approved.

ORDINANCE NO. 95

HOURS AND TIME OF SALE OF ALCOHOLIC BEVERAGES

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF STEELE:

Section 4. Hours and Time of Sale.

No licensee shall dispense or permit the consumption of alcoholic beverages on licensed premises after one o'clock a.m. on Sundays, before eight o'clock a.m. on Mondays, or between the hours of one o'clock a.m. and eight o'clock a.m. on all other days of the week, nor dispense or permit such consumption on Memorial Day, Good Friday, Thanksgiving Day, Christmas Day, or after six o'clock p.m. on Christmas Eve, or between the hours of one o'clock a.m. and eight o'clock p.m. on the day of any statewide, special primary or general election. No premises licensed under the provisions of this ordinance shall be open to the public at any hour during which sale of intoxicating liquor is herein forbidden, and premises are to be cleared of all persons except employees by one o'clock A.M.

1st Reading September 5, 1973

2nd Reading October 1, 1973

ORDINANCE NO. 97

GARBAGE, REFUSE, RUBBISH

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF STEELE, NORTH DAKOTA:

Section 1: Definitions. For the purpose of this ordinance the following words shall have the meanings given herein.

1. Ashes is the residue from burning wood, coal, coke or other combustible materials.
2. Garbage is putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.
3. Refuse is all putrescible and nonputrescible solid wastes (except body wastes) including garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles, and solid market and industrial wastes.
4. Rubbish is nonputrescible solid wastes (excluding ashes) consisting of both combustible and non-combustible wastes, such as paper, cardboard, tin cans, yard clippings, wood, glass, bedding, crockery and similar materials.

Section 2. Accumulation of Refuse Prohibited. No person shall permit or suffer to accumulate in or about any yard, lot, place or premises, or upon any street, or sidewalk, adjacent to or abutting upon any lot, block or place, or premises owned and occupied by him, or for which he may be agent, within the city limits, any and all refuse, nor suffer such yard, lot, place or premises to be or remain in such condition.

Section 3. Containers. All garbage and rubbish shall, by the person upon whose premises the same shall have been produced or accumulate, be placed in watertight galvanized metal or approved plastic containers of not less than ten nor more than fifty gallons net capacity, which container shall be kept clean and continuously closed by a tight-fitting cover and shall be protected against the access of flies and rodents.

Section 4. Collection and Disposal. The city shall contract with some suitable person, firm or corporation for the collection and disposal of all garbage and rubbish as defined herein, as frequently as is necessary to maintain and preserve community cleanliness and sanitation, except that this section shall not require the collection of garbage and rubbish where streets and alleys are in a temporary condition which makes it impossible so to do and in case of the failure to collect such garbage, and rubbish, such failure shall not relieve the person responsible therefore from the payment of the garbage and rubbish collection fees hereinafter provided for.

Section 5. Fees-Payment--Collection. For the collection of garbage and rubbish within the City, and the disposal thereof, there shall be charged to each occupant of premises within the city such fees as may be set from time to time by appropriate resolution of the City Council. Garbage and rubbish collection bills shall be rendered monthly to the occupant of each premises in the city, which bills shall be due upon receipt, and it shall be the joint responsibility of the occupant and owner of such premises to pay the same. If the charges provided for by this ordinance are not paid when due, such sums may be recovered by the city in an action at law against the occupant or owner or both, of the property served. All occupants and owners of occupied premises within the city are responsible for the charges provided for by this ordinance, whether the services provided for herein are used by them or not.

City of Steele Code of Ordinances

Section 6. Disposal of other refuse. All other wastes as defined, not including garbage, rubbish and ashes, shall be disposed of by the person creating such waste, or by someone employed by him for that purpose, in any manner which is consistent with the regulations of the State Health Department of North Dakota.

Section 7. Rules and Regulations. The City Council may from time to time make such reasonable rules and regulations in connection with the preparation, handling and disposition of garbage and rubbish as may be necessary to regulate, enforce and carry out the provisions of this ordinance. Such regulations may relieve the garbage collector from collecting garbage and rubbish from any premises where such rules and regulations are not complied with and the failure to collect the same shall not relieve the owner or occupant of the premises from the payment of fees nor from the enforcement of the penalties of this ordinance.

Section 8. Penalty. Any person, firm or corporation, violating any of the provisions of this ordinance shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than \$100.00 or by imprisonment for not more than thirty (30) days, or by both such fine and imprisonment.

First Reading: April 1, 2006

Second reading and final passage: April 16, 1974.

City of Steele Code of Ordinances

ORDINANCE NO. 98A

Remmick read the first reading of a motion to amend Ordinance No. 30 section 4 to allow 160 pound plastic or better material of same strength for water service connection the full distance from the main to the meter. Motion seconded by Arusell and carried on voice vote.

ORDINANCE NO. 99

AN ORDINANCE AMENDING AND RE-ENACTING ORDINANCE NO. 87 OF THE CITY OF STEELE, NORTH DAKOTA, PROVIDING FOR CHARGES FOR THE USE OF THE CITY SANITARY SEWER SYSTEM, AND ESTABLISHING A SCHEDULE OF SUCH CHARGES.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF STEELE, IN KIDDER COUNTY, NORTH DAKOTA:

Sec. 1. Effective as of the first day of January, 1976, each person, firm or corporation making use of the sanitary sewer facilities of the City of Steele shall pay for such use thereof in accordance with the following schedule of fees and charges, for each, connection to the said sanitary sewer system:

- (a) For each one family dwelling unit or trailer house, the sum of \$1.00 per month.
- (b) For each apartment building or multiple dwelling unit, the sum of \$1.00 per month for each apartment or dwelling unit contained in such building or structure.
- (c) For each commercial establishment, a monthly charge equal to ten cents for each one thousand gallons, or major fraction thereof, of water used that month for such establishment, with a minimum charge of \$1.00 per month.

All charges for such use of the city sanitary sewer system shall be paid monthly, and shall be billed at the same time as and in connection with the billing for city water.

Sec. 2. Use of the sanitary sewer facilities of the City of Steele for any fraction of a calendar month shall be charged and billed for as a full month.

Sec. 3. In the event of the failure or refusal of any person, firm or corporation to pay any charge for use of the sanitary sewer system, the City may take any action against such person, firm or corporation as could be taken against him for refusal to pay any water bill or charges for use of city water, including shutting off the city water.

Sec. 4. DETERMINING THE TOTAL ANNUAL COST OF OPERATION AND MAINTENANCE.

The City of Steele, or its City Engineer, shall determine the total annual cost of operation and maintenance of the wastewater system. The total annual cost of operation and maintenance shall include but need not be limited to, labor repairs, equipment replacement, maintenance, necessary modifications, power, sampling, laboratory tests, and a reasonable contingency fund. The City shall determine the annual operation and maintenance costs for the treatment of the total volume, poundage of 5-day 20 degree Centigrade Biochemical Oxygen Demand, and poundage of suspended solids, discharged to the system. For the first year of operation, the total annual cost of operation and maintenance may be based upon past experience for similar treatment works or an estimate of the total annual cost of operation and maintenance may be used.

Sec. 5. DETERMINING EACH NON-RESIDENTIAL USER'S WASTEWATER CONTRIBUTION PERCENTAGES.

The City of Steele, or its City Engineer, shall determine each user's average daily volume of wastewater, which has been discharged to the wastewater system, which shall then be divided by the average daily volume of all wastewater discharged to the wastewater system, to determine each user's Volume Contribution Percentage. The amount used as the total average daily volume of wastewater

shall exclude infiltration and inflow. The City of Steele, or its City Engineer, shall determine each user's average daily poundage of 5-day 20 Degree Centigrade Biochemical Oxygen Demand which has been discharged to the wastewater system which shall then be divided by the average daily poundage of all 5-day 20 degree Centigrade Biochemical Oxygen Demand discharged to the wastewater system to determine each user's Biochemical Oxygen Demand Contribution Percentage.

The City of Steele, or its City Engineer, shall determine each user's average Suspended Solids poundage which has been discharged to the wastewater system which shall then be divided by the average daily poundage of all suspended solids discharged to the wastewater system, to determine the user's Suspended Solids Contribution Percentage. Each non-residential user's Volume contribution Percentage, Biochemical Oxygen Demand Contribution Percentage, and Suspended Solids Contribution percentage shall be multiplied by the annual operation and maintenance costs for the treatment of volume, 5-day 20 degree Centigrade Biochemical Oxygen Demand, and suspended solids respectively. If the 5-day 20 degree Centigrade Biochemical Oxygen Demand, suspended solids, and other pollutant concentrations discharged by all users are approximately equal, then the wastewater service charge can be proportional to the volumes discharged to the system by the users.

Sec. 6. DETERMINING EACH USER'S WASTEWATER SERVICE CHARGE.

Each non-residential users annual operation and maintenance costs for the treatment of volume, 5-day 20 degree Centigrade Biochemical Oxygen Demand, and suspended solids shall be added together to determine each non-residential user's annual wastewater service charge. Residential users may be considered to be one class of user and an equitable service charge shall be determined for each user based upon an estimate of the total wastewater contribution of this class of user. The governing body may classify industrial and commercial establishments as a residential user, provided that the wastes from these establishments are equivalent to the wastes from a residential user with respect to volume, suspended solids and 5-day 20 degree Centigrade Biochemical Oxygen Demand.

Sec. 7. PAYMENT OF THE USER'S WASTEWATER SERVICE CHARGE AND PENALTIES.

The City shall submit one-twelfth of the user's annual wastewater service charge with the monthly water and/or wastewater utility billing. The City shall add a penalty of 10 percent per month if the payment is not received by the City within fifteen days. Should any user fail to pay the user wastewater service charge and penalty within one month of the due date, the City may stop the wastewater service to the property.

Sec. 8. REVIEW OF EACH USER'S WASTEWATER SERVICE CHARGE.

The City shall review the total annual cost of operation and maintenance as well as each user's Wastewater Contribution Percentages on an annual basis to assure equity of the service charge system established herein. If a user, has completed modifications which would change that user's Wastewater Contribution Percentages, the user can present at a regularly scheduled meeting of the governing body such factual information and the City shall then determine if the user's Wastewater Contribution Percentages are to be changed. The City shall notify the user of its findings as soon as possible.

Sec. 9. WASTES PROHIBITED FROM BEING DISCHARGED TO THE WASTEWATER TREATMENT SYSTEM.

The discharge of wastes containing materials in such quantities to be detrimental to the bacterial activity required for treatment is hereby prohibited. The discharge of wastes which cause or are likely to cause maintenance problems such as to hinder flow, block pipes, and/or clog pumps is hereby prohibited.

First Reading - September 7, 1976

Second Reading- October 4, 1976

ORDINANCE NO. 100

AN ORDINANCE ESTABLISHING THE PROCEDURE FOR DETERMINING EQUITABLE COST RECOVERY CHARGES TO BE LEVIED ON ANY INDUSTRIAL CONCERN WHICH DISCHARGES INDUSTRIAL WASTE WATER TO THE WASTEWATER SYSTEM OPERATED BY THE CITY OF STEELE, NORTH DAKOTA AND PROVIDING CERTAIN PROHIBITIONS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF Steele

SECTION 1. PURPOSE

The purpose of this ordinance shall be to recover the proportional share of the Federal Grant from users discharging industrial wastewater to the wastewater system.

SECTION 2. DETERMINING EACH INDUSTRIAL USER'S WASTEWATER CONTRIBUTION PERCENTAGES

The City of Steele, or its City Engineer, shall determine the industry's average daily volume of wastewater, which has been discharged to the wastewater system, which shall then be divided by the design daily volume of the wastewater system, to determine each industry's volume contribution percentage. The amount used as the total design daily volume of wastewater shall exclude infiltration and inflow. The City of STEELE, or its City Engineer, shall determine each industry's average daily poundage of 5-day 20 degree Centigrade Biochemical Oxygen Demand which has been discharged to the wastewater system, which shall then be divided by the design daily poundage of 5-day 20 degree Centigrade Biochemical Oxygen Demand of the wastewater system, to determine each industry's Biochemical Oxygen Demand Contribution Percentage. The City of STEELE, or its City Engineer, shall determine each industry's average suspended solids poundage which has been discharged to the wastewater system which shall then be divided by the design daily poundage of suspended solids of the wastewater system, to determine each industry's suspended solids contribution percentage. As a minimum, an industry's share shall be proportional to its flow, in relationship to treatment works design flow capacity. The City of STEELE, or its City Engineer shall determine the proportional cost of treatment, of volume, 5-day 20 degree Centigrade Biochemical Oxygen Demand, and suspended solids, based on the grant amount. The City of STEELE may assess a flat rate cost recovery charge on all small industries, provided the City can demonstrate it is fair and it would be administratively impractical to monitor the industries from which it proposes to collect such a charge.

SECTION 3. INDUSTRIAL COST RECOVERY PERIOD

The industrial cost recovery period shall be the design period of the project or thirty years whichever is less. The industrial cost recovery period for the City of Steele shall be 30 years.

SECTION 4. DETERMINING THE ANNUAL INDUSTRIAL COST RECOVERY CHARGES FOR EACH INDUSTRIAL USER.

The costs for treatment of volume, 5-day 20 degree Centigrade Biochemical

Oxygen Demand and suspended solids as determined in Section 2 shall be multiplied by the respective contribution percentages for each industry. The costs so determined shall be added together and the total shall be divided by the cost recovery period as indicated in Section 3. to determine the annual cost recovery charges.

SECTION 5. INDUSTRIES AND/OR USERS SUBJECT TO THE REQUIREMENTS

The City of Steele, or its City Engineer, shall determine the industries and/or users to be subject to the requirements of this ordinance. The industries and/or users subject to the requirements of this ordinance at the time of passage are as follows : 1.GOLDADE'S MEAT PROCESSING 2. 3.

4. The City of Steele, or its City Engineer shall review all industries and/or users discharging to the wastewater system on at least an annual basis to maintain accurate records of user's subject to the provisions of this ordinance.

SECTION 6. PAYMENT OF THE ANNUAL INDUSTRIAL COST RECOVERY CHARGES

The City shall submit an annual statement to the industry for the annual cost recovery charges. The City shall add a penalty of 1 percent per month if the payment is not received by the City within 15 days. Should any industrial user fail to pay the annual cost recovery charges and penalty within 3 months of the due date, the City may stop the wastewater service to the user. The first payment by an industrial user shall be made not later than one year after such user begins use of the wastewater system.

SECTION 7. REVIEW OF THE ANNUAL INDUSTRIAL COST RECOVERY AMOUNT

The City shall review the cost recovery system as well as each Industrial User's Wastewater Contribution Percentage on an annual basis to assure equity of the annual industrial cost recovery system. If a significant user, such as an industry, has completed in-plant modifications which would change that industry's wastewater contribution percentages, the user can present such factual information at a regularly scheduled meeting of the governing body and the City shall then determine if the industry's wastewater contribution percentages are to be changed. The City shall notify the industry of it's findings as soon as possible.

SECTION 8. WASTE PROHIBITED FROM BEING DISCHARGED TO THE WASTEWATER TREATMENT SYSTEM

The discharge of waste containing materials in such quantities to be detrimental to the bacterial activity required for wastewater treatment is hereby prohibited. The discharge of wastes which cause or are likely to cause maintenance problems such as to hinder flow, block pipes, and/or clog pumps is hereby prohibited.

SECTION 9. RETAINED AMOUNTS

The grantee shall retain 50 percent of the amounts recovered from industrial users. The remainder, together with any interest earned thereon, shall be returned to the U.S. Treasury on an annual basis. A minimum of 80 percent of the retained amounts, together with interest earned thereon, shall be used solely for the eligible costs (in accordance with 35.940 - Federal Register of February 11,1974) of the expansion or reconstruction of treatment works associated with the project and necessary to meet the requirements of the Act. The grantee shall obtain the written approval of the Regional Administrator prior to commitment of the retained amounts for any expansion and reconstruction. The remainder of the retained amounts may be used as the grantee sees fit.

Pending use, the grantee shall invest the retained amounts for reconstruction and expansion in: (1) Obligations of the U.S. Government; or

(2) obligations guaranteed as to principal and interest by the U.S. Government or any agency thereof; or (3) shall deposit such amounts in accounts fully collateralized by obligations of the U.S.

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government or by obligations fully guaranteed as to principal and interest by the U.S. Government or any agency thereof.

SECTION 10. SAMPLING OF INDUSTRIAL FLOWS

The City of STEELE, or its agents shall monitor flows, collect and analyze samples of waste flows from industrial users discharging to the system. The City may require the industrial user to install a monitoring and sampling manhole, on any line that discharges to the wastewater system, said manhole or manholes shall be located on public property. The industrial user shall pay all costs for the installation of the manhole or manholes. All costs for flow monitoring, sample collection and analyzing which the City incurs shall be chargeable to the industrial user. The City shall monitor flows and collect samples on a scheduled basis after consultation with its engineer. The City and its agents shall monitor and sample at random times with a minimum of 1 samples per year.

SECTION 11. MAINTENANCE OF RECORDS

The City of STEELE shall maintain such records as are necessary to document compliance with the provisions of this ordinance. Such records shall be kept for the cost recovery period.

STATE OF NORTH DAKOTA

COUNTY OF KIDDER

CITY OF STEELE

I MELVIN J GERTZ, the duly appointed, qualified and acting City Auditor of the City of STEELE, North Dakota, hereby certify that the within and foregoing ordinance is a true and correct copy of the original ORDINANCE, and the Second Reading and final passage on February 2, 1976.

IN TESTIMONY WHEREOF I have hereunto set my hand and affixed the seal of the City of Steele this 20th day of February, 1976

ORDINANCE NO. 101

REGULATION OF SEWER USE

AN ORDINANCE REGULATING THE USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS, PRIVATE SEWAGE DISPOSAL, TILE INSTALLATION AND CONNECTION OF BUILDING SEWERS, AND THE DISCHARGE OF WATERS AND WASTES INTO THE PUBLIC SEWER SYSTEM(S): AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF:

IN THE CITY OF STEELE, COUNTY OF KIDDER, STATE OF NORTH DAKOTA

Be it ordained and enacted by the Council of the City of Steele, State of North Dakota as follows:

ARTICLE I. DEFINITIONS

Unless the context specifically indicates otherwise, the meaning of terms used in this ordinance shall be as follows:

Sec. 1 BOD (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20°C, expressed in milligrams per liter.

Sec. 2 “Building Drain” shall mean that part of the lowest horizontal piping of a drainage pipes system which receives the discharge from soil, waste, and other drainage pipes inside they walls of the building and conveys it to the building sewer, beginning five (5)feet (1.5 meters) outside the inner face of the building wall.

Sec. 3 “Building Sewer” shall mean the extension from the building drain to the public sewer or other place of disposal.

Sec. 4 “Combined Sewer” shall mean a sewer receiving both surface runoff and sewage.

Sec. 5 “Garbage” shall mean solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce.

Sec. 6 “Industrial Wastes” shall mean the liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.

Sec. 7 “Natural Outlet”, shall mean any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

Sec 8 “Person” shall mean any individual, firm, company, as a society, corporation, or group.

Sec 9 “pH” shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

Sec 10 “Properly Shredded Garbage” shall mean the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) inch (1.27 centimeters) in any dimension.

Sec 11 “Public Sewer” shall mean a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.

Sec 12 “Sanitary Sewer” shall mean a sewer which carries sewage and to which storm, surface, and ground waters are not intentionally admitted.

City of Steele Code of Ordinances

Sec 13 “Sewage” shall mean a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and storm waters as may be present.

Sec 14 “Sewage Treatment Plant” shall mean any arrangement of devices and structures used for treating sewage.

Sec 15 “Sewage Works” shall mean all facilities for collecting, pumping, treating, and disposing of sewage.

Sec 16 “Sewer” shall mean a pipe or conduit for carrying sewage.

Sec 17 “Shall” is mandatory; “May” is permissive.

Sec 18 “Slug” shall mean any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation.

Sec 19 “Storm Drain” (sometimes termed “storm sewer”) shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

Sec 20 “ Superintendent” shall mean the (Superintendent of Sewage Works and/or of Water Pollution Control) of the City of Steele, or his authorized deputy, agent, or representative.

Sec 21 “Suspended Solids” shall mean solids that either float on the surface of, or are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.

Sec 22 “Watercourse” shall mean a channel in which a flow of water occurs, either continuously or intermittently.

ARTICLE II. Use of Public Sewers Required

Sec 1 It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the City of Steele, or in any area under the jurisdiction of said city, any human or animal excrement, garbage, or other objectionable waste.

Sec 2 It shall be unlawful to discharge to any natural outlet within the city of Steele, or in any area under the jurisdiction of said city, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance.

Sec 3 Except as hereinafter, provided it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.

Sec 4 The owner of all house, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the city and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary or combined sewer of the city, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this ordinance, within ninety (90) days after date of official notice to do so, provided that said public sewer is within one hundred (100) feet (30.5 meters) of the property line.

ARTICLE III. Private Sewage Disposal

Sec 1 Where a public sanitary or combined sewer is not available under the provisions of Article 11, Section 4, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this article.

Sec 2 Before commencement of construction of a private sewage disposal system the owner shall first obtain a written permit signed by the (Superintendent). The application for such permit shall be made on a form furnished by the city of Steele, which the applicant shall supplement by any plans, specifications, and other information as are deemed necessary by the (Superintendent). A permit and inspection fee of (10.00) dollars shall be paid to the city of Steele at the time the application is filed.

Sec 3 A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the (Superintendent). He shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the (Superintendent) when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within (24) hours of the receipt of notice by the (Superintendent).

Sec 4 The type, capacities, location, and layout of a private sewage disposal system shall comply with all recommendations of the Department of Public Health of the State of North Dakota. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than (10,000) square feet (square meters). No septic tank or cesspool shall be permitted to discharge to any natural outlet.

Sec 5 At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in Article III, Section 4, a direct connection shall be made to the public sewer in compliance with this ordinance, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled with suitable material.

Sec 6 The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the city of Steele.

Sec 7 No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the Health Officer.

Sec 8 When a public sewer becomes available, the building sewer shall be connected to said sewer within sixty (60) days and the private sewage disposal system shall be cleaned of sludge and filled with clean bank-run gravel or dirt.

ARTICLE IV. BUILDING SEWERS AND CONNECTIONS

Sec 1 No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the (Superintendent).

Sec 2 There shall be two (2) classes of building sewer permits: (a) for residential and commercial service, and (b) for service to establishments producing industrial wastes. In either case, the owner or his agent shall make application on a special form furnished by the city of Steele. The permit application shall be supplemented by any plans, specification, or other information considered pertinent in the judgment of the (Superintendent). A permit and inspection fee of _____ dollars for a residential or commercial building sewer permit and _____ dollars for an industrial building sewer permit shall be paid to the city of Steele at the time the application is filed.

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Sec 3 All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the city of Steele from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

Sec 4 A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

Sec 5 Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the (Superintendent), to meet all requirements of this ordinance.

Sec 6 The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the city of Steele. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9 shall apply.

Sec 7 Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

Sec 8 No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

Sec 9 The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the city of Steele, or the procedures set forth in appropriate specifications of the A.S.T.M. and the W.P.C.F. Manual of Practice No. 9. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by, the (Superintendent) before installation.

Sec 10 The applicant for the building sewer permit shall notify the (Superintendent) when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the (Superintendent) or his representative.

Sec 11 All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the city of Steele.

ARTICLE V. Use of the Public Sewers

Sec 1 No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.

Sec 2 Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the (Superintendent). Industrial cooling water or unpolluted process waters may be discharged, on approval of the (Superintendent), to a storm sewer, or combined sewer, or natural outlet.

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Sec 3 No person shall discharge or cause to be discharged any of the following described waters or wastes to any sewers:

- (a) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas.
- (b) Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant, including but not limited to cyanides in excess to two (2) mg/1 as CN in the wastes as discharged to the public sewer.
- (c) Any waters or wastes having a pH lower than (5.5), or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.
- (d) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc. either whole or ground by garbage grinders.

Sec 4 No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the (Superintendent) that such wastes can harm either the sewers, sewage treatment process, or equipment , have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the

(Superintendent) will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The substances prohibited are:

- (a) Any liquid or vapor having a temperature higher than one hundred fifty (150)°F (65°C).
- (b) Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of one hundred (100) mg/1 or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150)°F (0 and 65°C).
- (c) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths (3/4) horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the (Superintendent).
- (d) Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not.
- (e) Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the (Superintendent) for such materials.
- (f) Any waters or wastes containing phenols or other taste or odor-producing substances, in such concentrations exceeding limits which may be established by the (Superintendent) as necessary, after treatment of the composite sewage, to meet the requirements of the State, Federal, or other public agencies of jurisdiction for such discharge to the receiving waters.

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(g) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the (Superintendent) in compliance with applicable State or Federal regulations.

(h) Any waters or wastes having a pH in excess of (9.5).

(i) Materials which exert or cause:

(1) Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).

(2) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).

(3) Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.

(4) Unusual volume of flow or concentration of wastes constituting “slugs” as defined herein.

(j) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

Sec 5 If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Section 4 of this Article, and which in the judgment of the (Superintendent), may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the (Superintendent) may:

(a) Reject the wastes,

(b) Require pretreatment to an acceptable condition for discharge to the public sewers,

(c) Require control over the quantities and rates of discharge, and/or,

(d) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of Section 10 of this article. If the (Superintendent) permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the (Superintendent), and subject to the requirements of all applicable codes, ordinances, and laws.

Sec 6 Grease, oil, and sand interceptors shall be provided when, in the opinion of the (Superintendent), they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the (Superintendent), and shall be located as to be readily and easily accessible for cleaning and inspection

Sec 7 Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

Sec 8 When required by the (Superintendent) the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be

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constructed in accordance with plans approved by the (Superintendent) and shall be located as to be readily and easily accessible for cleaning and inspection.

Sec 9 All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this ordinance shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control Manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. (The particular analyses involved will determine whether a twenty-four (24) hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from 24 hour composites of all outfalls whereas pH's are determined from periodic grab samples.)

Sec 10 No statement contained in this article shall be construed as preventing any special agreement or arrangement between the city of Steele and any industrial concern where by an industrial waste of unusual strength or character may be accepted by the city of Steele for treatment, subject to payment therefore, by the industrial concern.

ARTICLE VI. Protection from Damage

Sec 1 No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

ARTICLE VII. Powers and Authority of Inspectors

Sec 1 The Superintendent] and other duly authorized employees of the city of Steele bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this ordinance. The (Superintendent) or his representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

Sec 2 While performing the necessary work on private properties referred to in Article VII, Section 1 above, the (Superintendent) or duly authorized employees of the city of Steele shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the city employees and the city shall indemnify the company against loss or damage to its property by city employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in Article V, Section 8.

Sec 3 The (Superintendent] and other duly authorized employees of the city of Steele bearing proper credential and identification shall be permitted to enter all private properties through which the city holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within

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said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

ARTICLE VIII. Penalties

Sec 1 Any person found to be violating any provision of this ordinance except Article VI shall be served by the city of Steele with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

Sec. 2 Any person who shall continue any violation beyond the time limit provided for in Article VIII, Section 1, shall be guilty of a misdemeanor, and on conviction thereof shall be fined in the amount not exceeding (100.00) dollars for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

Sec. 3 Any person violating any of the provisions of this ordinance shall become liable to the city for any expense, loss, or damage occasioned to the city by reason of such violation.

ARTICLE IX. Validity

Sec. 1 All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Sec. 2 The invalidity of any section, clause, sentence, or provision of this ordinance shall not affect the validity of any other part of this ordinance which can be given effect without such invalid part or parts.

ARTICLE X. Ordinance in Force

Sec. 1 This ordinance shall be in full force and effect from and after its passage, approval, recording, and publication as provided by law.

Sec. 2 Passed and adopted by the Council of the City of Steele, State of North Dakota.

Sec. 3 Passed and adopted by the Council of the city of Steele, State of North Dakota, on the 1st day of March, 1976.

Approved this 1st day of March, 1976.

ORDINANCE NO. 102

AN ORDINANCE ESTABLISHING THE PROCEDURE FOR CONVENANCE, SALE, LEASE, OR DISPOSAL OF PERSONAL AND REAL PROPERTY OF THE CITY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF STEELE, IN KIDDER COUNTY, NORTH DAKOTA.

Section 1. Procedure for Conveyance, Sale, Lease, or Disposal of City Property. Real and personal property to be disposed of which is estimated by the governing body of the City to be of a value of less than \$2,500.00 may be sold at private sale upon resolution passed by a majority of all the members of the governing body, Real and personal property estimated by the governing body to be of a value of \$2,500.00 or more may be sold only at public sale upon resolution passed by a majority of All of the members of the governing body; and for such public sale of property, a notice containing a description of the property to be sold and designating the place where and the day and hour when the sale will be held shall be published in the official county newspaper once each week for two consecutive weeks with the last publication being at least ten days in advance of the date set for the sale. Such notice shall specify whether the bids are to be received at auction or as sealed bids as determined by the governing body, and the property advertised shall be sold to the highest bidder if his bid is deemed sufficient by a majority of the members or the governing body.

Section 2. Effective Date. This ordinance shall become effective on the date of final passage and approval.

Introduction and first reading March 1, 1976

Second Reading and Final Passage: April 5, 1976

Approved: April 5, 1976

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ORDINANCE NO. 103B

AN ORDINANCE AMENDING AND RE-ENACTING SEWER ORDINANCE NO.99.

Note -the text of this ordinance is missing. The City Council minutes indicates it amends Sections 4, 5, 6, 7, 8, and 9 of Sewer Ordinance No. 99.

First Reading September 7, 1976

Second Reading and Passage October 4, 1976

ORDINANCE NO. 105

AN ORDINANCE REGULATING GAMES OF CHANCE.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF Steele

Section 1. Definitions.

1. "Adjusted gross proceeds" means gross proceeds less cash prizes or the price of merchandise prizes.
2. "Bingo" means that game of chance in which each participant receives one or more cards each of which is marked off into twenty-five squares arranged in five horizontal rows of five squares each and five vertical rows of five squares each. Each square is designated by number, letter, or combination of numbers and letters, no two cards being identical. The players cover squares as the operator of such game announces the number, letter, or combination of numbers and letters appearing on an object selected by chance, either manually or mechanically, from a receptacle in which have been placed objects bearing numbers, letters, or combinations of numbers and letters corresponding to the system used for designating the squares. The winner of each game is the player or players first properly covering a predetermined and announced pattern of squares on a card being used by the player or players.
3. "Bingo equipment" means the receptacle and numbered objects drawn from it, the master board upon which such objects are placed as drawn, the cards or sheets bearing numbers or other designation to be covered and the objects used to cover them, the board or signs, however operated, used to announce or display the numbers or designations as they are drawn, public address system, and all other articles essential to the operation, conduct, and playing of bingo.
4. "Charitable organization" means any nonprofit organization operated for the relief of poverty, distress, or other condition of public concern within this state, which has been so engaged within this state for two years,
5. "Civic and service club" means any branch, lodge, or chapter of a nonprofit national or state organization which is authorized by its written constitution, charter, articles of incorporation; or bylaws to engage in a civic or service purpose within this state, which shall have existed in this state for two years "Civic and service club" shall also mean a similar local nonprofit organization, not affiliated with a state or national organization, which is recognized by resolution adopted by the governing body of the city in which the organization conducts its principal activities, or by the governing body of a county if such organization conducts its principal activities outside the limits of a city but within a county. Such club shall have existed in this state for two years.
6. "Distributor" means a person, firm, corporation, association, or organization which sells, markets, or otherwise distributes raffle tickets, bingo equipment or any other implements of gambling that may be used in the lawful conduct of games of chance under this ordinance to an organization licensed or authorized to conduct such games of chance under this ordinance. "Distributor" does not include a resident printer who prints raffle tickets at the request of a licensed or authorized organization, and who sells or otherwise distributes such raffle tickets to such organization.
7. "Educational, charitable, patriotic, fraternal, religious, or other public-spirited uses" are: uses benefiting an indefinite number of persons either by bringing them under the influence of education or religion or relieving them from disease, suffering, or constraint; fraternal uses specified by an organization's constitution, charter, or bylaws, not of direct benefit to the eligible organization or

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any member thereof; uses increasing compensation of and devotion to the principles upon which the nation was founded, not of direct benefit to the eligible organization or any member thereof; the erection or maintenance of public buildings or works; or uses otherwise lessening the burden of government. Such uses do not include the erection, acquisition, improvement, maintenance, or repair of real, personal, or mined property unless it is used exclusively for one or more of the stated uses. Uses shall not include any activities consisting of attempts to influence legislation or participation in any political campaign on behalf of any elected official or person who is or has been a candidate for public office. "Charitable uses" include uses benefiting a definite number of persons who are victims of loss of home or household possessions through explosion, fire, flood, or storm and the loss is uncompensated by insurance, and uses benefiting a definite disease or injury, causing severe loss of income and incurring extraordinary medical expense which is uncompensated by insurance.

8. "Educational organization" means any nonprofit public or private elementary or secondary school in this state which has been in existence for two years.

9. "Eligible organization" means bona fide nonprofit veterans, charitable, educational, religious, and fraternal organizations, civic and service clubs, and other public-spirited organizations as defined by this ordinance, which may be licensed by the attorney general or authorized by the governing body of a city or county to conduct games of chance under this ordinance.

10. "Entire net proceeds" means the adjusted gross proceeds less such expenses, charges, fees, and deductions as are specifically authorized under this ordinance.

11. "Fraternal organization" means a nonprofit organization within this state, except for college and high school fraternities, which is a branch or lodge or chapter of a national or state organization and exists for the common business, brotherhood, or other interests of its members. Such organization shall have existed within this state for two years.

12. "Games of chance" means a game, contest, scheme, or device in which a person stakes or risks something of value for an opportunity to win something of value and in which the outcome depends in a material degree upon an element of chance, notwithstanding that skill of the contestant or participant may also be a factor therein. For purposes of this ordinance, "games of chance" shall specifically mean and be limited to bingo, raffles, pull tabs, jars, and punchboards.

13. "Gross proceeds" means all moneys collected or received from games of chance and admissions thereto.

14. "Jar" means a vessel containing a number of pull tabs from which a participant selects a particular pull tab after paying some consideration to an operator for the opportunity of making the selection.

15. "Member" means a person who has qualified for and been admitted to membership in an eligible organization pursuant to its bylaws, articles of incorporation, charter, rules, or other written statement.

and who pays regular monthly, annual, or other periodic dues or is a fully paid life member of the eligible organization. "Member" includes auxiliary members, but excludes social and honorary members.

16. "Other public-spirited organization" means a nonprofit organization recognized by the governing body of a city or county by resolution as public-spirited and eligible to conduct games of chance under this ordinance.

17. A “pull tab” is a single-folded or banded ticket or is a card, the face of which is initially covered or otherwise hidden from view to conceal a number, symbol, or set of symbols, a few of which numbers or symbols out of every set of pull tabs have been designated in advance and at random as prize winners, for which, for the opportunity to obtain each such folded or banded ticket or card, view the numbers or symbols thereon, and possibly obtain a prize-winning pull tab, a person pays some consideration to an operator.

18. “Punchboard” means a board or device containing a number of holes or receptacles of uniform size in which are placed mechanically and at random serially numbered slips, of paper or other substance which may be punched or drawn from said hole or receptacle by any person desiring to do so, and which the public, upon payment of a consideration, may punch or draw such numbered slips of paper or other substance from such holes or receptacles and obtain an award if the number drawn corresponds to a winning number.

19. “Raffle” means a game of chance in which the prize or prizes, other than cash, are won by one or more of numerous persons buying chances. The winner is determined by drawing a number or numbers from a container holding numbers representative of all chances sold. The date of the drawing, the prize or prize to be awarded, the name of the organization, the name of the licensing or authorizing authority, the license or authorizing resolution number, and the price of the chance shall be clearly printed on the raffle tickets which shall be numbered consecutively.

20. “Religious organization” means any nonprofit organization, church, body of communicants, or group gathered in common membership for mutual support and edification in piety, worship, and religious observances which has been so gathered or united in this state for two years.

21. “Veterans organization” means any congressionally chartered organization within this state, or any branch or lodge or chapter of a nonprofit national or state organization within this state, the membership of which consists of individuals who were members of the armed services or forces of the United States. Such organization shall have been in existence in this state for two years.

Section 2. Organizations Eligible Under this Ordinance – Use of Proceeds.

Nonprofit veterans, charitable, educational, religious, and fraternal organizations, civic and service clubs, and public-spirited organizations, as those terms are defined by this ordinance, are eligible to conduct games of chance under the conditions of this ordinance. The entire net proceeds of such games of chance are to be devoted to educational, charitable, patriotic, fraternal, religious, or other public-spirited uses as defined by this ordinance.

Section 3. City Approval Required.

Any eligible organization not required to be licensed by the attorney general of the State of North Dakota, these being all eligible organizations which do not maintain a building for the use of its members and guests and offer meals or liquor or both as part of its operation, shall apply in writing to the governing body of the city for permission to conduct games of chance at least thirty (30) days prior to each occasion, stating the particular game of chance, time, place, and educational, charitable, patriotic, fraternal, religious, or other public-spirited uses to which the proceeds will be devoted. The governing body may at its own discretion and upon application by an eligible organization grant permission for such games for specifically designated times, places, and uses, covering a period of one year. Fees for such permission or authorization shall be in the amount of Ten Dollars (\$10.00) for one occasion, and in the amount of Twenty-Five Dollars (\$25.00) for an authorization covering more than one occasion for a period up to and including one year. A copy of each resolution or

permit granted by the city under this ordinance shall be sent to the attorney general not later than thirty (30) days after issuance.

The governing body shall have the power, on its own motion based on reasonable grounds or on written complaint, to suspend or revoke an authorization in accordance with Chapter 28-32 of the North Dakota Century Code for violation, by the authorized organization or any officer, director, agent, member, or employee of such organization, of this ordinance.

Section 4. Persons Permitted to Conduct Games of Chance - Premises - Equipment - Expenses - Compensation.

1. No person, except a member of an eligible organization may hold, operate, or conduct any game of chance under this ordinance.
2. No person, except a member of an eligible organization or a member of an organization auxiliary to an eligible organization, may assist in the holding, operating, or conducting of any game of chance under this ordinance.
3. No item of expense shall be incurred or paid in connection with the holding, operating, or conducting of any game of chance held, operated, or conducted pursuant to this ordinance, except bona fide expenses in reasonable amounts as provided under Section 8. No games of chance shall be conducted with any equipment other than equipment owned by or rented at a reasonable rate from an eligible organization.
4. The governing board of an eligible organization shall be primarily responsible for the proper utilization of the entire net proceeds of any game of chance held in accordance with this ordinance.
5. The premises where any game of chance is being held, operated, or conducted, or where it is intended that such game will be held, shall be open to inspection by representatives of the governing body authorizing games of chance, and by peace officers of the city, county or state.
6. When any merchandise prize is awarded in a game of chance, its value shall be its current retail price. No merchandise prize shall be redeemable or convertible into cash directly or indirectly.
7. Equipment, prizes, and supplies for games of chance shall not be purchased or sold at prices in excess of the usual price thereof.
8. The entire net proceeds derived from the holding of games of chance must be devoted within one year from the date such proceeds were earned to the uses permitted by this ordinance. Any organization desiring to hold the net proceeds of game of chance for a period longer than one year from the date such proceeds were earned must apply to the governing body for special permission, and upon good cause shown, the governing body may grant the request.
9. No person, firm, corporation, association, or organization convicted of a felony or a class A misdemeanor, or determined to have participated in organized crime or unlawful gambling, shall be permitted to sell, distribute, conduct, or assist in games of chance under this ordinance.

Section 5. Bingo Games - Method of Play.

1. The equipment used in the playing of bingo and the method of play shall be such that each card shall have an equal opportunity to be a winner. The objects or balls to be drawn shall be essentially the same as to size, shape, weight, balance, and all other characteristics which may include their selection. All objects or balls shall be present in the receptacle before each game is begun. All numbers announced shall be plainly and clearly audible or visible to all the players present. Where more than one room is used for any one game, the receptacle and the caller must be present in the

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room where the greatest number of players are present and all numbers announced shall be plainly audible or visible to the players in the other room or rooms. The card or sheet of the players shall be part of a deck, group, or series of cards or sheets, no two of which shall be alike. Such deck, group, or series shall not be so prepared or arranged as to prefer any card or sheet.

2. The particular arrangement of numbers required to be covered in order to win the bingo game and the prize shall be clearly and audibly or visibly described and announced to the players immediately before each game is begun.

3. Any player shall be entitled to call for a verification of all numbers drawn at the time a bingo winner is determined, and for verification of the objects or balls remaining in the receptacle and not yet drawn. The verification shall be made in the immediate presence of the member designated to be in charge of the occasion, but if such member is also the caller, then in the immediate presence of an officer of the eligible organization.

4. No person who is not physically present on the premises where the bingo game is actually conducted shall be allowed to participate as a player in the game.

5. No person shall act as a caller or assistant to the caller in the conduct of any game of bingo unless such person is a member of the eligible organization conducting such game or a member of an organization auxiliary to the licensee.

Section 6. Punchboards and Jars -Sale of Chances.

No person or organization engaged in the selling of chances from jars or punchboards under this ordinance shall discard the chances from any jar or punchboard once the contents of such jar or punchboard are offered for sale to eligible participants, unless all of the highest denomination of winners have been sold.

Section 7. Statement of Receipts - Expenses.

1. All moneys collected or received from games of chance and admissions thereto, except cash prizes of less than one hundred dollars paid immediately, shall be, deposited in a special account of the eligible organization which shall contain only such money. Cash prizes of one hundred dollars or more, the purchase prices of merchandise prizes, and all expenses for such games of chance shall be withdrawn from such account by consecutively numbered checks duly signed by a specified officer or officers of the eligible organization and payable to a specific person or organization. There shall also be written on the check the nature of the expense or prize for which the check is drawn. No check shall be drawn to "cash" of a fictitious payee.

2. No part of the net proceeds after they have been given over to another organization shall be used by the donor organization to pay any person for services rendered or materials purchased in connection with the conducting of games of chance by the donor organization.

3. No item of expense shall be incurred or paid in connection with holding, operating, or conducting any game of chance pursuant to this ordinance, except bona fide expenses of a reasonable amount actually and necessarily incurred and directly attributable only to the conduct of the games of chance, and shall not include overhead, capital costs, and general maintenance. Total expenses for games of chance shall not exceed one-third of the total adjusted gross proceeds from each such occasion.

4. Expenses for games of chance shall be incurred only for the following purposes:

- a. The purchase of necessary goods, wares, and merchandise.

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- b. Payment for services rendered which are reasonably necessary for repair of equipment, and for operating or conducting games of chance.
- c. For rent if the premises or equipment are rented, or for janitorial services if premises are not rented.
- d. Accountant's fees.
- e. License fees.
- f. Utility expenses.
- g. Taxes.

For purposes of this subsection, the following terms shall have the following meanings: “Goods, wares and merchandise” means bingo equipment, jars pull tabs, punchboards, and raffle tickets as defined by section 1, articles of a minor nature such as pencils, crayons, tickets, envelopes, paper clips, and coupons necessary to the conduct of games of chance; “services rendered” means repair to equipment, reasonable compensation to members for conducting games of chance, and to book keepers or accountants, not more than two in the aggregate, for services in preparing financial reports, and a reasonable amount for rental of premises, utilities, and for janitorial service.

Section 8. Examination of Books and Records.

Representatives of the governing body of the city shall have the power to examine or cause to be examined the books and records of any eligible organization licensed or authorized to conduct games of chance under this ordinance so far as such books and records relate to any transaction connected with the holding, operating, and conducting of any game of chance.

Section 9. Form and Display of License.

Each authorization required under this ordinance shall contain a statement of the name and address of the authorized eligible organization and such other information as the authorizing authority may designate.

Each license or resolution issued for the conduct of any game or games of chance shall be conspicuously displayed at the place where the same is to be conducted at all times during any game of chance and for at least thirty minutes thereafter. The sale of a raffle ticket shall not require the display of the license or authorizing resolution.

Section 10. Penalty for Violation of Ordinance – Forfeiture of Authorization - Ineligibility for Two Years.

Any person who knowingly makes a false statement in any application for an authorizing resolution or in any statement annexed thereto, or fails to keep sufficient books and records to substantiate the receipts, expenses, or uses resulting from games of chance conducted under this ordinance, or who falsifies any books or records so far as they relate to any transaction connected with the holding, operating and conducting of any game of chance, or who violates any of the provisions of this ordinance, or of any term of an authorization shall be subject to a fine in the maximum amount of Five Hundred Dollars (\$500.00), imprisonment for a period not to exceed thirty (30) days, or both. Any organization so doing shall be subject to a fine not to exceed the amount of Five Hundred Dollars (\$500.00). If convicted, such organization or person shall forfeit any license or authorizing resolution issued to it pursuant to this ordinance and shall be ineligible to reapply for a license or authorization for two years thereafter.

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Section 11. Expiration Date.

The provisions of this ordinance shall expire at 12:00 midnight on June 30, 1979.

Section 12. Effective Date.

This ordinance shall be in full force and effect after its passage and approval as provided by law.

Introduction and First Reading: August 1, 1977

Second Reading and Final Passage: August 16, 1977

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ORDINANCE NO. 106

TRAFFIC ORDINANCES 6/5/78-6/6/78.

These ordinances consist of 64 pages and are in a separate binder because of their size.

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ORDINANCE NO. 107

CRIMINAL ORDINANCES

These ordinances consist of 34 pages and are in a separate binder because of their size.

Amended by 114

ORDINANCE NO. 107A

First reading on an amendment to Ordinance No. 99 was held, the following changes being considered: Effective with all billings made after Nov. 5th. 1979 Section 1 (a) shall read as follows, For each one family dwelling unit or Trailer House, the sum of \$2.00 per month. Section 1(b) shall read as follows, For each apartment building or multiple dwelling unit, the sum of \$2.00 per month for each apartment or dwelling unit contained in such building or structure. Section 1(c) shall read as follows: For each Commercial establishment, a monthly charge equal to ten cents for each 1000 gallons, or major fraction thereof, of water used that month for such establishment, with a minimum charge of \$2.00 per month.

ORDINANCE NO. 109.

SUBSTANDARD STRUCTURES.

Section 1. Determination.

All buildings or structures which have any or all of the following defects shall be deemed "Dangerous Buildings."

- (a) Those whose interior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside of the middle third of its base.
- (b) Those which, exclusive of the foundation, show thirty-three percent or more, of damage or deterioration of the supporting member or members, or fifty percent of damage or deterioration of the non-supporting enclosing or outside walls or covering.
- (c) Those which have improperly distributed loads upon the floors or roofs or in which the name are overloaded, or which have insufficient strength to be reasonably safe for the purpose used.
- (d) Those which have been damaged by fire, wind or other causes so as to have become dangerous to life, safety, morals, or the general health and welfare of the occupants or the people of the city.
- (e) Those which have become or are so dilapidated, decayed, unsafe, unsanitary or which so utterly fail to provide the amenities essential to decent living that they are unfit for human habitation, or are likely to cause sickness or disease, so as to work injury to the health, morals, safety or general welfare of those living therein.
- (f) Those having inadequate facilities for egress in case of fire or panic or those having insufficient stairways, elevators, fire escapes, or other means of communication.
- (g) Those which because of their condition are unsafe, unsanitary, or dangerous to the health, morals, safety or general welfare of the people of this city.
- (h) Those buildings existing in violation of any provision of the building code of this city, or any provision of the fire prevention code, or other ordinances of this city.

Section 2. Standards for repair, vacation or demolition.

The following standards shall be followed in substance by the building inspector or other designated person in ordering repair, vacation, or demolition:

- (a) If the "dangerous building" can reasonably be repaired so that it will no longer exist in violation of the terms leans of this chapter it shall be ordered repaired.
- (b) If the "dangerous building" is in such condition as to make it dangerous to the health, morale, safety, or general welfare of its occupants it shall be ordered to be vacated.
- (c) In any case where a "dangerous building" is fifty (50) percent damaged or decayed, or deteriorated from its original value or structure, it shall, be demolished, and in all cases where a building cannot be repaired so that it will no longer exist in violation of the terms of this chapter it shall be demolished. In all cases, where a "dangerous building" is a fire hazard existing or erected in violation of the terms of this chapter or any ordinances of the city or statutes of the state it shall be demolished.

Section 3. Declared nuisance.

All dangerous buildings within the terms of this article are hereby declared to be public nuisances, and shall be repaired, vacated or demolished as herein provided.

Section 4. Duties of building inspector, or other designated person.

The building inspector shall:

(a) Inspect or cause to be inspected semi-annually, all public buildings, schools, halls, churches, theaters, hotels, tenements, commercial, manufacturing or loft buildings for the purpose of determining whether any conditions exist which render such places a dangerous building.

(b) Inspect any building, wall or structure about which complaints are filed by any person to the affect that a building, wall, or structure is or may be existing in violation of this article.

(c) Inspect any building, wall or structure reported (as hereinafter provided for) by the fire, or police departments of this city as probably existing in violation of the terms of this article.

(d) Notify in writing the owner, occupant, lessee, mortgagee, and all other persons having an interest in said building, as shown by the records in the office of the county register of deeds, of any building found by him to be a dangerous building, that: (1) the owner must vacate, or repair, or demolish said building in accordance with the terms of the notice and this article;(2) the owner or occupant must vacate said building or may have it repaired in accordance with the notice and remain in possession. Provided, that any person notified under this subsection to repair, vacate, or demolish any building shall be given such reasonable time, not exceeding thirty (30) days, as may be necessary to do, or have done, the work or act required by the notice provided for herein.

(e) Set forth in the notice provided for in sub-section (d) hereof, a description of the building, or structure deemed unsafe, a statement of the particulars which make the building or structure deemed unsafe, a statement of the particulars which make the building or structure a dangerous building and an order requiring the same to be put in such condition as to comply with the terms or this article within such length of time, not exceeding thirty (30) days, as is reasonable.

(f) Report to the city councilmen any non-compliance with the notice provided for in subsection (d) and (e) hereof.

(g) Appear at all hearings conducted by the city council and testify as to the condition of dangerous buildings.

(h) Place a notice on all dangerous buildings reading as follows:

“This building has been found to be a dangerous building by the building inspector. This notice is to remain on this building until it is repaired, vacated, or demolished in accordance with the notice which has been given the owner, occupant, lessee, or mortgagee of this building and all other persons having an interest in said building as shown by the records of the County Recorder of this County of Kidder. It is unlawful to remove this notice until such notice is complied with.

Section 5. Duties of the City Council.

The city council shall:

(a) Upon receipt of a report of the building inspector or other designated person as provided for in this article, give written notice to the owner, occupant, mortgagee, lessee and other persons having an interest in said building as shown by the recorder of the county register of deeds, to appear before it on the date specified in the notice to show cause why the building or structure reported to

be a dangerous building should not be repaired, vacated, or demolished in accordance with the statement of particulars set forth in the building inspector's or other designated person's notice.

(b) Hold a hearing and hear such testimony as the building inspector or other designated person or the owner, occupant, mortgagee, lessee or any other person having an interest in said building as shown by the records of the county register of deeds shall offer relative to the dangerous building.

(c) Make written findings of the fact from the testimony offered pursuant to sub-section (2) as to whether or not the building in question is a dangerous building.

(d) Issue an order based upon findings of fact made pursuant to sub-section (3) commanding the owner, occupant, mortgagee, lessee, and all other persons having an interest in said building as shown by the records of the county register of deeds, to repair, vacate, or demolish any building found to be a dangerous building within the terms of this article and provided that any person so notified, except the owners, shall have the privilege of either vacating or repairing said dangerous building.

Section 6. Failure to comply with decisions of city council.

If the owner, occupant, mortgagee or lessee fails to comply with the order of the board of city council or fails to appeal to the district court within thirty (30) days as provided herein, the city through its officers and employees shall cause such building or structure to be repaired, vacated or demolished as ordered by the city council and shall cause the costs of such repair, vacation, or demolition to be charged against the land on which said building existed by special assessment, or as a municipal lien, or shall cause said cost of removal to be levied as a special tax against the land upon which said building stands or did stand or to be recovered in a suit at law against the owner.

Section 7. Violations; notice or orders

It shall be unlawful for the owner of any dangerous building to fail to comply with any notice or order to repair, vacate, or demolish said building given by any person authorized by this article to give such notice or order and every day subsequent to such notice in which the said owner shall fail to comply with any notice or order as above stated, shall be deemed a separate violation.

It shall be unlawful for the occupant or lessee in possession to fail to comply with any notice to vacate or fail to repair said building in accordance with any notice given as provided for in this article and everyday subsequent to such notice in which the said owner shall fail to comply with any notice or order as above stated, shall be deemed a separate violation. It shall be unlawful for any person to remove the notice provided for in section.

Section 8. Duties of the city attorney.

The city attorney shall:

(a) Prosecute all persons failing to comply with the terms of the notices and the order provided for in this article.

(b) Appear at all hearings before the city council in regard to dangerous buildings.

(c) Take such other legal action as is necessary to carry out the terms and provisions of this article.

Section 9. Where owner absent from the city.

In cases, except emergency cases, where the owner, occupant, lessee, or mortgagee is absent from the city, all notices or orders provided for herein shall be sent by registered mail or certified mail to the owner, occupant, mortgagee, lessee, and all other persons having an interest in said building as

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shown by the land records of the county register of deeds to the last known address of each, and a copy of such notice shall be posted in a conspicuous place on the dangerous building to which it relates. Such mailing and posting shall be deemed adequate service.

Section 10. Duties of fire, police, and health departments.

All employees of the fire, police and health departments shall make written reports to the building inspector or other designated person of all buildings or structures which are, may be, or are suspected to be dangerous buildings.

Section 11. Appeal.

The city council shall serve upon the owner, occupant, mortgagee, lessee and all other persons having an interest in any such building so ordered repaired, vacated, or demolished ; a copy of its order, such notice to be served upon such owner, occupant, mortgagee or lessee within ten (10) days after the issuance of such order. Such owner, occupant, mortgagee or lessee shall thereafter have thirty (30) days from the date of service of such order upon him in which to appeal from such order to the district court or to take such other legal steps to enjoin the enforcement Of such order as he may deem proper.

Any person desiring to appeal from any order issued by the city council under and by virtue of this article shall file an undertaking in the sum of at least five hundred dollars (\$500.00) to be approved by the city auditor, and conditioned that the appellant will prosecute the appeal without delay and will pay all costs that may be adjudged against him in the district court. Such undertaking shall be payable to the city.

First Reading: June2, 1980

Second Reading and Final Passage: July 14, 1980

ORDINANCE NO. 110

PUBLIC NUISANCES - AUTOMOBILES AND PERSONAL PROPERTY

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF STEELE, IN KIDDER COUNTY, NORTH DAKOTA:

Section 1. Automobiles, Personal Property - When a Nuisance.

Unsheltered storage of old, used, striped, junked and other automobiles not in good, safe operating condition, and of any other vehicles, machinery implements and/or equipment and personal property of any kind which is no longer safely usable for the purposes with which it was manufactured for a period of thirty days or more (except in a licensed junk yard)within the city, and any motor vehicle, animal and article or personal property which constitutes an obstruction to, hazard or detriment to public traffic, snow removal operations, public safety and public health and morals or which may be abandoned or unclaimed within this City is hereby declared to be a nuisance and dangerous to public safety and shall be abated in the manner prescribed in this article.

Section 2. Abatement Required by Owners.

The owner, owners, tenants, lessees and/or occupants of any lot within the corporate limits of this city upon which such storage is made, and also the owner, owners, and/or lessees of said property involved in such storage (all of whom are hereinafter referred to collectively as “owners”), shall jointly and severally abate said nuisance by the prompt removal of said personalty into completely enclosed buildings authorized to be used for storage purposes, if within the corporate limits of the city, or otherwise to remove it to a location outside of corporate limits.

Section 3. Removal and Impoundment by City.

If said owners allow said nuisance to exist or fail to abate said nuisance. The Police Department may remove or cause to be removed to the City Hall, or any other place within the City, selected for the purpose any personal property

described in Section 1 and may impound and retain the same until the expense of removal, storage and impounding is paid, together with the amount of any fine, costs, bail or other claims of the City against the owner, or any other person lawfully entitled to the possession thereof.

Section 4. Removal and Impoundment, When Sold.

If not reclaimed and redeemed by the true owner or the person lawfully entitled to the possession thereof within a period of thirty (30) days after impounding, any article or personal property described in Section 1, may be sold and disposed of by the Police Department in the manner hereinafter provided. Notice that such property will be sold shall be published once, at least six (6) days prior to the sale, in a newspaper published in the City or if none in the official newspaper of the County. Such notice shall specify a description of the property to be sold, the time and place of sale, and shall be signed by the Chief of Police. Such sale shall be held between the hours of 9:00 o'clock in the morning and 5 :00 o'clock in the afternoon of the day specified in the notice. Such sale shall be held at the front door of the City Hall, or at the location of the property to be sold. Any sale may be postponed or discontinued by public announcement at the time of the sale where there are no bidders or when the amount offered is grossly inadequate, or for other reasonable cause. The City may become a purchaser of any or all property at such sale. The Chief of Police shall give the purchaser at such sale a certificate of purchase of such property.

Section 5. Removal and Impoundment Proceeds.

Within thirty (30) days after such sale, the person making the sale shall make out, in writing, and file with the City full report of such sale specifying the property sold, the amount received therefore, the amount of costs and expenses, and disposition made by him of the proceeds of the sale. The proceeds arising from such sale shall be delivered over to the City Treasurer and credited to the General Fund.

First Reading on June 2, 1980

Second Reading and Passage on July 14, 1980

ORDINANCE NO. 113

AN ORDINANCE GRANTING TO STEELE CABLEVISION, INC., OF STEELE, NORTH DAKOTA, ITS SUCCESSORS AND ASSIGNS, THE FRANCHISE AND RIGHT TO INSTALL, MAINTAIN AND OPERATE, OVER, UPON AND UNDER THE STREETS, ALLEYS AND PUBLIC GROUNDS OF THE CITY OF STEELE, KIDDER COUNTY, NORTH DAKOTA A CABLE TELEVISION SYSTEM FOR THE PURPOSE OF OFFERING AUDIO, VIDEO AND DATA SERVICES.

BE IT ORDAINED BY

The City Council of the City of Steele, North Dakota

SECTION I. For convenience, said city is designated and referred to as "Municipality" and said Steele Cablevision, Inc., is designated and referred to as "Grantee". Any reference to either includes their respective successors and assigns.

SECTION II. There is hereby granted to Steele Cablevision, Inc., Grantee, its successors and assigns, subject to the limitations herein stated, the right and franchise to install, maintain, and operate in said Municipality a system for the purpose of offering Audio, Visual and Data Services, and to that end and for those purposes, said Grantee is hereby granted the right to occupy and use the streets, alleys, and public places of the Municipality as now or hereafter constituted, for the purpose of constructing, operating and maintaining, over, upon and under the same, said system.

SECTION III. This franchise shall not be exclusive and shall not be construed to prevent the Municipality from granting to any other party the right to use the streets, alleys and public grounds of the Municipality for like purposes.

SECTION IV. The Municipality reserves any right it may have, under its police power or otherwise, to control or regulate the use of said streets, alleys and public grounds by Grantee.

SECTION V. Grantee shall have the right to assign this franchise to any party, or corporation, subject to the approval of the Municipality, but all obligations of Grantee hereunder shall be binding upon its successors and assigns.

SECTION VI. Within Sixty (60) days after passage and final approval of this Ordinance, Grantee shall file with the clerk or auditor of the Municipality its written acceptance of this franchise.

SECTION VII. This franchise shall continue and remain in full force and effect for a period of Ten (10) years from the date which this ordinance becomes effective as provided by law.

Passed the 7th day of January, 1982

ORDINANCE NO. 114

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF STEELE, NORTH DAKOTA, THAT ORDINANCE NO. 107, ARTICLE IV, DIVISION 1, SECTION 4-3, SUBSECTION 1.c BE AMENDED AS FOLLOWS: That said Subsection 1.c be deleted in its entirety and that in place thereof said Subsection 1.c shall provide as follows.

c. Makes Loud, disturbing and unnecessary noises

The making, creating, or maintenance of loud, unnatural or unusual and disturbing noises are a detriment to public health, comfort, convenience, safety and welfare and hereby declared to be unlawful and a public nuisance.

Illustrative enumeration.

The following acts, among others, are declared to be prohibited noises in violation of this section, but such enumeration is not exclusive:

(a) Horns. The sounding of horns or signaling devices on any motor vehicle, or motorcycle on any street or public place except as a danger warning or their sounding for an unnecessary and unreasonable period of time.

(b) Radios, phonographs, etc. The using, operating, or permitting to be played, used or operated any radio receiving set, musical instrument, phonograph, or other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet and comfort of the neighboring inhabitants, or at any time with louder volume than is necessary for convenient hearing for the person or persons who are in the room, vehicle or chamber in which such machine or device is operated, and who are voluntary listeners thereto. The operation of any such set, instrument, phonograph, machine or device in such a manner as to be plainly audible at a distance of one hundred fifty (150) feet from the building, structure or vehicle in which it is located shall be prima facie evidence of a violation of this section.

(c) Yelling, shouting, etc. Yelling, shouting, hooting, whistling or singing on the public streets, particularly between the hours of 11:00 p.m. and 7:00 a.m. or at any time or place so as to annoy or disturb the quiet, comfort, or repose of persons in any office, or in any dwelling, hotel, or other type of residence, or of any persons in the vicinity.

The foregoing enumerations set forth shall not be construed. so as to prohibit background music which is not plainly audible at a distance of more than one hundred fifty (150) feet from the building or structure located in the area zoned as Commercial.

1st Reading -----October 4, 1982

2nd Reading -----November 1, 1982

ORDINANCE NO. 117

AN ORDINANCE COMBINING AND CONSOLIDATING VOTING DISTRICTS IN THE CITY OF STEELE. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF STEELE, IN KIDDER COUNTY, NORTH DAKOTA:

Section 1. The three wards in the City of Steele are hereby consolidated into one precinct for voting purposes in city elections. Separate ballot boxes and poll boxes shall be provided and kept for each such ward.

First reading on January 9, 1984.

Second reading and final passage on February 6, 1984.

Approved February 6, 1984.

ORDINANCE NO. 118

AN ORDINANCE DECLARING SNOW REMOVAL EMERGENCY CONDITIONS IN THE CITY OF STEELE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF STEELE, IN KIDDER COUNTY, NORTH DAKOTA:

Section 1. No vehicles shall be parked on any street designated as a snow removal street during snow removal operations in the City of Steele. Snow removal operations shall be designated by signs erected at the North end and the South end of Mitchell Avenue and at the intersection of Mitchell Avenue and Broadway Street.

During the first day of snow removal operations no vehicles shall be parked on those avenues running North and South and on Broadway Street, and on the second day of snow removal operations no cars shall be parked on the streets which run East and West.

Section 2. Penalty. Anyone guilty of violation of the above ordinance shall be punishable by a fine of not more than \$3.00.

First reading on March 5, 1984.

Second reading and final passage on April 2, 1984.

Approved April 2, 1984.

ORDINANCE NO. 119

AN ORDINANCE CREATING TRUCK ZONES IN THE CITY OF STEELE AND PROVIDING A PENALTY FOR THE VIOLATION THEREOF

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF STEELE, IN KIDDER COUNTY, NORTH DAKOTA:

Section 1. No truck having a gross vehicle weight of more than 15,000 pounds nor having a total combined length in excess of 35 feet shall travel on any street in the City of Steele which is not marked as a truck route without a special permit.

Section 2. PENALTY. Any person violating any provisions of this ordinance shall be guilty of an infraction and shall be punished as provided therefore.

Section 3. Those streets designated as truck routes shall be:

1. Mitchell Avenue from the North city limits to the South city limits.
2. Third Avenue Northeast and Third Avenue Southeast.
3. Fourth Street Southwest and Fourth Street Southeast.
4. Fifth Avenue Southwest from its intersection with Fourth Street Southwest to the intersection with First Street Southwest.
5. First Street Southwest from Fifth Avenue Southwest to Fourth Avenue Southwest.
6. Fourth Avenue from the intersection with First Street Southwest, North to the city limits.
7. Old Highway 10.
8. Old - Old Highway 10.
9. Second Street Northwest between Fourth Avenue and Third Avenue.
10. Third Street Northwest between Fourth Avenue and Third Avenue.
11. Second Avenue Northwest from old Highway 10 to the Golden Manor service entrance.
12. Fifth Street Northeast from Mitchell Avenue to First Avenue Northeast
13. Broadway from Fourth Avenue Southwest to Second Avenue Southeast.
14. Second Avenue Southeast from Broadway to Yerkes Avenue.
15. Yerkes Avenue
16. First Avenue Southwest from Broadway to Yerkes Avenue.
17. The East - West Alley in Block 18.
18. The East - West Alley in Block 19.
19. First Avenue Southeast from the alley in Block 17 to Broadway.

First reading on March 5, 1984.

Second reading and final passage on April 2, 1984.

Approved April 2, 1984.

ORDINANCE NO. 122

AN ORDINANCE PROVIDING FOR THE CONTROL AND PREVENTION OF DUTCH ELM DISEASE, THE TRIMMINT AND CARE OF TREES, THE PLANTING OF TREES AND THE REMOVAL OF UNSOUND, DISEASED TREES; DEFINING NUISANCE, AND PROVIDING FOR THE ABATEMENT THEREOF; AND PROVIDING PENALTIES FOR VIOLATION THEREOF:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF STEELE, NORTH DAKOTA:

Section 1. Definitions:

For the purposes of this ordinance, the following terms, phrases, words and their definitions shall have the meaning given herein.

- A. "City" is the City of Steele, State of North Dakota and shall mean all parks, airport, land fill and lagoon.
- B. "Person" means any person, firm, partnership, association, corporation, company, or organization of any kind.
- C. "Streets" means the entire width of every public way or right of way when any part thereof is open to the use of the public, as a matter of right, for purposes of vehicular and pedestrian traffic.
- D. "Boulevard" means the space between the sidewalk, or the normal location of the of the sidewalk and the curb line or curb.
- E. "Width of Boulevard" means the distance between the sidewalk, or the normal location of the sidewalk and the curb line or curb.
- F. "Property Lines" means the outer boundaries of any lot or parcel of land (including boulevard).
- G. "Property Owner" means the person owning such property as is shown by the Kidder County, North Dakota Register of Deeds.
- H. "Public Trees" are all shade and ornamental trees now or hereafter growing on any public right of way or in any public place or park.

Section 2. Administration:

(a) A Tree Committee is hereby created and shall be composed of-one (1) member of Steele City Council appointed by the Mayor, one (1) member of the Steele Park Board to be appointed by that body, and three (3) other members to be appointed by the Steele City Council.

- I. For a term of one (1) year: The three (3) members
- II. For a term of (2) years: The City Council member and the City Park Board member.

Annually thereafter, Group I and Group II shall be reappointed alternately.

The duties of the Tree Committee shall be to advise and to aid in the coordination of the tree care programs in the City of Steele, on properties controlled by the City of Steele.

City Forester, County Extension Agent, District Conservationist for SCS, shall be exofficio members of the Tree Committee.

The member of the Tree Committee shall serve without compensation.

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City Forester position is hereby created to be filled by appointment by City Council in consultation with Tree Committee.

Section 3. Authority and Jurisdiction of the City Forester.

The authority and jurisdiction of the City Forester shall be as follows:

- (a) The City Forester shall have the authority and jurisdiction, through the Board, to regulate the planting, maintenance, protection, and removal, of all trees on streets and other public places, to ensure safety, or preserve the esthetics of such streets and public places.
- (b) The City Forester shall have the authority to make known, with the approval of the Tree Committee, the rules and regulations of the Arboricultural Specifications and Standards of Practice governing the planting, maintenance, protection, and removal of trees, as specified on the streets and public areas of the City of Steele.
- (c) The City Forester shall have the authority to supervise all work done under any permit, issued in accord with the terms of this ordinance.

Section 4. Nuisance Declared:

The following conditions are public nuisances whenever they may be found within the City of Steele:

- (a) Any living or standing elm tree or part thereof infected to any degree with the Dutch elm disease fungus, *Ceratocystis ulmi*, and which harbors any of the elm bark beetles, *Scolytus multistriatus* or *Hylurgopinus rufipes*, or other tree species infected by a disease determined a nuisance by the City Tree Committee.
- (b) Any dead elm tree or part thereof, including logs, branches, stumps, firewood or other elm material from which the bark has not been removed or chipped and buried in a city land fill during that part of the year, April 1 to October 15, each year.
- (c) Any tree, shrub or hedge, or part thereof, growing upon public property or upon private property but overhanging or interfering with the use of any public walk, street or highway, park or public place within the City of Steele which in the opinion of the majority of the Tree Committee, endangers the life, health, safety or property of the public, shall be declared a public nuisance.

Section 5. Abatement:

- (a) It is unlawful for any person to willfully permit any public nuisance as defined in Section 4 to remain on any premises owned or controlled by him within the City. Such nuisance may be abated in the manner prescribed by this ordinance.

Section 6. Inspection and Investigation:

- (b) The Forester, under the direction of Tree Committee, shall inspect all premises and places within the City annually, and at other necessary, times, to determine whether any condition described in Section 4 exists therein.
- (c) The inspection shall determine all hazards as specified in Section 4 (c). The owner shall be notified in writing of the existence of the nuisance and given a reasonable time for its removal.
- (c) The Tree Committee or City Forester may enter upon private premises at any reasonable time for the purpose of carrying out any of the duties assigned to it under this ordinance.

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(d) It shall be up to the Tree Committee or City Forester to determine if a laboratory diagnosis of a suspect Dutch elm-diseased tree or other diseased tree is necessary. A field evaluation will usually be adequate unless there is some question about the tree being diseased or if the landowner requests that a sample be sent into the lab.

(e) The Tree Committee or City Forester upon finding a suspect Dutch elm diseased tree, immediately shall take and send appropriate specimens or samples to a qualified plant disease diagnostician. No action to remove suspect trees or wood shall be taken until positive diagnosis of the disease has been made.

(f) Within five days of receipt of the diagnosis, the owner of the property from which the specimen was obtained shall be notified by the City Forester of the result by mail.

Section 7. Abatement of Nuisance in the City of Steele:

(a) In abating the nuisance on public streets, alleys, boulevards, public ways and private property as defined in Section 4 (a) and 4 (b), the City of Steele shall cause the infected tree or wood to be removed or otherwise effectively treated so as to destroy and prevent as fully as possible the spread of Dutch elm disease fungus and elm bark beetles. Such abatement procedures shall be carried out in accordance with the latest technical and expert methods and plans as may be designated by the Commissioner of Agriculture of the State of North Dakota. The Tree Committee shall establish specifications for tree removal and disposal methods consistent therewith.

(b) In abating tree hazards on public property as defined in Section 4 (c), the City Forester shall cause such hazards to be removed and disposed in accordance with tree care specifications which the committee shall accept, the cost to be assessed as defined in Section 13.

Section 8. Abatement of Nuisance on Private Property:

(a) Whenever the Tree Committee or City Forester finds with reasonable certainty that the Dutch elm or other disease defined in Section 4 (a) exists in any tree or wood located on private property, outside of any public way in the City, he shall notify the owner or person in control of such property on which the nuisance is found by mail within five days of receipt of the diagnosis. The Tree Committee shall direct that the diseased tree be removed and effectively treated in a manner approved by the Committee within ten (10) days after receipt of such notice. If such owner cannot be found, a copy of said notice shall be posted upon said infected tree. If said tree is not so removed and/or treated as specified within ten (10) days after posting of the notice, the City of Steele shall remove and/or treat said tree. The owner or person in charge may be charged with a violation of this ordinance for maintaining a nuisance and that the City may abate the nuisance, the cost to be assessed as defined in Section 13.

(b) The nuisance as defined in Section 4 (c) shall be abated by the owner following notification of the existing nuisance. If not corrected or removed within the time allotted, the Tree Committee shall authorize the removal or correction to be done in accordance with recommended procedures, the property owner to bear the cost.

Section 9. Certification as Special Assessment:

(a) The City Auditor shall keep in City office a book called "Nuisance Abatement, Special Assessment Book" and shall enter the cost of the abatement of a nuisance as declared by the City Council therein as a special assessment against the lot or parcel of land from which the nuisance was abated, with the name of the owner.

(b) At the regular meeting of the City Council in October of each year, the City Council shall review all such assessments and hear all complaints against the same and approve the same as finally adjusted, and the City Auditor shall certify to the County Auditor a list of the lots and parcels of land specially assessed for such purpose, and the sum be collected as other city taxes are collected.

Section 10. Spraying:

(a) Whenever the Tree Committee or the City Forester determines that any elm tree or part thereof is infected with Dutch elm disease fungus and is in a weakened condition, he may cause all elm trees within a 1,000 foot radius thereof to be treated with an effective elm bark beetle destroying concentrate as recommended by the State Entomologist.

(b) Whenever the Tree Committee or City Forester determines that other diseases or insects pose a problem, it may cause all trees to be treated with control materials as recommended by the State Entomologist.

(c) In order to facilitate the work and minimize the inconvenience to the public of any treating operations conducted under this ordinance, the Tree Committee or City Forester shall cause to be given advance public notice of such operations by newspaper, radio, public service announcements or other effective means and shall also cause the posting of appropriate warning notices in the areas and along the streets where trees are to be treated at least 24 hours in advance.

(d) When appropriate warning notices have been given and posted in accordance with subsection (c) of this section, the City shall not allow any claim for damages to any vehicle damaged by such treating operations.

(e). When trees on private property are to be treated, the City Forester shall notify the owner of such property and proceed in accordance with the requirements of this ordinance.

Section 11. Transporting Elm Wood Prohibited:

(a) It shall be unlawful for any person to transport within the City any bark bearing elm wood between April 1 and October 15, without having obtained a permit from the City Forester. The Forester shall grant such permits only when the purpose of this ordinance shall be served thereby.

Section 12. Interference Prohibited:

It shall be unlawful for any person to prevent, delay or interfere with the Tree Committee of City Forester while it is engaged in the performance of duties imposed by this ordinance.

Section 13. Costs:

The costs for abating of the public nuisances as defined in Section 4 shall be borne as follows:

(a) For abatement of the nuisance as defined in Section 4 (a) and with the nuisance occurring on public trees, the cost will be borne by the City of Steele, and the cost for Park District land shall be borne by the Steele Park Board. For abatement of the nuisance as defined in Section 4 (a) and with the nuisance occurring on private land or on any street, alley, boulevard or other public way adjoining the private property, the cost shall be borne by the private owner.

(b) For abatement of the nuisance as defined in Section 4 (b) the costs shall be borne as defined in Section 13 (a).

(c) For abatement of the nuisance as defined in Section 4 (c) and the nuisance occurring on public trees, the cost will be borne by the City of Steele, and the cost for Park District land shall be borne by the Steele Park Board.

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(d) The cost of spraying for abatement of the nuisance as defined in 'Section 4 (a) and 4 (b) shall be borne by the City of Steele when the nuisance is on public trees and the Park Board shall pay the cost on Park District land. The cost of spraying on private property shall be borne by the property owner.

(e) The cost of tree planting for replacement of diseased trees on public property will be borne by the respective government body owning the property.

(f) All permits relating to this ordinance will be issued at no cost fee.

(g) The cost of the diagnostic test stated in Section 6 (d) shall be borne by the property owner unless tests are deemed necessary by the City Forester

Section 14. Tree Planting:

(a) The office of the City Forester shall issue permits to plant trees on public parkways and berms and alleys in accordance with Section 3.

(b). The planting on private premises within the City of Steele of those selections and species of the Genus Populus producing the pistillate flowers and bearing the "cotton" filled seed capsules shall be considered a public nuisance and is hereby declared unlawful.

Section 15. Tree Topping:

It shall be unlawful as a normal practice for any person firm or city department to top any street tree, park tree or other tree on public property. Topping is defined as the severe cutting back of limbs to stubs larger than three (3) inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree.

Section 16. Pruning, corner clearance:

(a) Every owner of any tree overhanging any street or right-of-way within the city shall prune the branches so that such branches shall not obstruct the light from any street lamp or obstruct the view of any street intersection and so that there shall be a clear space of eight (8') feet above the surface of sidewalk and (12') feet above street.

Section 17. Separability:

(a) In case any section of this ordinance is held invalid by a Court of competent jurisdiction, the invalidity shall extend only to the section affected and other sections of this ordinance shall continue in full force and effect.

Section 18. Penalty:

(a) In the event that any person, firm or corporation violates any provision of the above ordinance sections they will be subject to a fine not to exceed \$500.00 and thirty days in jail or both fine and imprisonment.

Dated this day of , 1985, at Steele, North Dakota.

ORDINANCE NO. 123

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF STEELE, IN KIDDER COUNTY, NORTH DAKOTA:

Ordinance Number 63 is hereby amended and re-enacted as follows:

Section 2. Any person, before cutting or breaking through any pavement, asphalt pavement, curb, gutter, or sidewalk in the City of Steele, for any purpose, shall first obtain therefore a permit from the City Auditor. Such permit shall be issued only after the applicant shall have posted and left with the said City Auditor a cash deposit of \$500.00, or a surety, bond in double that amount, signed by sufficient surety, approved as to form by the City Attorney, and as to sufficiency by the City Council. Such cash deposit or surety bond shall be conditioned that all such work shall be promptly done and completed, that all excavations shall be filled with clean, well tamped gravel, to within six inches of the surface, that the top six inches shall be filled with concrete or asphalt concrete, properly and strongly mixed and made, and leveled and finished even with the surrounding surface, that all dirt taken from such excavation shall be removed from the streets and public ways of the City of Steele, and that all such work shall be done under the supervision of, in accordance with the instructions of, and to the satisfaction of the Street Commissioner of the City of Steele, or his duly designated and appointed agent or deputy. Unless all such conditions are complied with, and so certified by the Street Commissioner, within a reasonable length of time after the issuance of such permit, the said cash deposit or bond shall be forfeit to the City of Steele.

First reading on June 3, 1985.

Second reading and final passage on July 8, 1985.

Approved July 8, 1985

City of Steele Code of Ordinances

ORDINANCE NO. 123

Amending Sec. 2 of Ordinance No. 63, changing the deposit required from \$200.00 to \$500.00 before cutting or breaking through and pavement, asphalt pavement, curb, gutter or sidewalk in the city.

First reading on June 3, 1985

Second. reading on July 1985

Approved 1985

ORDINANCE NO. 124

AN ORDINANCE AMENDING ORDINANCE 118, CITY OF STEELE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF STEELE, IN KIDDER COUNTY, NORTH DAKOTA:

Ordinance 118 shall be amended by adding the following:

Section 3. Any vehicle parked in violation of this ordinance may, in addition to the penalty provided by Section 2 hereof, be moved or removed by the City of Steele. Any charges accruing therefore shall be assessed against the owner of the vehicle and the vehicle may be held by the City until the moving and storage charges are paid. If the said vehicle is not redeemed by the owner thereof within 60 days of its seizure it may be sold to pay all charges assessed against it. Such sale shall be according to the procedures for foreclosure of a Repairman's Lien. (Sec.35-13, NDCC)

First reading on January 6, 1986

Second reading and final passage on February 3, 1986

Approved February 3, 1986

ORDINANCE NO. 127

AN ORDINANCE AMENDING AND RE-ENACTING ORDINANCE NO. 99 OF CITY OF STEELE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF STEELE, IN KIDDER COUNTY, NORTH DAKOTA:

Section 1 of Ordinance No. 99 is hereby amended to read as follows:

Sec. 1. Effective as of the first day of April, 1987, each person, firm or corporation making use of the sanitary sewer facilities of the City of Steele shall pay for such use thereof in accordance with the following schedule of fees and charges, for each connection to the said sanitary sewer system;

- (a) For each one family dwelling unit or trailer house, the sum of \$3.00 per month.
- (b) For each apartment building or multiple dwelling unit, the sum of \$3.00 per month for each apartment or dwelling unit contained in such building or structure.
- (c) For each commercial establishment, a monthly charge equal to ten cents for each one thousand gallons, or major fraction thereof, of water used that month for such establishment, with a minimum charge of \$3.00 per month.
- (d) One-third (1/3) of the revenue so collected shall be placed in a special account and shall only be expended in maintenance, repair or modification of the sewer system and lagoons.

First reading on March 2, 1987.

Second reading and final passage on April 6, 1987.

Approved April 6, 1987.

ORDINANCE NO. 128

AN ORDINANCE AMENDING AND RE-ENACTING ORDINANCE NO. 106 OF THE CITY OF STEELE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF STEELE, IN KIDDER COUNTY, NORTH DAKOTA:

Ordinance 106, Sec. 12-8 is hereby amended and re-enacted to read as follows:

§12-8 Reflectors

The provisions of NDCC §39-10.1-07 and all subsequent amendment shall be and are hereby incorporated by reference in this ordinance.

1. Every bicycle when in use at nighttime shall be equipped with reflectors on the front, rear and at least one in each wheel.

First reading on May 4, 1987.

Second reading and final passage on June 1, 1987.

Approved June 1, 1987.

ORDINANCE NO. 129

AN ORDINANCE FOR THE TAKING, STORAGE AND DISPOSAL OF ABANDONED PERSONAL PROPERTY CITY OF STEELE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF STEELE, IN KIDDER COUNTY, NORTH DAKOTA:

Any personal property abandoned or left unclaimed upon the streets, alleys or other public ways of the city for a period exceeding ten days may be taken up and placed in storage by the City of Steele. After holding such property for not less than 60 days the City of Steele may sell the same at public sale after notice is published at least ten days before the sale of such place and in such manner as provided in the notice. At any time within six months after the sale the owner of the property, upon written application, shall be entitled to receive the proceeds of the sale, less the necessary costs of taking, storing and selling the property. The owner of the property may reclaim it at any time prior to the sale upon payment of the necessary expense of taking and storing.

First reading on August 3, 1987.

Second reading and final passage on September 7, 1987.

Approved September 7, 1987.

ORDINANCE NO. 131

AN ORDINANCE DECLARING CATS TO BE A NUISANCE, PROHIBITING CATS RUNNING AT LARGE, AND PROVIDING PENALTIES FOR THE VIOLATION HEREOF.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF STEELE, IN KIDDER COUNTY, NORTH DAKOTA:

Section 1. Cats Declared to be a Nuisance. Any cat within the City of Steele which,

- (1) Shall run at large at any time, or
- (2) Shall frighten, annoy, or chase any person or vehicle, or,
- (3) Shall be loud and frequent screaming, or
- (4) Shall destroy or injure any property not the property of the owner or keeper of such cat is hereby declared to be a public nuisance, and may be abated as such.

Section 2. Running at Large Prohibited. No owner or keeper of a cat shall permit such cat to run at large within the City of Steele at any time.

Section 3. Enforcement. If any police officer or other official of the City of Steele shall discover any cat running at large within the corporate limits of the City of Steele, such officer or official shall make a reasonable effort to find the owner or keeper of such cat. If such owner or keeper cannot readily be found, or if when found he shall refuse or neglect to confine such cat, or to remove the same from the City of Steele, such officer shall without further delay or notice destroy such cat.

Section 4. Penalties. Any person violating any of the provisions of this ordinance shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than \$5.00 nor more than \$100.00, or by imprisonment for not more than thirty days, or by both such fine and imprisonment. It shall not be a defense to a prosecution under this ordinance that the cat has been destroyed or removed from the City of Steele.

First reading on June 5, 1989

Second reading and passage on July 10, 1989

Approved on July 10, 1989

ORDINANCE NO. 132

AN ORDINANCE PROHIBITING THE DRINKING OF ALCOHOLIC BEVERAGES IN PUBLIC PLACES.

Be it ordained by the City Council of the City of Steele.

It shall be unlawful for any person to drink, consume, or possess any open container of any beer or alcoholic beverages, both as defined in Section 5-01-01 of the North Dakota Century Code, upon any public streets, alleys, sidewalks, walks, parks or property owned by governmental entities within the City, of Steele.

Any person convicted of violating any of the provisions of this ordinance shall be punished by a fine of not more than \$500.00, by imprisonment for not more than 30 days, or by both such fine and imprisonment.

First reading on August 7, 1989

Second reading and passage on September 5, 1989

Approved on September 5, 1989

ORDINANCE NO. 133

AN ORDINANCE GRANTING TO MONTANA-DAKOTA UTILITIES CO., A DIVISION OF MDU RESOURCES GROUP, INC., A CORPORATION, ITS SUCCESSORS AND ASSIGNS, THE FRANCHISE AND RIGHT TO CONSTRUCT, MAINTAIN AND OPERATE, WITHIN AND UPON, IN AND UNDER THE STREETS, ALLEYS AND PUBLIC GROUNDS OF THE CITY OF STEELE

A GAS DISTRIBUTION SYSTEM FOR TRANSMITTING AND DISTRIBUTING NATURAL OR MANUFACTURED GAS, OR A MIXTURE OF BOTH, FOR PUBLIC AND PRIVATE USE.

BE IT ORDAINED BY

City of Steele

SECTION I. For convenience, herein, said municipal corporation is designated and referred to as “Municipality” and Montana-Dakota Utilities Co. is designated and referred to as “Grantee.” Any reference to either includes their respective successors and assigns.

SECTION II. There is hereby granted to Montana-Dakota Utilities Co., a Division of MDU Resources Group, Inc., a corporation, Grantee, its successors and assigns, subject to the limitations herein stated, the right and franchise to occupy and use the streets, alleys and public grounds of the Municipality as now, or hereafter constituted, for the purpose of constructing, maintaining, and operating, within, upon, in and under the same, a gas distribution system for transmitting and distributing natural or manufactured gas, or a mixture of both, for public and private use.

SECTION III. Grantee shall maintain an efficient distribution system for furnishing natural or manufactured gas, or a mixture of both for public and private use at such reasonable rates as may be approved by the Public Service Commission of the state wherein said Municipality is located and under such orders, rules or regulations as may be issued by any federal or state agency having jurisdiction thereof.

SECTION IV. This franchise shall not be exclusive and shall not be construed to prevent the Municipality from granting to any other party the right to use the streets, alleys, and public grounds of the Municipality for like purposes.

SECTION V. The Municipality reserves any right it may have, under its police power, or otherwise, to control or regulate the use of said streets, alleys, and public grounds by Grantee.

SECTION VI. Grantee shall indemnify and save and hold the Municipality harmless from any loss or damage due to the construction, installation, and maintenance of its distribution system, and its use of the streets, alleys, and public grounds of the Municipality.

SECTION VII. Grantee shall have the right to assign this franchise to any party, or corporation, but all obligations of Grantee hereunder shall be binding upon its successors and assigns.

SECTION VIII. Within thirty (30) days after Grantee is notified of passage and final approval of this Ordinance, Grantee shall file with the clerk or auditor of the Municipality its written acceptance of this franchise.

SECTION IX. This franchise shall continue and remain in full force and effect for a period of twenty (20) years from the date upon which this ordinance shall become effective as provided by law.

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Passed the 4th day of December 1989

Approved this 4th day of December 1989

ORDINANCE NO. 135

AN ORDINANCE DEFINING FIREWORKS, PROHIBITING THE SALE AND USE THEREOF, AND PROVIDING PENALTIES FOR THE VIOLATION OF THIS ORDINANCE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF STEELE, IN KIDDER COUNTY, NORTH DAKOTA:

Section 1. Fireworks Defined. The term fireworks shall mean and include any combustible or explosive composition, or any substance or combination of substances or article prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration or detonation, and shall include blank cartridges, toy pistols, toy cannons, toy canes, or toy guns in which explosives other than toy paper caps are used, the type of balloons which require fire underneath to propel the same, firecrackers, torpedoes, skyrockets, Roman candles, daygo bombs, sparklers, or other fireworks of like construction, any fireworks containing any explosive or flammable compound, or any tablets or other device containing any explosive substance. Nothing in this regulation shall be construed as applying to toy paper caps containing not more than twenty-five hundredths of a grain (16.20 milligrams) of explosive composition per cap.

Section 2. Sale and Use Prohibited. Except as otherwise provided in this ordinance, no person shall offer for sale, expose for sale, sell, use, or explode any fireworks within the City limits, with the exception that fireworks may be used or exploded within the City limits during the period of time beginning June 27th and ending July 5th, both dates inclusive.

Section 3. Public Display Permitted. This ordinance shall not prohibit supervised public displays of fireworks by associations or other organizations, when authorized by the City Council. Application for permission for such public display must be made at least thirty days before the date on which it is to be held, in such form and manner as may be prescribed by the City Council, and may be held only after such permission is granted, and then only in conformity with such regulations as may be prescribed by the City Council.

Section 4. Penalties. Any person violating any of the provisions of this ordinance shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than \$500.00 or by imprisonment for not more than thirty days, or by both such fine and imprisonment.

Section 5. Repeal of Inconsistent Ordinances. All ordinances and parts of ordinances in conflict herewith are hereby repealed.

First reading on March 11, 1991

Section reading and passage on April 1, 1991

Approved on April 1, 1991

ORDINANCE NO. 136

CITY LODGING TAX IMPOSED – DISPOSITION

Be it ordained by the City Council of the City of Steele:

There is imposed a tax in the amount of two percent upon the gross receipts of retailers on the leasing or renting of hotel, motel or tourist court accommodations within the city for periods of less than thirty consecutive calendar days or one month. The tax imposed by this section shall be in addition to the state sales tax on rental accommodations. All proceeds collected under this section must be deposited in the city visitors' promotion fund and spent only as provided by Chapter 40-57-3 of the North Dakota Century Code. Effective October 1, 1991.

First reading on JUNE 3, 1991.

Second reading and passage on AUGUST 5, 1991.

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ORDINANCE NO. 138

AN ORDINANCE AMENDING ORDINANCE NO. 132 WHICH PROHIBITS THE DRINKING OF ALCOHOLIC BEVERAGES IN PUBLIC PLACES

Be It Ordained By The City Council of The City of Steele, In Kidder County, North Dakota:

The Steele City Auditor or the Steele City Mayor are Authorized to issue daily permits allowing the drinking, consumption, or possession of beer or alcoholic beverages in the Four Seasons Park. Said permits shall be valid only for the hours between 8:00 A.M. and 1:00 A.M. daily and the use of any glass bottles containing said beer or alcoholic beverages is hereby prohibited.

First Reading on June 3, 1991

Second Reading and Passage on July 1, 1991

ORDINANCE NO. 139

Be it ordained by City Council of the city of Steele North Dakota:

Section 1. That U S WEST Communications, Inc., its successors and assigns, are hereby granted the right to use and occupy the streets, alleys and other public places of the city of Steele North Dakota, for a term of twenty (20) years from the effective date hereof, for the purpose of constructing, maintaining and operating a general telephone and telegraph system within said city.

Section 2. That the rights herein granted are subject to the exercise of the police power as the same now is or may hereafter be conferred upon said city.

Section 3. That this ordinance shall be in full force and effect, and shall constitute a binding contract between the city of Steele and U S WEST Communications, Inc. when it shall have been enacted according to law, and when the provisions hereof shall have been accepted in writing by said U S WEST Communications, Inc. and such acceptance filed with the City Auditor.

Section 4. During the construction, maintenance or enlargement of any part of said telecommunications system, said Grantee shall not unnecessarily impede or block travel in said streets and highways in said City and shall leave all streets, highways, alleys, sidewalks, curbs, lanes and public places and all grounds disturbed by said construction in good condition upon the completion of said work.

The City reserves the right to make and adopt, and the rights and privileges hereby granted shall at all times be and remain subject to such reasonable regulations of a police nature as it may deem necessary for the best interests of the City, but the City will not by any such regulations or by acts of its own or agents do anything to prevent or interfere with the Grantee carrying on its business in accordance with the franchise hereby granted.

Section 5. In case of disturbance of any street, sidewalk, alley, public way, or paved area, the Grantee shall, at its own cost and expense and in manner approved by the City Public Works Superintendent or Engineer, replace and restore such street, sidewalk, alley, public way, or paved areas in as good a condition as before the work involving such disturbance was done. Grantee shall not be required to pay a fee for street openings.

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ORDINANCE (Con't) NO. 139

I, RUSSELL N. HANSON City Auditor of the city of Steele, North Dakota, do hereby certify that the forgoing is a true and correct copy of an ordinance now of record in my office; that said ordinance after being read on the 9th day of SEPTEMBER, 1991, and the 7th day of OCTOBER, 1991, respectively, was placed upon its final passage at a meeting of the Board of Trustees of said city held on the 7th day of OCTOBER, 1991, whereupon, roll being called, and there being all yeas, and no nays, it was declared passed by a majority of all members of the Board of Trustees and approved by the President of said Board on the 7th day of October, 1991.

WITNESS my hand and the official seal of the city of Steele, North Dakota, this 9th day of October 1991.

Please take notice that U S WEST Communications, Inc. hereby accepts all the

City of Steele Code of Ordinances

terms and provisions of an Ordinance of the city of Steele , North Dakota, entitled:

“AN ORDINANCE GRANTING TO U S WEST COMMUNICATIONS, INC., ITS SUCCESSORS AND ASSIGNS, THE RIGHT TO USE AND OCCUPY THE STREETS, ALLEYS, AND OTHER PUBLIC PLACES OF STEELE, NORTH DAKOTA, FOR THE PURPOSE OF CONSTRUCTING, MAINTAINING AND OPERATING A GENERAL TELEPHONE AND TELEGRAPH SYSTEM WITHIN SAID CITY.”

Dated this day of

ORDINANCE NO. 140

AN ORDINANCE AMENDING ORDINANCE NUMBER 106, ARTICLE XIV (STOPPING, STANDING, OR PARKING PROHIBITED IN SPECIFIC PLACES), OF THE CITY OF STEELE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF STEELE, IN KIDDER COUNTY, NORTH DAKOTA, THAT:

SECTION NUMBER 14, Stopping, Standing, or Parking of Trailers, Travel Trailers, Semi trailers, Farm Trailers, Implements of Husbandry, and Pole Trailers Regulated, be incorporated into Article XIV of Ordinance Number 106 of the City of Steele.

14-14 Stopping, Standing, or Parking of Trailers, Travel Trailers, Semi trailers, Farm Trailers, Implements of Husbandry, and Pole Trailers Regulated.

1. No person shall stop, stand, or park a trailer, travel trailer, semi trailer, farm trailer, implement of husbandry, or pole trailer upon any public street, alley, or property owned by governmental entities within the City of Steele without having a motor vehicle equipped for towing that trailer, travel trailer, semi trailer, farm trailer, implement of husbandry, or pole trailer attached thereto; except when directed otherwise by a police officer or official traffic control device.

2. No person shall stop, stand, or park a semi trailer, farm trailer,

implement of husbandry, or pole trailer upon any public street, alley, or property owned by governmental entities within the City of Steele from 6p.m. to 6 a.m. on any day of the week; except when directed otherwise by a police officer or official traffic control device.

First reading on February 3, 1992

Second reading and passage on March 2, 1992

Approved on March 2, 1992

ORDINANCE NO. 141

AN ORDINANCE AMENNDING ORDINANCE NUMBER 118 OF THE CITY OF STEELE
BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF STEELE, IN KIDDER
COUNTY, NORTH DAKOTA, THAT:

Ordinance Number 118 shall be amended by changing Section No.2 to read:

Section 2. Penalty. Anyone guilty of violation of the above ordinance shall be punished by a fine of not more than ten dollars (\$10.00).

First reading on February 3, 1992

Second reading and passage on March 2, 1992

Approved on March 2, 1992

ORDINANCE NO. 142

AN ORDINANCE PROHIBITING THE KEEPING OF CERTAIN ANIMALS, DECLARING CERTAIN ACTS COMMITTED BY DOG AND CAT OWNERS TO BE A NUISANCE, ESTABLISHING IMPOUND MENT AND CARE AND MAINTENANCE FEES FOR IMPOUNDED ANIMALS, AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF STEELE, IN KIDDER COUNTY, NORTH DAKOTA, THAT:

SECTION I. IN GENERAL

1-1 Keeping of certain animals prohibited.

a. No person shall keep or maintain within the corporate limits of the city any animals named hereafter:

1. Horses;
2. Mules;
3. Cattle;
4. Sheep;
5. Goats;
6. Swine;
7. Bears;
8. Felines other than domestic house cats;
9. Venomous snakes;
10. Wolves;
11. Alligators;
12. Crocodiles;
13. Bees;
14. Scorpions;
15. Skunks;
16. Foxes;
17. Raccoons;
18. Pit bull dogs to include the bull terrier, Staffordshire bull terrier, of dogs or a combination of any of these breeds; and
19. Any other poisonous or venomous animal.

1-2 Keeping of fowl prohibited; exception.

No person shall keep fowl of any kind within the city, except in those commercial zones where fowl would be kept temporarily for sale.

City of Steele Code of Ordinances

1-3 Cruelty to animals.

No person in the city shall torture or cruelly treat any animal.

1-4 Failure to provide food and shelter.

No person in the city shall fail to provide any animal in his charge or custody with necessary food, drink, and protection from the elements.

1-5 Abandonment.

No person in the city shall abandon any animal.

1-6 Animal fights.

No person in the city shall maintain any place where fowl or animals are suffered to fight as an exhibition or for sport upon any wager.

1-7 Killing and molesting certain birds.

No person in the city shall shoot at, wound, kill, take, capture, ensnare, net, trap, or in any other manner, molest or injure any non domesticated bird; nor in any manner molest or injure the nest eggs or young of any such bird; nor have in his possession the nest eggs, the young or body of such bird.

1-8 Indecent exhibition of animals.

No person in the city shall exhibit any stud horse or bull or other animal indecently, nor shall any person let any male animal to any female animal unless it is done in some place wholly enclosed and out of public view.

SECTION II. DOGS AND CATS

2-1 Definitions.

For the purpose of this section, the following words and phrases shall have the meanings respectively ascribed to them by this subsection:

Animal shall include any male or female dog or cat, whether or not spayed or neutered.

At large shall mean and include an animal off the premises of the owner, and not under the control of the owner or a member of his immediate family by a reasonable length leash, cord, or chain.

Dog shall mean and include both male and female whether or not spayed or neutered.

Owner shall mean and include any person owning, keeping, or harboring an animal.

2-2 Dogs and cats at large prohibited and declared a nuisance.

It shall be unlawful for the owner or keeper of any dog or cat to allow the dog or cat to run at large upon any of the streets, avenues, alleys, parks, public ways, school grounds, or upon the private premises of any person other than the owner or keeper of the dog or cat within the city. Any dog or cat found running at large by any police officer of the city may be impounded and may be reclaimed by the owner by paying to the city the taking and maintenance costs as provided in this chapter.

2-3 Destructive and annoying animals declared a nuisance.

Any animal which shall within the city damage or destroy any property not the property of its owner or keeper, or which shall by its actions frighten or annoy any person not then-trespassing upon the property of its owner or keeper, and any animal which shall, within the city, by loud and frequent

City of Steele Code of Ordinances

yelping, barking, or howling, or by defecating or urinating on property other than that of its owner or keeper, annoy any person, is hereby declared to be a public nuisance, further, that any animal which causes unreasonable fouling of the air by odors, which causes unreasonable unsanitary conditions in enclosures or surroundings shall be declared a public nuisance.

2-4 Trespassing animals declared a nuisance.

Any animal which shall trespass upon the private property of a person other than the owner of the animal is hereby declared to be a public nuisance.

2-5 Vicious animals declared a nuisance.

Any animal which shall, within the city, bite any person, when the person so bitten was not at the time trespassing on or injuring the person or property of the owner or keeper of such animal, is hereby declared to be a public nuisance.

2-6 Owner or keeper of animal as maintaining nuisance.

Any person who owns or keeps an animal declared to be a public nuisance in subsections 2-3 through 2-6 of this ordinance, and who shall fail, neglect or refuse to abate the nuisance by destroying the animal, or by removing the animal from the city, or by permanently confining the animal, or by correcting the animal's behavior, whichever shall be necessary to the abatement of such nuisance, shall be deemed guilty of maintaining a public nuisance.

2-7 Citation to animal owner; disposition.

Instead of making a formal arrest for a violation of this chapter committee in his presence, an officer may issue to the person charged a citation containing a notice to answer to the violation or charge in the municipal court at a time no later than thirty-five (35) days after the alleged violation. Upon promising to appear at the time specified in the citation, the person charged shall be released by the charging officer. If the person so charged refuses to sign the promise to appear he may be arrested or summoned to appear in municipal court. The willfull failure of a person to honor his written promise to appear shall constitute a separate offense.

2-8 Disposition of nuisance animal.

In the event of a conviction for a failure to abate a nuisance described in this section, the court may order the destruction of the animal unless the owner destroys, permanently confines, corrects the animal's behavior, or removes such animal from the city, as the court may direct, within a reasonable amount of time as set by the court.

2-9 Poisoning domestic pets.

No person in the city shall poison any domestic pet or distribute poison in any manner whatsoever with the intent or for the purpose of poisoning any domestic pet. This section shall not apply to a veterinarian acting in the course of his practice.

2-10 Rabies inoculation required.

It shall be unlawful for any person to keep, own, or harbor within the city any dog six (6) months or older or any cat six (6) months or older unless such dog or cat shall have been inoculated for rabies. The burden of establishing by way of veterinarian certificate or affidavit, that any animal has been inoculated for rabies shall be upon the owner of the animal.

SECTION III. IMPOUNDMENT

3-1 Impoundment.

Any animal in violation of this chapter may be subject to impoundment. An impounded animal shall be held for at least three (3) business days unless earlier redeemed.

3-2 Redemption of impounded animal.

If the identity of the owner of an animal which is impounded is known, or becomes known or is ascertainable through a tag worn by the animal, he shall be notified by mail, telephone, or personally, immediately. If within three (3) business days of the impoundment, the owner or keeper claims the animal and pays to the city the fees required by this section, the animal shall be returned to the owner or keeper.

3-3 Fee for redemption of impounded animals.

a. In any case where an animal is impounded, the owner or keeper claiming the animal shall pay to the city an impounding fee and a fee for the care and maintenance of the animal while in custody as established by the city council.

b. The impounding fee for an animal impounded three (3) times or less within twenty-four (24) months shall be fifteen dollars (\$15.00).

c. In the event an animal is impounded four (4) or more times within twenty-four (24) months, the impounding fee shall be thirty dollars (\$30.00).

d. The fee for care and maintenance of an animal while in custody shall be twenty dollars (\$20.00) a day.

e. In the event an animal is left unclaimed after three (3) business days and must be destroyed, the owner, if known or ascertainable, shall be assessed the fees for impounding, care and maintenance, and destruction of the animal.

3-4 Disposition of unredeemed animal.

If an animal which is impounded is not redeemed within three (3) business days after placing the animal in the pound, the city shall cause the animal to be destroyed in as painless and humane a manner as possible, or shall deliver the animal to any person not a resident of the city or to any resident of the city upon the payment of the fees for taking and impounding the animal. The delivery of the animal to a person other than the owner shall be in accordance with the provisions pertaining to the sale of abandoned property.

3-5 Animals suspected of being rabid.

If the city has probable cause to believe a domestic animal has rabies, it shall be impounded for a minimum of ten (10) days with the owner having no right of redemption during the impoundment period.

SECTION IV. PENALTIES

4-1 Penalty for violating an provision of this ordinance.

Any person violating any of the provisions of this ordinance shall be guilty of a Class B misdemeanor, and upon conviction thereof shall be punished by a fine of up to five hundred dollars (\$500.00) or by imprisonment for not more than thirty days, or both such fine and imprisonment. It

City of Steele Code of Ordinances

shall not be a defense to a prosecution under this ordinance that the animal has been destroyed or removed from the City of Steele.

SECTION V. REPEAL OF INCONSISTENT ORDINANCES

5-1 Inconsistent ordinances enumerated.

Ordinances Number seventy-four (74) of the City of Steele, adopted and approved June 7, 1965, and Number one hundred thirty-one (131), adopted and approved July 10, 1989, and all other ordinances and parts of ordinances in conflict herewith are hereby repealed.

First reading on February 3, 1992

Second reading and passage on March, 2, 1992

Approved on March 2, 1992

ORDINANCE NO. 143

AN ORDINANCE ADOPTING THE CITY OF STEELE TRAFFIC AND CRIMINAL CODE OF ORDINANCES RELATING TO:

I. MOTOR VEHICLES AND TRAFFIC: SUBSTANTIVE OFFENSES; IMPOUNDMENT OF MOTOR VEHICLES; RULES OF CONSTRUCTION, TRIAL PROCEDURE AND EVIDENCE;

II. OFFENSES: OFFENSES AGAINST PERSONS; OFFENSES AGAINST PROPERTY; OFFENSES AGAINST PUBLIC ORDER, HEALTH, SAFETY, AND SENSIBILITIES; WEAPONS; FIREWORKS; SENTENCING; AND

III. ANIMALS AND FOWL: DOGS AND CATS; ANIMAL IMPOUNDMENT; AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF.

BE IT ORDAINED BY THE CITY COUNCIL AND MAYOR OF THE CITY OF STEELE, NORTH DAKOTA:

Section 1. CITY OF STEELE TRAFFIC AND CRIMINAL CODE OF ORDINANCES. This ordinance and the ordinances hereby adopted shall be known and cited as the City of Steele Traffic and Criminal Code of Ordinances.

Section 2. ENACTMENT. The City of Steele Traffic and Criminal Code of Ordinances, consisting of Chapters I to III, both inclusive, an original copy of which has been authenticated by the original signatures of the city's chief executive officer and auditor and which original is on file in the office of the City Auditor, is hereby adopted as the traffic and criminal Code of Ordinances of the City of Steele.

Section 3. REPEAL. All ordinances of the City of Steele and sections of ordinances in conflict herewith are hereby repealed except any and all other ordinances adopted in said City of Steele Traffic and Criminal Code of Ordinances by reference, although the same are not set forth in full therein.

Section 4. INVALIDITY OF PART. If any section, subsection, sentence, clause or phrase of these ordinances is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of any other section, subsection, sentence, clause, phrase, or portion thereof. The governing body hereby declares that it would have passed these ordinances and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more other sections, subsections, sentences, clauses or phrases may be declared invalid or unconstitutional.

Section 5. EFFECTIVE DATE. This ordinance shall be in full force and effect from and after its final passage and adoption, and without publication.

Section 6. PENALTIES. Any person who violates or fails to comply with any provision of Chapter 1 of this Code of Ordinances shall be subject to a fine of not more than Five Hundred (\$500.00) dollars; unless a specific penalty is stated therein or another penalty is provided under Title 39 of the North Dakota Century Code.

Any person who violates or fails to comply with any provision of Chapter 2 or Chapter 3 of this Code of Ordinances shall be subject to a fine of not more than Five Hundred (\$500.00) or to

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imprisonment for not more than thirty (30) days or to both such fine and imprisonment; unless a specific penalty is stated therein.

First Reading: 06 July 1992 (date)

Second Reading : 03 August 1992 (date)

Approved: 03 August 1992 (date)

ORDINANCE NO. 144

AN ORDINANCE TO AMEND ARTICLE NO. IV, DIVISION 7, OF THE CITY OF STEELE TRAFFIC AND CRIMINAL CODE OF ORDINANCES, BY ADDING THERETO SECTION 2-4-17.1 RELATING TO ENTERTAINMENT ON LICENSED PREMISES OR IN ANY BUILDING OF WHICH LICENSED PREMISES IS PART THEREOF.

BE IT ORDAINED BY THE CITY COUNCIL AND MAYOR OF THE CITY OF STEELE, NORTH DAKOTA:

Section 1. AMENDMENT. Article No. IV, Division 7, of Chapter 2 of the City of Steele Traffic and Criminal Code of Ordinances is hereby amended by adding Section No. 2-4-17.1 to read as follows:

2-4-17.1 Entertainment on Licensed Premises or in any Building of which Licensed Premises is part thereof.

1. Definitions. Words and phrases used in this section shall have the following meanings:

(a) "Nude performer" or "nude dancer" means any person who performs, or appears in attire such that any portion of the pubic area, anus, vulva or genitals is exposed to view or not covered with an opaque material.

(b) "Topless female performer" or "topless female dancer" means any female who performs, or appears in attire such that any portion of her breasts below the top of the areola is exposed to view or not covered with an opaque material.

(c) "Licensed premises" means the premises on which beer, liquor, or alcoholic beverages are normally sold or dispensed and must be delineated by diagram or blueprint which must be included with the license application or the license renewal application.

(d) "Building" means a combination of any materials fixed to form a structure and the related facilities for the use or occupancy by persons or property. The word "building" shall be construed as though followed by the words "or part or parts thereof."

(e) "Person" includes, where relevant, a corporation, partnership, unincorporated association, or other legal entity.

2. Any person who permits appearances, entertaining or performances of any type consisting of or containing any nude performer or nude dancer, or topless female performer or topless female dancer on licensed premises or in any building which licensed premises is part thereof shall be guilty of an offense.

3. Performances commonly referred to as "strip-tease," or any performance involving the removal of clothing, garments or any costume are prohibited on licensed premises or in any building which licensed premises is part thereof. Such prohibition does not include the removal of a tie, suit coat, sport coat, jacket, sweater or similar outer garments. Incidental removal means the removal of a garment or article of clothing which is not part of the act or performance.

4. Performances which contain any form of dancing, other than incidental movement or choreography of singers or musicians made in connection with singing or playing of musical instruments, are prohibited on licensed premises or in any building which licensed premises is part thereof.

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Section 2. TIME OF TAKING EFFECT. This ordinance shall be in full force and effect from and after its final passage and adoption.

Section 3. PENALTY. Any person who violates or fails to comply with any provision of this Ordinance shall be subject to a fine of not more than Five Hundred (\$500.00) dollars or by imprisonment for not more than thirty (30) days or by both such fine and imprisonment.

First Reading: 06 July 1992. (date)

Second Reading: 03 august 1992. (date)

Approved: 03 August 1992. (date)

ORDINANCE NO. 145

AN ORDINANCE ADOPTING COMMUNITY PRESERVATION AND PUBLIC NUISANCE ORDINANCES OF THE CITY OF STEELE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF STEELE, NORTH DAKOTA, AS FOLLOWS:

SECTION 1. The City Council finds and declares that the adoption of the community preservation and improvement regulations set forth in this Ordinance and the administration of the provisions of such will provide the City with public nuisance ordinances and that said Article is to read as follows:

COMMUNITY PRESERVATION AND IMPROVEMENT

SECTION 2. FINDINGS. The City Council finds and declares that the regulations set forth in this article are necessary in order to eliminate conditions on properties in the City which are detrimental to the health, safety and welfare of residents thereof, to neighboring occupants or properties and the municipal welfare.

SECTION 3. DEFINITIONS. For the purpose of this article, certain words and phrases are defined and shall be construed as set out in this section. Unless specifically defined below, words or phrases used in this article shall be interpreted so as to give them the meaning they have in common usage and to give this article its most reasonable application.

(a) BUILDING. 'Building' shall mean any structure used or intended for supporting or sheltering any use or occupancy.

(b) OWNER. 'Owner' shall mean any person owning property, as shown on the last equalized assessment roll for City taxes and also includes the lessee, tenant or other person having control or possession of the property unless otherwise specified.

(c) NUISANCE. A nuisance consists in unlawfully doing an act or omitting to perform a duty, which act or omission:

1. Annoys, injures, or endangers the comfort, repose, health, or safety of others;
2. Offends decency;
3. Unlawfully interferes with, obstructs or tends to obstruct, or renders dangerous for passage, any lake, navigable river, bay, stream, canal, basin, public park, square, street, or highway; or
4. In any way renders other persons insecure in life or in the use of property.

(d) PUBLIC NUISANCE. A public nuisance is one which at the same time affects an entire community or neighborhood or any considerable number of persons, although the extent of the annoyance or damage inflicted upon the individuals may be unequal.

SECTION 4. UNLAWFUL PUBLIC NUISANCE. It shall be unlawful for any person owning, leasing, renting, occupying or having charge or possession of any property in the City to maintain or to allow to be maintained such property in such manner that any of the following conditions are found to exist thereon, except as may be allowed by this Code or by other City regulations:

a. Junked, abandoned, wrecked, disassembled, inoperative, unlicensed or unregistered automobiles, pickups, trucks, or motor homes, provided that this section shall not apply to (1) said vehicles which are completely enclosed within a building in a lawful manner; (2) said vehicles which are

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stored or parked in a lawful manner on private property in connection with the business of a licensed vehicle dealer or a junkyard;

b. Junked, abandoned, wrecked, disassembled, neglected, or inoperative tractors, boats, campers, trailers machinery or farm machinery;

c. Cans, bins, boxes or other such containers kept on the property for a unreasonable period;

d. Lumber or salvage material kept on the property for an unreasonable period;

e. Litter, junk, garbage, animal waste, vegetable waste, rubbish, ashes, dead animals, industrial wastes, paper, cardboard, glass, or other debris;

f. Broken or discarded furniture, appliances, equipment, household equipment, furnishings, or shopping carts, stored on the property for an unreasonable period;

g. Attractive nuisances dangerous to children including, but not limited to abandoned, broken or neglected equipment, machinery, refrigerators or freezers, hazardous pools, ponds or excavations;

h. Weeds, grasses, or other vegetation in excess of 8 inches high;

i. Dead, decayed, diseased, or hazardous trees, weeds, or other vegetation constituting unsightly appearance, dangerous to public safety or welfare, or detrimental to neighboring properties or property values;

j. Graffiti or other words, letters, or drawings which remain on the exterior of any building or fence for an unreasonable period and are visible from a public street;

k. Buildings which are abandoned, boarded up, partially destroyed, left in a state of partial construction for an unreasonable period of time, buildings which are unpainted or where the paint on the building exterior is mostly worn off, or buildings which are unoccupied by people and which contain unlocked, unsecured, broken or missing doors and windows.

SECTION 5. DECLARATION OF PUBLIC NUISANCE. Any property found to be maintained in violation of the foregoing section is hereby declared to be a public nuisance and shall be abated by rehabilitation, removal, demolition, or repair pursuant to the procedures set forth herein. The procedures for abatement set forth herein shall not be exclusive and shall not in any manner limit or restrict the City from enforcing other City Ordinances and regulations or abating public nuisances in any other manner provided by law.

SECTION 6. ABATEMENT PROCEDURE, NOTIFICATION OF NUISANCE. Whenever the City Attorney determines that any property within the City is being maintained contrary to one or more of the provisions of Section 4 of this article, the City Attorney shall give written notice ("Notice to Abate") to the owner of said property stating the section(s) being violated. The notice to abate shall set forth a reasonable time limit, in no event less than seven (7) calendar days, for correcting the violation(s) and may also set forth suggested methods of correcting the same and shall be served upon the owner in accordance with provisions of subsection (b) covering service in person or by mail.

(a) ADMINISTRATIVE HEARING TO ABATE NUISANCE. In the event the owner shall fail, neglect, or refuse to comply with the Notice to Abate, the City Council shall conduct an administrative hearing to ascertain whether the condition complained of in the notice violates this article and therefore constitutes a public nuisance.

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(b) NOTICE OF HEARING. Notice of hearing shall be served upon the owner not less than seven (7) calendar days before the time fixed for hearing. Notice of hearing shall be served in person or by certified mail to the owner's last known address. Service shall be deemed complete at the time notice is personally served or deposited in the mail. Failure of any person to receive notice shall not affect the validity of any proceedings hereunder. Notice shall be substantially in the format set forth below:

“NOTICE OF ADMINISTRATIVE HEARING ON ABATEMENT OF NUISANCE”

This is a notice of hearing before the City Council to ascertain whether certain property situated in the City of Steele, State of North Dakota, known and designated as _____, and more particularly described as _____ constitutes a public nuisance subject to abatement by the methods suggested in this notice. If the condition(s) described in this notice, in whole or part, is (are) found to constitute a public nuisance as defined in this Ordinance, and is (are) not promptly abated by owner, such nuisance may be abated by municipal authorities, in which case the cost of abatement will be assessed upon such property and such costs, together with interest thereon, will constitute a lien upon such property until paid. In addition, you may be cited for violation of the provisions of the Steele Municipal Code and subject to a fine or imprisonment.

The nuisance conditions consist of the following: _____

The method(s) of abatement are: _____

All persons having an interest in the matters covered by this notice may attend the hearing and their testimony and evidence will be heard and given due consideration.

Dated this ____ day of _____, _____.

Time and Date of Hearing: _____

Location of Hearing: _____

(c) ADMINISTRATIVE HEARING BY CITY COUNCIL. At the time stated in the notice, the City Council shall hear and consider all relevant evidence, objections, or protests relative to such alleged public nuisance and to the proposed method(s) of abatement which may include cleanup, rehabilitation, repair, removal, demolition of such property or such other method(s) which the City Attorney may deem appropriate. The hearing may be continued from time to time. If the City Council finds that such public nuisance does exist and that there is sufficient cause to abate the nuisance, the City Council shall prepare findings and an order, which shall specify the nature of the nuisance, the method(s) of abatement and the time within which the work shall be commenced and completed. The order shall include reference to the right to appeal set forth in Section 7 of this article. A copy of the findings and order shall be served on all owners of the subject property in accordance with the provisions of section 6(b). In addition, a copy of the findings and order shall be forthwith conspicuously posted on the property.

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(d) **PROCEDURE; NO APPEAL.** In the absence of any appeal, the owner shall abate the nuisance on the property in the manner and means specifically set forth in the findings and order. In the event the owner fails to abate the nuisance as ordered, the City Council shall cause the nuisance to be abated by City employees or private contract. The costs shall be billed to the owner, as specified in Section 10 of this article. The City Council may authorize City employees or the City's contractors to enter upon the property for such purposes.

SECTION 7. APPEAL PROCEDURE. The owner may appeal the City Council's findings and order to the District Court of Kidder County, North Dakota within ten (10) days of the date of service of City Council's decision. If the tenth day falls on a weekend or legal holiday observed by the City, then the appeal maybe filed on the next work day. The appeal shall contain:

- (1) A specific identification on the subject property;
- (2) The names and addresses of all appellants;
- (3) A statement of appellant's legal interest in the subject property;
- (4) A statement in ordinary and concise language of the specific order or action protested and the grounds for appeal, together with all material facts in support thereof;
- (5) The date and signatures of all appellants; and
- (6) The verification of at least one appellant as to the truth of the matters stated in the appeal.

SECTION 8. ABATEMENT BY CITY. If the nuisance is not abated as ordered within the abatement period, the City Council shall cause the same to be abated by such City employees or private contractors the City Council may authorize to enter upon the property for such purposes. The cost, including incidental expenses, of abating the nuisance shall be billed to the owner and shall become due and payable thirty (30) days thereafter. The term 'incidental expenses' shall include, but not be limited to, personnel costs, both direct and indirect; costs incurred in documenting the nuisance; the actual expenses and costs of the City in the preparation of notices, specifications, and contracts and in inspecting the work; and the costs of printing and mailing the notices required hereunder.

SEC.9. LIMITATIONS PERIOD FOR FILING JUDICIAL ACTION. Any lawsuit challenging the City Council's decision and order shall be commenced within ten (10) calendar days of the date of service of the decision.

SEC. 10. LIEN PROCEDURE.

(a) **RECORD OF COST OF ABATEMENT.** The City Auditor shall keep an account of the cost of abating such nuisance on each separate lot or parcel of land where the work is done by the City and shall render an itemized report in writing to the City Council showing the cost of abatement, including any salvage value. Before the abatement cost report is submitted to the City Council, a copy of the same shall be posted for at least five (5) days upon the subject property, together with a notice of the date when said report shall be heard by the City Council for confirmation. A copy of said property in accordance with the provisions of

Section 6(b) of this article at least five (5) calendar days prior to submitting the same to the City Council. Proof of said posting and service shall be made by affidavit filed with the City Clerk.

(b) **ASSESSMENT LIEN.** The total cost for abating such nuisance, as so confirmed by the City Council, shall constitute a special assessment against the respective lot or parcel of land to which it relates, and upon Deeds of a Notice of Lien, as so made and confirmed, shall constitute a lien on

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said property for the amount of such assessment. After such confirmation and recordation, a certified copy of the City Council's decision shall be filed with the Kidder County Auditor on or before October 1st of each year, whereupon it shall be the duty of said Auditor to add the amounts of the respective assessments to the next regular tax bills levied against said respective lots and parcels of land for municipal purposes and thereafter said amounts shall be collected at the same time and in the same manner as ordinary municipal taxes are collected, and shall be subject to the same penalties and the same procedure and sale in case of delinquency as provided for ordinary municipal taxes. All laws applicable to the levy, collection, and enforcement of municipal taxes shall be applicable to such special assessment. (c) FORECLOSURE. In the alternative, after such recordation, such lien may be foreclosed by judicial or other sale in the manner and means provided by law.

(d) NOTICE OF LIEN. The Notice of Lien for recordation shall in form substantially as follows:

“NOTICE OF LIEN”

(Claim of City of Steele)

Pursuant to the authority vested by the provisions of the Steele Municipal Code, The City Council of the City of Steele did on or about the ____ day of _____, _____, cause the property or condition hereinafter described to be rehabilitated or the building or structure on the property to be repaired, demolished or removed in order to abate a public nuisance on said real property ; and the City Council of the City of Steele did on the ____ day of _____, _____, assess the cost of such abatement upon the real property hereinafter described; and the same has not been paid nor any part thereof; and that said City of Steele does hereby claim a lien on such rehabilitation, repair, or demolition in the amount of said assessment, to wit: the sum of \$_____, and the same, shall be a lien upon said real property until the same has been paid in full and discharged of record. The real property hereinabove mentioned, and upon which a lien is claimed, is that certain parcel of land lying and being in the City of Steele, County of Kidder, State of North Dakota, and particularly described as follows:

Dated this ____ day of _____, _____

_____, City of Steele

(e) REMEDIES. The City may use any other remedies permitted by law in recovery of its costs of abating such nuisance including Small Claims Court, County Court and District Court actions.

SECTION 11. APPLICATION. Nothing in this Article shall effect Ordinances that permit immediate removal of a vehicle left on public property which constitutes an obstruction to traffic.

SECTION 12. ALTERNATIVE ACTIONS AVAILABLE; VIOLATION AN INFRACTION; CONTINUING VIOLATIONS A MISDEMEANOR. Nothing in this Article shall be deemed to prevent the City Council from ordering the commencement of a civil proceeding to abate a public nuisance pursuant to applicable law or from pursuing any other remedy vialable under applicable law. Violation of the provisions of this Article constitutes an infraction, for which a fee of up to One Hundred Dollars (\$100.00) may be assessed per each day the violation continues. Violations which

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constitute infractions which occur for more than three (3) days, shall constitute a Class B Misdemeanor with a penalty or fine of up to Five Hundred Dollars (\$500.00) and/or jail sentence of up to thirty (30) days for each Violation exceeding the three (3) infractions.

First Reading : 2-01-93

Second Reading: 3-01-93

Adoption : 3-01-93

ORDINANCE NO. 146

AN ORDINANCE GRANTING TO STEELE CABLEVISION, INC., OF STEELE, NORTH DAKOTA, ITS SUCCESSORS AND ASSIGNS, THE FRANCHISE AND RIGHT TO INSTALL, MAINTAIN AND OPERATE, OVER, UPON AND UNDER THE STREETS, ALLEYS AND PUBLIC GROUNDS OF THE CITY OF STEELE, KIDDER COUNTY, NORTH DAKOTA, A CABLE TELEVISION SYSTEM FOR THE PURPOSE OF OFFERING AUDIO, VIDEO AND DATA SERVICES.

BE IT ORDAINED BY The City Council of the City of Steele, North Dakota

SECTION I. For convenience, said city is designated and referred to as “Municipality” and said Steele Cablevision, Inc., is designated and referred to as “Grantee”. Any reference to either includes their respective successors and assigns.

SECTION II. There is hereby granted to Steele Cablevision, Inc., Grantee, its successors and assigns, subject to the limitations herein stated, the right and franchise to install, maintain, and operate in said Municipality a system for the purpose of offering Audio, Visual and Data Services, and to that end and for those purposes, said Grantee is hereby granted the right to occupy and use the streets, alleys, and public places of the Municipality as now or hereafter constituted, for the purpose of constructing, operating and maintaining, over, upon and under the same, said system.

SECTION III. This franchise shall not be exclusive and shall not be construed to prevent the Municipality from granting to any other party the right to use the streets, alleys and public grounds of the Municipality for like purposes.

SECTION IV. The Municipality reserves any right it may have, under its police power or otherwise, to control or regulate the use of said streets, alleys and public grounds by Grantee.

SECTION V. Grantee shall have the right to assign this franchise to any party, or corporation, subject to the approval of the Municipality, but all obligations of Grantee hereunder shall be binding upon its successors and assigns.

SECTION IV. Within Sixty (60) days after passage and final approval of this Ordinance, Grantee shall file with the clerk or auditor of the Municipality its written acceptance of this franchise.

SECTION VII. This franchise shall continue and remain in full force and effect for a period of Twenty (20) years from the date which this ordinance becomes effective as provided by law.

Passed the 1st day of march , 1993.

ORDINANCE NO. 147

AN ORDINANCE TO AMEND AND RE-ENACT ORDINANCE NO. 72 OF THE CITY OF STEELE PROVIDING FOR A CURFEW AND FOR THE PENALTIES FOR THE VIOLATION THEREOF:

BE IT ORDAINED BY THE CITY COUNCIL AND THE MAYOR OF THE CITY OF STEELE, NORTH DAKOTA:

Section 1. Amendment. Ordinance No. 72 is hereby amended to read as follows:

It is unlawful for persons under the age of seventeen years to loiter, idle, wander, stroll, play in or upon, or drive or ride about in or on a vehicle or be in or upon the public streets, highways, roads, alleys, or public buildings, places or grounds between the hours of:

Midnight Sunday and 6:00 a.m. Monday;

Midnight Monday and 6:00 a.m. Tuesday;

Midnight Tuesday and 6:00 a.m. Wednesday;

Midnight Wednesday and 6:00 a.m. Thursday;

Midnight Thursday and 6:00 a.m. Friday;

2:00 a.m. and 6:00 a.m. Saturday; and

2:00 a.m. and 6:00 a.m. Sunday.

This section does not apply to persons accompanied by a parent or guardian, or to persons upon emergency errands, or legitimate business directed by their parent or guardian, or to persons traveling to or from a location outside the city on legitimate business, or with the consent of a parent or guardian. This section also does not apply to a person in attendance at, or traveling between that person's home and a place of legitimate employment or an event or activity sponsored by or associated with school, church, or similar organization, or an organized sporting, political, theatric or other like event or activity, within thirty minutes of the end of the work shift or the conclusion of the event or activity.

Section 2. Time of taking effect. This ordinance shall be in full force and effect from and after its final passage and adoption.

Section 3. Penalty. The taking into custody, informal disposition or referral to juvenile authorities, and release of a child found in violation of this ordinance shall be conducted in accordance with the provisions of the Uniform Juvenile Court Act (N.D.C.C. Chapter 27-20).

First Reading: 04 October 1993

Second Reading: and adoption : 01 November 1993

ORDINANCE NO. 148

AN ORDINANCE TO AMEND CHAPTER ONE, ARTICLE II, SECTION 1-11-14 OF THE CITY OF STEELE TRAFFIC AND CRIMINAL CODE OF ORDINANCES RELATING TO PARKING PROHIBITED DURING EMERGENCY SNOW REMOVAL OPERATIONS.

BE IT ORDAINED BY THE CITY COUNCIL AND MAYOR OF THE CITY OF STEELE, NORTH DAKOTA:

Section 1. Amendment. Chapter One, Article II, Section 1-11-14 of the City of Steele Traffic and Criminal Code of Ordinances is hereby amended to read as follows:

1-11-14 Parking prohibited during emergency snow removal operations.

(a) No person shall stop, stand, or park a vehicle on any street, avenue, or portion thereof designated as an emergency snow removal route during snow removal operations. "Snow Removal Operations" include the plowing, piling, loading and hauling of snow. The prohibition against stopping, standing, or parking a vehicle on an emergency snow removal route shall continue until snow removal operations have terminated and snow removal equipment has departed that emergency snow removal route. All streets, avenues, or portions thereof herein declared emergency snow removal routes shall be designated by signs so designed and located that they give warning of the nature of the restriction to be enforced. The following streets, avenues, or portions thereof are hereby declared emergency snow removal routes and snow removal operations shall be conducted in this order of priority:

- 1) 100 Block Broadway West;
- 2) 100-300 Block Broadway East;
- 3) 100 Block Mitchell Avenue North;
- 4) 100 Block Mitchell Avenue South;
- 5) 100 Block 1st Avenue SE;
- 6) 100 Block 1st Street SW;
- 7) Mitchell Avenue from Old Hwy 10 to 4th Street South;
- 8) 100 Block 4th Street SE;
- 9) 100-200 Block 4th Street NW; and
- 10) 100 Block 1st Street NE.

(b) When snow removal operations have been completed on emergency snow removal routes snow removal shall proceed, in the following order, to:

- 1) The remaining North-South avenues; and
- 2) The remaining East-West streets.

Snow removal operations shall be deemed to have commenced on all streets, avenues, or portions thereof not designated as emergency snow removal routes by 6:00 a.m. on the day(s) snow removal operations are to be conducted. No person

shall stop, stand, or park a vehicle on any street or avenue while snow removal operations are in progress on that street or avenue.

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(c) Any vehicle found in violation of subsection (a) may be impounded, without prior notice, in accordance with section 1-15 by the city or its agents and/or ticketed as provided by section 1-11-15. Any vehicle found in violation of subsection (b) may be ticketed as provided by section 1-11-15. Any vehicle which was ticketed under subsection (b) may subsequently be impounded, with prior notice, as provided by sections 1-16(c), 1-17 should the owner fail to rectify the condition giving rise to the grounds for impoundment. Any charges accruing from the impoundment of a vehicle shall be assessed against the owner of the vehicle and the vehicle may be held by the city until moving and storage charges are paid (sections 1-20, 1-21, 1-22).

Section 2. Time of taking effect. This ordinance shall be in full force and effect from and after its final passage and adoption.

First reading: 07 February 1994 {date }

Second reading: 07 March 1994 (date)

Approved: 07 March 1994 (date)

ORDINANCE NO. 149

AN ORDINANCE FIXING THE SALARY OF THE CITY MAYOR OF THE CITY OF STEELE, KIDDER COUNTY, NORTH DAKOTA.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF STEELE, IN KIDDER COUNTY, NORTH DAKOTA

SECTION 1, PART B MAYOR SALARY

THAT FROM AND AFTER THE APPROVAL AND ADOPTING OF THIS ORDINANCE, THE SALARY OF THE CITY MAYOR OF THE CITY OF STEELE SHALL BE THE SUM OF \$125.00 PER MONTH, PAYABLE MONTHLY.

FIRST READING: MARCH 7, 1994

SECOND READING: APRIL 4, 1994

APPROVED: APRIL 4, 1994

ORDINANCE NO. 151

AN ORDINANCE GRANTING TO KEM ELECTRIC COOPERATIVE, INC. THE FRANCHISE AND RIGHT TO CONSTRUCT, MAINTAIN AND OPERATE, WITHIN AND UPON, IN AND UNDER THE STREETS, ALLEYS AND PUBLIC GROUNDS OF THAT PART OF THE CITY OF STEELE, KIDDER COUNTY, NORTH DAKOTA, INCLUDING AND LYING NORTH OF FIFTH STREET NORTHEAST AND FIFTH STREET NORTHWEST, AN ELECTRIC DISTRIBUTION SYSTEM FOR TRANSMITTING AND DISTRIBUTING ELECTRIC ENERGY FOR PUBLIC AND PRIVATE USE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF STEELE, NORTH DAKOTA:

SECTION I. The City of Steele is designated and referred to herein as "Municipality" and KEM Electric Cooperative, Inc., a North Dakota corporation, is designated and referred to herein as "Grantee". Any reference to either includes their respective successors and assigns.

SECTION II. There is hereby granted to KEM Electric Cooperative, Inc., Grantee, its successors and assigns, subject to the limitations herein stated, the right and franchise to occupy and use the streets, alleys and public grounds of that part of the City of Steele, including and lying North of Fifth Street Northeast and Fifth Street Northwest, for the purpose of constructing, maintaining and operating, within, upon, in and under the same, an electric distribution system for transmitting and distributing electric energy for public and private use.

SECTION III. This franchise shall not be exclusive and shall not be construed to prevent the Municipality from granting to any other party the right to use the streets, alleys and public grounds of the Municipality for like purposes. It is the intent of the city Council that, after the date of this Ordinance, an electric customer constructing or locating a building, residence or facility in the franchise area set forth in Section II may, at the customer's sole option and preference, determine whether Grantee or Montana-Dakota Utilities Co. will provide electric service to the newly constructed or located building, residence or facility.

SECTION IV. Grantee shall so set its poles and place its underground cables, guy wires and appliances so as not to interfere with the ordinary travel and use of the streets, alleys and public grounds. The Municipality reserves any right it may have, under its police power, or otherwise, to control or regulate the use of said streets, alleys and public grounds by Grantee.

SECTION V. Grantee shall have the right to assign this franchise to any party, or corporation, but all obligations of

Grantee hereunder shall be binding upon its successors and assigns.

SECTION VI. This franchise shall continue and remain in full force and effect for a period of twenty (20) years from the date upon which this ordinance shall become effective, as provided by law.

First Reading on September 11, 1995.

Second Reading and Final Passage on October 2, 1995.

Approved on October 2, 1995.

ORDINANCE NO. 152

AN ORDINANCE PROHIBITING THE DRILLING OR DIGGING OF WATER WELLS, AND THE REGULATION OF EXISTING WELLS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF STEELE, NORTH DAKOTA:

Section 1: It shall be unlawful to drill or dig any water wells within the city limits from and after the date of passage of this ordinance.

Section 2 : The provisions of Section 1 of this ordinance shall not apply to the drilling or digging of water wells by the City of Steele, nor to any other governmental agencies which have the written approval of the City of Steele.

Section 3 : All water wells in existence before the date of passage of this ordinance shall be equipped with back flow preventers which meet the regulations of the city of Steele and State of North Dakota.

Section 4: Any person who violates or fails to comply with any provision of this Ordinance shall be subject to a fine of not more than Five Hundred Dollars (\$500.00) or by imprisonment for not more than thirty (30) days or by such fine and imprisonment.

First reading April 1, 1996.

Second reading and passage May 6, 1996

ORDINANCE NO. 154

AN ORDINANCE PROHIBITING BURNING.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF STEELE, NORTH DAKOTA:

Section 1 : It shall be unlawful to burn materials outside the enclosure of a building within the City of Steele.

Section 2: Said burning shall only be allowed upon the prior approval of the Chief of the Steele Fire Department.

Section 3: Any person who violates or fails to comply with any provision of this Ordinance shall be subject to a fine of not more than Five Hundred Dollars (\$500.00) or by imprisonment for not more than thirty (30) days or by such fine and imprisonment.

First reading June 3, 1996.

Second reading and passage July 1, 1996.

ORDINANCE NO. 155

AN ORDINANCE RELATING TO A SALES AND USE TAX PURSUANT TO THE HOME RULE CHARTER OF THE CITY OF STEELE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF STEELE, KIDDER COUNTY, NORTH DAKOTA.

Section 1 : Definitions

All terms defined in chapters 57-39.2 and 57-40.2 NDCC, including any further amendments, are adopted by reference. All references to the North Dakota Century Code include amendments adopted by the legislature of the State of North Dakota.

Section 2 : Sales Tax Imposed

Except as otherwise provided in this chapter, a tax of one percent is imposed upon the gross receipts of retailers from all sales at retail including the leasing or renting of tangible personal property as provided in this section, within the corporate limit of the City of Steele, North Dakota. Such sales tax shall parallel the State of North Dakota sales and use tax law. Such sales tax shall be applied to the following:

1. Tangible personal property, consisting of goods, wares or merchandise, including mobile homes.
2. The furnishing or service of communication services or steam other than steam used for processing agriculture products.
3. Tickets or admissions to places of amusement or entertainment or athletic events, including amounts charged for participation in an amusement, entertainment, or athletic activity, and including the furnishing of bingo cards and playing of any machine for amusement or entertainment in response to the use of a coin. The tax imposed by this section applies only to eighty percent (80%) of the gross receipts collected from coin-operated amusement devises.
4. Magazines and other periodicals.
5. The leasing or renting of a hotel or motel or tourist court accommodations.
6. The leasing or renting of tangible personal property, the transfer of title to which has not been subjected to a retail sales or use tax under this chapter.
7. Sales of alcoholic beverages and tobacco products as defined in Section 57-39.2-03.2 NDCC.
8. Furnishing and installment or attachment to real property in this state by a contractor or a subcontractor who is a retailer of drapes, hardware for hanging drapes, or carpet for floor covering.
9. Sales through vending machines to the extent taxable by the State under Section 57-39.2-03.3 NDCC.
10. All other sales subjected to North Dakota Sales Tax under Chapter 57-39.2 NDCC currently in effect or as amended.

Section 3: Use Tax Imposed

Except as otherwise provided in this chapter, an excise tax of one percent is imposed on the storage, use or consumption in the City of Steele on;

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1. The purchase price of tangible personal property purchased at retail for storage, use or consumption within the City.
2. The fair market value, at the time it is brought into the city, of tangible personal property not originally purchased for storage, use or consumption in the city, at the time which it is brought into the City of Steele.
3. Alcoholic beverages and tobacco products as defined in NDCC Section 57-40.2-03.2.
4. Tangible personal property used by a contractor or subcontractor to fulfill a contract as defined in NDCC Section 57-40.2-03.3. The tax applies only to bids submitted on or after October 1, 1996.
5. All other sales subjected to North Dakota Use Tax under Chapter 57-40.2 NDCC currently in effect or as amended.

Section 4. Exemptions

There are specifically exempted from the provisions of this ordinance and from the computation of the amount of tax imposed by it the following:

1. All sales, storage, use or consumption of tangible personal property which are exempt from imposition and computation of the sales or use tax of the State of North Dakota are specifically exempt from the provisions of this ordinance.

Section 5. Maximum Tax Imposed

No single transaction involving one or more items is subject to a tax in excess of Twenty-Five Dollars (\$25.00).

Section 6: Tax Returns and Information Reports

The tax administrator is authorized to create, publish, and to require the use of, such tax return forms and information reports as are necessary to administer the tax provided for herein. To the extent feasible, these forms shall incorporate or be integrated with the returns and reports required by the State Tax Commissioner under Sections 57-39.2 and 57-40.2 NDCC.

Section 7: Tax Payments; Collections; Penalties

The tax imposed herein shall be paid and collected as nearly as practical in accordance with the payment, collection and penalty provisions of Chapters 57-39.2 and 57-40.2 NDCC.

Section 8: Tax Administrator

The tax administrator shall be the City Auditor. However, the City Auditor is authorized to contract with the State Tax Commissioner to enforce this chapter, subject to confirmation of the contract by the City Commission. If the contract is made and confirmed, the tax administrator shall be the State Tax Commissioner as long as the contract remains in force.

Section 9: Corporate Officer Liability

Officers of any corporation required to remit taxes imposed by this Chapter are personally liable for the failure of the corporation to file required returns or remit required payments. The dissolution of a corporation shall not discharge an officer's liability for a prior failure of the corporation to make a return or remit the tax due. The tax, penalty, and interest due may be assessed and collected pursuant to the provisions adopted by this chapter.

Section 10: Dedication and Dispersal of Tax Proceeds

All revenues raised and collected under this ordinance shall be dedicated 100% to economic development and shall be maintained in a separate sales and use tax fund. Funds may only be dispersed by the Steele City Council upon recommendation from the Steele Sales and Use Tax Committee which shall be composed of two City Council members and three other individuals appointed by the Steele City Council.

Section 11: Penalties

1. If any person fails to file a return or corrected return or to pay any tax within the time required by this chapter or, if upon audit, is found to owe additional tax, such person shall be subject to a penalty as established in Section 57-39.2-18(1) of the North Dakota Century Code. Such penalty may be imposed by the Municipal Court of the City of Steele or any other Court of competent jurisdiction.
2. The certificate of the Auditor, or where applicable, the North Dakota State Tax Commissioner to the effect that a tax has not been paid, that a return has not been filed, or that information has not been supplied pursuant to the provisions of this chapter, shall be prima facie evidence thereof.
3. Any person failing to comply with any of the provisions of this ordinance or failing to remit within the time herein provided the tax due on any use, sale or purchase or tangible personal property subject to said sales and use tax shall, in addition to penalties imposed hereinabove, be subject to a fine, upon conviction in the Municipal Court, not to exceed Five Hundred Dollars (\$500.00).

Section 12: Saving Clause

Should any section, paragraph, sentence, clause, or phrase of this Ordinance be declared unconstitutional or invalid for any reason, the remainder of the Ordinance shall not be affected thereby.

Section 13 : Effective Date

This Ordinance shall take effect following final passage and adoption. The tax shall be implemented a take effect on October 1, 1996.

First Reading: July 15, 1996

Second Reading: August 12, 1996

ORDINANCE NO. 157

AN ORDINANCE AMENDING ORDINANCE NO. 149 FIXING THE SALARY
OF THE CITY MAYOR.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF STEELE,
IN KIDDER COUNTY, NORTH DAKOTA

SECTION 1, PART B MAYOR SALARY

THAT FROM AND AFTER THE APPROVAL AND ADOPTING OF THIS ORDINANCE,
THE SALARY OF THE CITY MAYOR OF THE CITY OF STEELE SHALL BE THE SUM
OF \$200.00 PER MONTH, PAYABLE MONTHLY.

FIRST READING: AUGUST 12, 1996

SECOND READING: SEPTEMBER 3, 1996

APPROVED: SEPTEMBER 3, 1996

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ORDINANCE NO. 158

AN ORDINANCE AMENDING ORDINANCE NO. 101 (SEWER SYSTEMS) OF THE CITY OF STEELE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF STEELE, IN KIDDER COUNTY, NORTH DAKOTA:

It is hereby amended to read that all new sewer lines and any that are being replaced or repaired, be required to install a back flow preventer in the sewer line.

First reading on April 14, 1997

Second reading and passage on May 5, 1997

ORDINANCE NO. 161

AN ORDINANCE SETTING STANDARDS FOR THE PLACEMENT OF MANUFACTURED HOMES WITHIN THE CITY OF STEELE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF STEELE, IN KIDDER COUNTY, NORTH DAKOTA:

Section 1: Definition:

Manufactured Home shall mean a factory built structure which is to be used as a place for human habitation which is not constructed or equipped with a permanent hitch or other device allowing it to be moved other than to a permanent site, which does not have permanently attached to its body or frame any wheels or axles, and which bears a label certifying that it was built in compliance with the Manufactured Home Construction and Safety Standards Act of 1974 (24 CFR 3280) which became effective June 15, 1976, promulgated by the United States Department of Housing and Urban Development.

Section 2: No manufactured home shall be placed or located within the city limits of the City of Steele unless it shall meet and comply with the following standards:

- a. A minimum width of 26 feet.
- b. A minimum length of 36 feet.
- c. A minimum inside ceiling height of 7 feet, 6 inches.
- d. A minimum roof pitch of 3/12.
- e. Is not constructed or equipped with a permanent hitch or other device allowing it to be moved other than to a permanent site.
- f. Does not have permanently attached to its body or frame any wheels or axles.
- g. Bears a label certifying that it was built in compliance with the Manufactured Home Construction and Safety Standards Act of 1974 (24 CFR 3280) which became effective June 15, 1976, promulgated by the United States Department of Housing and Urban Development.
- h. Placement shall be by attachment to a permanent continuous outside foundation.

First reading May 4, 1998

Second reading and passage June 1, 1998

ORDINANCE NO. 162

AN ORDINANCE REGULATING THE DUMPING OF GRASS, LEAVES, AND TREE BRANCHES AT CITY DISPOSAL SITE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF STEELE IN KIDDER COUNTY, NORTH, DAKOTA:

Section 1: It shall be unlawful to dump or dispose of anything other than the following described materials at the City Disposal Site which location shall be designated by the City of Steele.

a. Grass, leaves, and tree branches with a diameter no larger than 6 inches.

Section 2: It shall be unlawful to dispose of said items other than at the appropriate location which shall be designated by signs placed by the City of Steele.

Section 3: All dumping at said location shall be limited to persons residing within the City of Steele.

Section 4: Any person who violates or fails to comply with any provision of this Ordinance shall be subject to a fine of Five Hundred Dollars (\$500.00) or by imprisonment for not more than thirty (30) days or by such fine and imprisonment.

First reading June 1, 1998

Second reading and passage July 13, 1998

ORDINANCE NO. 164

AN ORDINANCE REGULATING PIT BULL DOGS AND ROTTWEILER DOGS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF STEELE IN KIDDER COUNTY, NORTH DAKOTA.

Section 1 : Pit Bull Dogs Prohibited

It shall be unlawful to keep, harbor, own or in any way possess within the corporate limits of the City of Steele, North Dakota, any pit bull dog. "Pit bull dog" is defined to mean:

- a. The bull terrier breed of dog.
- b. Staffordshire bull terrier breed of dog.
- c. The American pit bull terrier breed of dog.
- d. The American Staffordshire terrier breed of dog.
- e. Dogs of mixed breed or of other breeds than above listed which breed is known as pit bulls, pit bull dogs or pit bull terriers.
- f. Any dog which has the appearance and characteristics of being predominantly of the breeds of bull terrier, Staffordshire bull terrier, American pit bull terrier, American Staffordshire terrier, any other breed commonly known as pit bulls, pit bull dogs or pit bull terriers, or a combination of any of these breeds.

Section 2 : Existing Pit Bull Dogs

All pit bull dogs owned or possessed within the corporate limits of the City of Steele, North Dakota, at the time of the effective date of this ordinance, that being June 4, 2001, may be kept within the city provided the owner or possessor complies with the following standards and requirements within 20 days of the effective date of this ordinance:

- a. Registration. All owners or possessors of pit bull dogs must complete and file a pit bull dog registration form with the Steele Chief of Police.
- b. Confinement. All registered pit bull dogs shall be securely confined indoors or in a securely enclosed and locked pen or kennel, except when leashed and muzzled as described below. Said pen or kennel shall have sides a minimum of 8 feet high.
- c. Leash and muzzle. No person shall permit a registered pit bull dog to go outside its kennel or pen unless such dog is securely leashed with a leash no longer than four (4) feet in length. No person shall permit a pit bull dog to be kept on a chain, rope or other type of leash outside its kennel or pen unless an adult person is in physical control of the leash. Such dogs may not be leashed to inanimate objects such as trees, posts, buildings, etc. In addition, all pit bull dogs on a leash outside the animal's kennel or pen must be muzzled by a muzzling device sufficient to prevent such dog from biting persons or other animals.
- d. Insurance. All owners, keepers or harborers of registered pit bull dogs must provide proof to the Steele Chief of Police of public liability insurance in a single incident amount of One Hundred Thousand dollars (\$100,000.00) for bodily injury to or death of any person or persons or for damage to property owned by any persons which may result from the ownership, keeping or maintenance of

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such animal. Such insurance policy shall provide that no cancellation of the policy will be made unless ten (10) days written notice is first given to the Steele Chief of Police.

Section 3:

It shall be unlawful to keep, harbor, own or in any way possess within the corporate limits of the City of Steele, North Dakota, any Rottweiler dog. "Rottweiler dog" is defined to mean:

- a. The Rottweiler breed of dog.
- b. Dogs of mixed breed or of other breeds than above listed which breed is known as Rottweilers.
- c. Any dog which has the appearance and characteristics of being predominantly of the breeds of Rottweiler, any other breed commonly known as Rottweilers, or a combination of any of these breeds.

Section 4: Violations and Penalties

Any person violating or permitting the violation of any provision of this ordinance shall upon conviction in municipal court be fined a sum not more than one thousand dollars (\$1,000.00). In addition to the fine imposed, the court may sentence the defendant to imprisonment in the county jail for a period not to exceed thirty (30) days. In addition, the court shall order the dog removed from the city. Should the defendant refuse to remove the dog from the city, the municipal court judge shall find the defendant owner in contempt and order the immediate confiscation and impoundment of the animal. In addition to the foregoing penalties, any person who violates this ordinance shall pay all expenses, including shelter, food, handling and veterinary care necessitated by the enforcement of this article.

Section 5 : Disposition of Unclaimed Dogs

All dogs so impounded shall be kept for a period of five (5) days. The owner or representative of the owner of any dog which may be taken up and impounded under the provisions of this Ordinance, may recover possession of such dog upon payment to the City of the fees and costs herein provided. If possession of any dog is not recovered as above set forth, the dog may be disposed of by delivery to any person who will pay the costs herein provided, or the dog may be destroyed by a licensed veterinarian.

Section 6: Effective Date

This ordinance shall become effective immediately upon its second reading and passage by the City Council of the City of Steele, North Dakota, on June 4, 2001.

First Reading May 7, 2001

Second Reading and Passage June 4, 2001

ORDINANCE NO. 165

AN ORDINANCE REGULATING THE KEEPING OF HAY BALES AND HAY STACKS WITHIN THE CITY LIMITS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF STEELE IN KIDDER COUNTY, NORTH DAKOTA.

Section 1 : It shall be unlawful for any person or other legal entity who owns, leases, rents, occupies, uses or has charge or possession of any real property within the City of Steele to maintain or to allow to be maintained on said property any hay bales or hay stacks on or after August 31st annually.

Section 2 : Any person who violates or fails to comply with any provision of this Ordinance shall be subject to a fine of not more than One Thousand Dollars, by imprisonment of not more than 30 days, or by both such fine and imprisonment.

First Reading May 7, 2001

Second Reading and Passage June 4, 2001

ORDINANCE NO. 166

AN ORDINANCE SETTING MONTHLY USER FEES AND HOOKUP FEES FOR SANITARY SEWER EXTENSION PROJECT 2002 IN NORTHWEST STEELE

WHEREAS, The City of Steele has extended its sanitary sewer system in the year 2002 along the entire length of 4th Avenue Northwest in the City of Steele through and under Old Hwy. No. 10 along with installation of a lift station therewith, and

WHEREAS, no special assessments were levied on this project.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF STEELE, IN KIDDER COUNTY, NORTH DAKOTA:

Section 1: Connection Fees

A connection fee of \$2,000.00 shall be required for all of the following users connecting to said line:

- a. All existing residences and structures who have not connected on or before October 1, 2002.
- b. All new construction connections from and after the date of passage of this Ordinance.

Section 2: Monthly Sewer Fee

A monthly user fee of \$10.00 shall be assessed all users of the above described sewer extension and/or lift station. Said amount may be adjusted periodically as determined by the Steele City Council.

Section 3: Regulations

All previously enacted Sewer Ordinances and amendments shall apply to this City of Steele Sanitary Sewer Extension 2002.

First reading on June 3, 2002

Second reading and passage on July 8, 2002

ORDINANCE NO. 167

AN ORDINANCE PROVIDING FOR ELECTION AT LARGE OF CITY COUNCIL MEMBERS

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF STEELE IN KIDDER COUNTY, NORTH DAKOTA.

Section 1 : In accordance with Section 40-08-4.2 of the North Dakota Century Code, the election of all city council members hereafter shall be at large.

Section 2 : All other ordinances or parts of ordinances of the City of Steele in conflict with this Ordinance are hereby repealed. Specifically repealed is Ordinance No. 49 which established voting wards.

First Reading August 5, 2002

Second Reading and Passage September 9, 2002

ORDINANCE NO. 169

AN ORDINANCE ADOPTING ZONING ORDINANCES OF THE CITY OF STEELE AND REPEALING ALL PREVIOUS ZONING ORDINANCES AND AMENDMENT.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF STEELE, NORTH DAKOTA:

ZONING ORDINANCES

Article I. TITLE, PURPOSE, AUTHORITY AND ENACTMENT

Section 1 TITLE AND MAP

(a) This Ordinance shall be known as “Zoning Ordinance of the City of Steele, North Dakota”.

(b) The legal descriptions of the Zoning Districts are indicated on the attached Exhibit I.

Section 2 PURPOSE

The purpose of this ordinance is to promote the health, safety, morals, general welfare, and orderly development of the City of Steele, North Dakota.

Section 3 AUTHORITY

This ordinance is adopted under the authority granted in Chapter 40-47 of the North Dakota Century Code.

Section 4 EFFECTIVE DATE

This ordinance shall become effective after a public hearing and adoption by the City Council, City of Steele, North Dakota.

Section 5 PUBLICATION

(a) Publication shall be in printed form, and without publication of any part thereof in the official newspaper of the City except for the title and penalty clause required by section 40-11-06 of the North Dakota Century Code.

Article II. REPEAL and SEVERABILITY

Section 1 REPEAL

(a) All other ordinances or parts of ordinances of the City of Steele, in conflict with this ordinance are hereby repealed. Specifically repealed are Ordinance No. 70, 75A, 76A, 78A, 86, 90, 98, 111, 112, 115, 116, 121, 125, 126, 130, 133, 134, 137, 150, 153, 156, 159, 160, 161, 163, and 168.

Section 2 SEVERABILITY

If any provision or section of this ordinance is adjudged invalid by a court of competent jurisdiction, the remainder of the ordinance shall not be affected.

DATE OF FIRST READING: July 7, 2003

DATE OF SECOND READING AND PASSAGE: September 8, 2003

Article III. DEFINITIONS

For the purpose of this ordinance, the following definitions have been adopted and shall apply to the City as a whole:

Section 1 The following rules shall apply:

- (a) Words used in the present shall include the future, the singular number shall include the plural.
- (b) The word person includes a firm, partnership, association, corporation or individual.

The word shall is mandatory.

Section 2 LIST OF DEFINITIONS

- (a) Accessory Building: A structure incidental and subordinate to the main use of the property.
- (b) Alley: A public way affording secondary means of access.
- (c) Building: Any structure used for shelter or enclosure or persons or personal property.
- (d) Dwelling: A building or portion thereof occupied exclusively for residential purposes.
- (e) Dwelling Unit: One or more rooms in a building that are designed for occupancy by one family, but not including space in a mobile home or in a structure or vehicle designed for camping or other temporary occupancy such as a tent or vacation vehicle.
- (f) Essential Services : The erection, construction, alteration, or maintenance, by public utilities or municipal or other governmental agencies, of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith; reasonable necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health or safety or general welfare, but not including buildings.
- (g) Family: A group of one or more persons occupying a single premise and living as a single housekeeping unit.
- (h) Home Occupations: An occupation carried on solely by the occupants of a residence provided that it does not create excess noise, traffic or other disturbances.
- (i) Junk Yard: Any land or building used for the storage, sale or dismantling of obsolete vehicles, junk, machinery, or appliances.
- (j) Manufactured Home Means factory built dwelling units bearing a label certifying that is was built in compliance with the latest standards adopted by the U.S. Dept. of Housing and Urban Development for a manufactured home and the Uniform Building Code for a modular home.
- (k) Mobile Home: Means a manufactured unit, transportable in one or more sections and is designed as a year-round dwelling unit and built prior to the enactment of the Federal Manufactured Home Construction and Safety Standards Act of 1974 (24 CFR 3280), which became effective June 15, 1976. A recreational travel trailer is not a mobile home.
- (l) Mobile Home Park : A place where two or more mobile homes or manufactured homes are located on a lot, tract or parcel of land under the same ownership, the primary purpose of which is to rent space or keep space for rent to any person for a charge or fee paid or to be paid for the rental or use of facilities or to offer space free in connection with securing the trade or patronage of such person.
- (m) Nonconformity: Any structure, land or building existing at time of adoption or amendment of this ordinance which does not conform to the provisions of the regulations.

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(n) Permanent Foundation: Permanent Foundation means a downward extension of the outer walls of a building or structure made of solid materials such as brick, concrete or treated wood and extended below the ground surface through the frost zone, or other depths as required by the city.

(o) Variance: The grant of relief from the requirements of the ordinance by the City Council.

(p) Yard: An open space on a lot which is unobstructed from the ground upward except as otherwise provided in the Ordinance.

(q) Front Yard: A yard between side lot lines and measured horizontally at right angles to the front lot line from the front lot line to the nearest point of a building or other structure.

(r) Rear Yard : A yard between side lot lines and measured horizontally at right angles to the rear lot line from the rear lot line to the nearest point of a building or other structure.

(s) Side Yard : A yard between the front and rear yard measured horizontally at right angles from the side lot line to the nearest point of a building or other structure.

Article IV GENERAL PROVISIONS

Section 1 JURISDICTION:

(a) The jurisdiction of this ordinance shall include all incorporated areas of the City of Steele, North Dakota.

Section 2 COMPLIANCE:

(a) Except as hereinafter provided, no building, structure, or land shall be erected, repaired or used except in conformance with these regulations.

Section 3 INTERPRETATION:

(a) In the interpretation and application of this ordinance, the provisions of this ordinance shall be held to be the minimum requirements. Where this ordinance imposes a greater restriction than existing law, the provisions of this ordinance shall govern.

Section 4 NONCONFORMITY

(a) Lawful, non-conforming uses of land or buildings existing at the date of adoption of these regulations, may continue, provided no structural alterations except for normal maintenance are made and such non conforming use shall not be extended to occupy a greater area of land than occupied at the time of adoption. Non conforming buildings may not be replaced or rebuilt by further non conforming buildings.

(b) No building or structure where a non-conforming use has been discontinued or has changed to a permitted use shall again be devoted to a non-conforming use.

(c) A non-conforming structure destroyed or damaged less than 50 percent of its fair market value may be reconstructed within one year of such casualty. If damaged more that 50 percent of its fair market value such building shall be reconstructed in conformance to these regulations.

Section 5 ESSENTIAL SERVICES:

(a) Essential services are exempt from the applications of these regulations.

Section 6 AMENDMENTS

(a) In accordance with Chapter 40-47 of the North Dakota Century Code, the City Council may amend provisions of this Ordinance by using the following procedures:

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- (1) The property owner seeking the change shall file an “Application for Zoning Ordinance Amendment” with the City Council. Said application shall be on that Form attached hereto as Exhibit II-A.
- (2) The City Council shall schedule a public hearing on the Amendment. Notice of the hearing shall be published in the official newspaper of the City once a week for two successive weeks prior to the time set for said hearing. Said hearing notice shall be on that Form attached hereto as Exhibit II-B.
- (3) Following the hearing, the City Council shall approve or disapprove the proposed Amendment. If approved, a new zoning Ordinance Amendment shall be placed in the City Ordinance Book.
- (4) If a protest of such proposed amendment is signed by 20 percent of the owners of an area of lots included in such proposed change or of the adjacent area, extending 150 feet from the area to be changed, such amendment shall become effective only by a favorable vote of three-fourths of the City Council.

Article V DISTRICT REGULATIONS

Section 1 ESTABLISHMENT OF DISTRICT REGULATIONS

For the purpose of these regulations, the City of Steele is divided into the following districts:

- (a) Class R Residential District
- (b) Class C Commercial District
- (c) Class I Industrial District

Section 2 Class R RESIDENTIAL DISTRICT

(a) Permitted Uses:

- (1) Single family dwellings and accessory buildings
- (2) Multiple family dwellings and accessory buildings
- (3) Publicly owned and operated parks, playgrounds and recreational facilities
- (4) Schools
- (5) Essential services and public buildings
- (6) Churches
- (7) Home occupations provided that it does not create excess noise, traffic or other disturbances

(b) Dimensional Standards:

- (1) Front yard – 10 feet
- (2) Rear yard - 6 feet, however, if side yard abuts alley, see #5 below
- (3) Side yard - 6 feet, however, if rear yard abuts alley, see #5 below
- (4) Area coverage - 35%
- (5) Alleys - No building or any other type of obstruction shall be allowed within 12 feet of the center of alleys.

(c) Prohibited Uses and Restrictions:

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(1) Traffic Visibility - In any residential district, no fence, structure, or plantings shall be placed, erected or maintained that interferes with traffic visibility across a street corner.

(2) Accessory Buildings - No accessory buildings such as garages and storage buildings may be built in residential zoned areas which have sidewalls greater than twelve feet in height. All accessory buildings must be sided with residential housing type siding such as wood lap siding, vinyl lap siding, steel lap siding or brick. No pole buildings may be built in residential areas. Accessory buildings must be built or placed on a continuous concrete foundation, concrete slab, or a continuous treated wood foundation.

(3) Mobile Homes - No mobile homes may be located in residential zoned areas. Mobile homes are defined as a manufactured unit, transportable in one or more sections and is designed as a year round dwelling unit and built prior to the enactment of the Federal Manufactured Home Construction and Safety Standards Act of 1974 (24 CFR 3280), which became effective June 15, 1976.

(4) Manufactured Homes - No manufactured homes may be placed in residential zoned areas unless said manufactured home meets the following requirements:

a. A minimum width of 26 feet.

b. A minimum length of 36 feet.

c. A minimum roof pitch of 3/12.

d. Is not constructed or equipped with a permanent hitch or other device allowing it to be moved other than to a permanent site.

e. Does not have permanently attached to its body or frame any wheels or axles.

f. Bears a label certifying that it was built in compliance with the Manufactured Home Construction and Safety Standards Act of 1974 (24CFR 3280) which became effective June 15, 1976, promulgated by the United States Department of Housing and Urban Development.

g. Placement shall be by attachment to a permanent continuous outside foundation. Permanent foundation means a downward extension of the outer walls of a building or structure made of solid materials such as brick, concrete or treated wood and extended below the ground surface through the frost zone, or other depths as required by the city.

Manufactured homes are defined as factory built dwelling units, bearing a label certifying that it was built in compliance with the latest standards adopted by the U.S. Dept. of Housing and Urban Development for a manufactured home and the Uniform Building Code for a modular home.

(5) The following areas zoned residential currently contain either mobile homes, or manufactured homes which are less than 26 feet in width. These homes are classified as Nonconformity Structures. Said homes may not be replaced by other nonconforming structures. If said homes are damaged to more than 50% of their market value, then said homes may not be reconstructed. The following areas contain Non Conforming Structures as of the date of adoption of this ordinance:

City of Steele Code of Ordinances

- a. Lots 4, 5, 6, 7, 8, and 9, Block 16, Steele, Whitley and Clock's Addition, City of Steele.
- b. Lots 11, 12, and 13, Block 9, Original Plat, City of Steele.
- c. Lots 13 and 14, Block 13, Steele, Whitley and Clock's Addition, City of Steele.
- d. Lots 4, 5, 6, and North 10' of Lot 7, Block 14, Steele, Whitley and Clock's Addition, City of Steele.
- e. Lots 19 and 20, Block 16, Steele, Whitley and Clock's Addition, City of Steele.
- f. Lots 7, 8, and 9, Block 20, Original Plat, City of Steele.

(6) Animal Fences - No fence for the enclosure of animals may be constructed of barb wire, woven wire, livestock panels, or other similar livestock related fencing.

Section 3 Class C COMMERCIAL DISTRICT

(a) Permitted Uses:

- (1) Retail stores and shops
- (2) Service businesses
- (3) Professional offices
- (4) Restaurants
- (5) Funeral homes and mortuaries
- (6) Amusement and recreation businesses
- (7) Wholesale businesses
- (8) Rental storage units
- (9) Warehouses
- (10) Parking lots
- (11) Multiple family dwellings
- (12) Essential utilities, public buildings, and public service installations
- (13) Assembly plants
- (14) Mobile home parks
- (15) Garages and storage buildings

(b) Dimensional Standards:

- (1) Alleys - No building or any other type of obstruction shall be allowed within 12 feet of the center of alleys.

(c) Prohibited Uses and Restrictions:

- (1) The area shall not be used for the storage, keeping, or abandonment of junk, including scrap metals, used appliances, scrap materials or goods, used furniture, used lumber, used automobile parts, used machinery parts, used equipment parts, non working vehicles and obsolete machinery and equipment. The area shall not be used for the dismantling, demolition or abandonment of automobiles, or other vehicles or machinery or parts thereof.

City of Steele Code of Ordinances

(2) Mobile home parks shall maintain the following dimensional standards:

- (a) Front yard - 10 feet
- (b) Rear yard - 6 feet, however, if side yard abuts alley, see (e) below
- (c) Side yard - 6 feet, however, if rear yard abuts alley, see (e) below
- (d) Area coverage - 90%
- (e) Alleys - No building or any other type of obstruction shall be allowed within 12 feet of the center of alleys.

Section 4 Class I INDUSTRIAL DISTRICT

(a) Permitted Uses:

- (1) Uses permitted in Class C Commercial District
- (2) The compounding, assembly, treatment, manufacture, and processing of articles or merchandise
- (3) Communications and other towers
- (4) Automobile salvage and wrecking operations, industrial and waste salvage operations and junk yards provided all operations are conducted within area enclosed on all sides with a solid wall or fence not less than 10 feet in height and no pile of salvage, scrap, or other material shall be higher than 10 feet.

(b) Dimensional Standards:

- (1) Alleys-No building or any other type of obstruction shall be allowed within 12 feet of the center of alleys.
- (2) Buffer Zone - A buffer zone is required where any Industrial District abuts a Residential District. Buffer zones shall be determined by the City Council and shall be a maximum of 30 feet in depth from the property line of a lot zoned Residential or from a street right-of-way which separated the Industrial District from a Residential District. The buffer zone shall be used for tree plantings, grass plantings, hedges, walls, fences, or similar devices as required by the City Council.

Article VI. ADMINISTRATION AND ENFORCEMENT

Section 1 CITY COUNCIL

The administration and enforcement of this ordinance is hereby invested in the City Council, City of Steele, North Dakota, and its employees and appointees. The City Council shall also act as the Zoning Commission.

Section 2 VARIANCES

(a) A variance is defined as the grant of relief from the requirements of the ordinance by the City Council.

(b) No variance permit shall be issued unless the following procedures are followed:

- (1) An application for a variance permit has been submitted to the City Council. Said application shall be on that Form attached hereto as Exhibit III.

City of Steele Code of Ordinances

(2) The City Council shall schedule a public hearing on the application. Notice of the hearing shall be published in the official newspaper of the City once a week for two successive weeks prior to the time set for said hearing.

(3) Following the hearing, the City Council shall approve or disapprove the proposed application.

(c) No variance permit shall be issued unless the City Council finds that the following conditions exist:

(1) Strict application of the ordinance would result in undue hardship to the owner.

(2) The hardship was not self created.

(3) Extraordinary circumstances apply to the property in question that do not apply to other properties in the same zoning district.

(4) Authorization of the variance will not be of substantial detriment to adjacent property.

(d) Conditions

The City Council shall have the right to set conditions before granting any variance. Said conditions shall be limited to the following:

(aa) The lawful use of the property permitted.

(bb) The length of the variance.

Section 3 PERMITS

(a) No structure or land used for any purpose, including accessories thereto, shall hereafter be built, altered or moved into the City of Steele until a Building Permit has been obtained from the City. Application shall be on that form attached hereto as Exhibit IV. No permit shall be required for maintenance or repairs of any building which does not alter the plan of the structure.

(b) Fees: For the purpose of administrating this ordinance, fees may be instituted by the City Council.

Section 4 REMEDIES

(a) If any building or structure is erected, constructed, repaired or if any building, structure, or land is used in violation of this ordinance, the proper local authorities of the City may institute any appropriate action or proceedings.

Section 5 PENALTIES FOR VIOLATIONS

(a) Any person, firm or corporation who violates or refuses to comply with any provision of this ordinance shall, upon conviction be fined not more than \$500.00 for such offense. Each day that a violation continues shall constitute a separate offense.

Class R Residential consists of the following:

LOTS	BLOCK	PLAT
Lots 9 thru 12 inclusive Tract of land Broadway and East 157'	Block 1	Re Survey Avenue, North of less the
Lots 13, 14, 15	Block 1	Original Plat
Lots 23 and 24	Block 1	Original Plat
Lots 1 thru 24 inclusive	Block 2	Original Plat
Lots 1 thru 24 inclusive	Block 3	Original Plat
Lots 1 thru 24 inclusive	Block 4	Original Plat
Lots 1 thru 24 inclusive	Block 5	Original Plat
Lots 1 thru 24 inclusive	Block 6	Original Plat
Lots 1 thru 24 inclusive	Block 7	Original Plat
Lots 7 thru 18 inclusive	Block 8	Original Plat
Lots 1 thru 13 inclusive	Block 9	Original Plat
Lots 19 thru 24 inclusive	Block 9	Original Plat
Lots 1 thru 6 inclusive	Block 10	Original Plat
Lots 19 thru 24 inclusive	Block 10	Original Plat
Lots 1 thru 6 inclusive	Block 11	Original Plat
Lots 1 thru 6 inclusive	Block 12	Original Plat
Lots 19 thru 24 inclusive	Block 12	Original Plat
Lots 1 thru 24 inclusive	Block 13	Original Plat
Lots 1 thru 24 inclusive	Block 15	Original Plat
Lots 1 thru 4 inclusive	Block 16	Original Plat
Lots 13 thru 19 inclusive	Block 16	Original Plat
S½ of Lot 20	Block 16	Original Plat
Lots 13 thru 18 inclusive	Block 17	Original Plat
Lots 16 thru 18 inclusive	Block 18	Original Plat
Lots 1 thru 24 inclusive	Block 19	Original Plat
Lots 1 thru 9 inclusive	Block 20	Original Plat
Lots 13 thru 24 inclusive	Block 20	Original Plat
Lots 1 thru 24 inclusive	Block 21	Original Plat
Lots 1 thru 24 inclusive	Block 22	Original Plat
Lots 1 thru 24 inclusive	Block 23	Original Plat
Lots 1 thru 24 inclusive	Block 24	Original Plat
Lots 1 thru 24 inclusive	Block 25	Original Plat
Lots 1 thru 24 inclusive	Block 26	Original Plat
Lots 1 thru 24 inclusive	Block 27	Original Plat
Lots 1 thru 24 inclusive	Block 28	Original Plat

Class R Residential continued

All of	Block B	Original Plat
All of	Block C	Original Plat
Lots 1 thru 24 inclusive	Block 29	Steele's Addition
Lots 1 thru 24 inclusive	Block 30	Steele's Addition
Lots 1 thru 24 inclusive	Block 31	Steele's Addition
Lots 1 thru 24 inclusive	Block 32	Steele's Addition
Lots 1 thru 24 inclusive	Block 33	Steele's Addition
Lots 1 thru 24 inclusive	Block 34	Steele's Addition
Lots 1 thru 24 inclusive	Block 35	Steele's Addition
Lots 1 thru 24 inclusive	Block 36	Steele's Addition
Lots 1 thru 24 inclusive	Block 37	Steele's Addition
Lots 1 thru 24 inclusive	Block 38	Steele's Addition
Lots 1 thru 24 inclusive	Block 39	Steele's Addition
Lots 1 thru 9 inclusive	Block 40	Steele's Addition
Lots 16 thru 24 inclusive	Block 40	Steele's Addition
Lots 1 thru 24 inclusive	Block 41	Steele's Addition
Lots 1 thru 24 inclusive	Block 42	Steele's Addition
Lots 1 thru 12 inclusive	Block 1	Steele, Whitley & Clock's
Lots 3 thru 12 inclusive	Block 9	Steele, Whitley & Clock's
Lots 17 thru 24 inclusive	Block 9	Steele, Whitley & Clock's
Lots 1 thru 4 inclusive	Block 12	Steele, Whitley & Clock's
Lots 13 thru 18 inclusive	Block 12	Steele, Whitley & Clock's
Lots 1 thru 24 inclusive	Block 13	Steele, Whitley & Clock's
Lots 1 thru 23 inclusive	Block 14	Steele, Whitley & Clock's
Lots 1 thru 24 inclusive	Block 16	Steele, Whitley & Clock's
Lots 1 thru 24 inclusive	Block 17	Steele, Whitley & Clock's
Lots 1 thru 24 inclusive	Block 18	Steele, Whitley & Clock's
W1/2 of Block 43 North of Hwy 10	Block 43	Steele's 1st Addition
Lots 7 thru 24 inclusive	Block 46	Steele's 1st Addition
Lots 1 thru 24 inclusive	Block 47	Steele's 1st Addition
Lots 5, 6, 7, and 8	Block 48	Steele's 1st Addition
Lots 13 thru 18 inclusive	Block 49	Steele's 1st Addition
Lots 1 thru 24 inclusive	Block 50	Steele's 1st Addition
Lots 1 thru 24 inclusive	Block 51	Steele's 1st Addition
Lots 1 thru 24 inclusive	Block 52	Steele's 1st Addition
Lots 1 thru 24 inclusive	Block 53	Steele's 1st Addition
Lots 1 thru 24 inclusive	Block 54	Steele's 1st Addition
Lots 7 thru 24 inclusive	Block 55	Steele's 1st Addition
Lots 1 thru 24 inclusive	Block 56	Steele's 1st Addition
East 300 feet		Jewel Park

Class C Commercial consists of the following:

LOTS	BLOCK	PLAT
Lots 1 thru 8 inclusive	Block 1	Re Survey
Lots 13 thru 24 inclusive	Block 1	Re Survey
Lots 1 thru 24 inclusive	Block 2	Re Survey
All of	Block 3	Re Survey
Lots 1 thru 11 inclusive	Block 4	Re Survey
The East 157' of tract lying West of Ordway Avenue, North of Broadway and South of Railroad right of way		Re Survey
Lots 1 thru 12 inclusive	Block 1	Original Plat
Lots 16 thru 22 inclusive	Block 1	Original Plat
Lots 1 thru 6 inclusive	Block 8	Original Plat
Lots 19 thru 24 inclusive	Block 8	Original Plat
Lots 14 thru 18 inclusive	Block 9	Original Plat
Lots 7 thru 18 inclusive	Block 10	Original Plat
Lots 7 thru 24 inclusive	Block 11	Original Plat
Lots 7 thru 18 inclusive	Block 12	Original Plat
Lots 1 thru 24 inclusive	Block 14	Original Plat
Lots 5 thru 12 inclusive	Block 16	Original Plat
N1/2 of Lot 20 & all of		
Lots 21 thru 24 inclusive	Block 16	Original Plat
Lots 1 thru 12 inclusive	Block 17	Original Plat
Lots 19 thru 24 inclusive	Block 17	Original Plat
Lots 1 thru 15 inclusive	Block 18	Original Plat
Lots 19 thru 24 inclusive	Block 18	Original Plat
Lots 10 thru 12 inclusive	Block 20	Original Plat
That tract lying East of Mitchell Avenue, South of Park Street and North of Railroad right of way		Original Plat
Lots 10 thru 15 inclusive	Block 40	Steele's Addition
Lots 1 and 2	Block 9	Steele, Whitley & Clocks
Lots 13 thru 16 inclusive	Block 9	Steele, Whitley & Clock's
Lots 1 thru 18 inclusive	Block 11	Steele, Whitley & Clock's
Lots 5 thru 12 inclusive	Block 12	Steele, Whitley & Clock's
Lot 24	Block 14	Steele, Whitley & Clock's
Lots 1 thru 24 inclusive	Block 15	Steele, Whitley & Clock's
Lots 1 thru 18 inclusive	Block 43	Steele's 1 st Addition
Lots 1 thru 24 inclusive	Block 44	Steele's 1 st Addition
Lots 1 thru 24 inclusive	Block 45	Steele's 1 st Addition
Lots 1 thru 6 inclusive	Block 46	Steele's 1 st Addition

Class C Commercial continued

Lots 1 thru 4 inclusive	Block 48	Steele's 1st Addition
Lots 9 thru 24 inclusive	Block 48	Steele's 1st Addition
Lots 1 thru 12 inclusive	Block 49	Steele's 1st Addition
Lots 19 thru 24 inclusive	Block 49	Steele's 1st Addition
Lots 1 thru 6 inclusive	Block 55	Steele's 1st Addition
Lots 1 thru 8 inclusive	Block 1	North side Addition
Lots 1 thru 7 inclusive	Block 2	North side Addition
Lot S-1		Auditor's Outlot
Lot S-2		Auditor's Outlot
Lot S-3		Auditor's Outlot
Lot S-4		Auditor's Outlot
Lot S-5		Auditor's Outlot
West 300 feet		Jewel Park

Class I Industrial consists of the following :

LOTS	BLOCK	PLAT
Lots 13 thru 24 inclusive	Block 1	Steele, Whitley & Clock's
Lots 1 thru 24 inclusive	Block 2	Steele, Whitley & Clock's
Lots 1 thru 24 inclusive	Block 3	Steele, Whitley & Clock's
Lots 1 thru 24 inclusive	Block 4	Steele, Whitley & Clock's
Lots 1 thru 24 inclusive	Block 5	Steele , Whitley & Clock's
Lots 1 thru 24 inclusive	Block 6	Steele, Whitley & Clock's
Lots 1 thru 24 inclusive	Block 7	Steele, Whitley & Clock's
Lots 1 thru 24 inclusive	Block 8	Steele, Whitley & Clock's
Lots 1 thru 24 inclusive	Block 10	Steele, Whitley & Clock's
All of	Block 3	Northside Addition

APPLICATION FOR ZONING ORDINANCE AMENDMENT

Applicant Name (Property Owner) _____

Applicant Address _____

Applicant Telephone # _____

Legal Description of Property Affected: _____

Description of Changes Being Requested: _____

Reason Change Requested: _____

Dated _____, year .

Applicant Signature _____

For Use By City

Date Application read by City Council _____, (year) .

Two publications required:

Publication date _____, (year) .

Publication date _____, (year) .

Hearing date and time _____, (year) .

Council Action Approved or Disapproved (circle one)

If approved, insert new Ordinance page into Ordinance Book.

PUBLIC NOTICE OF HEARING

TO WHOM IT MAY CONCERN:

You are hereby notified that an application has been presented to the City Council of the City of Steele for the Amendment of the Zoning Ordinance of the City of Steele. The application requests the following amendment to Zoning Ordinance #169 - _____

The Steele City Council will hold a public hearing on _____(date)_____, at the City Hall to hear evidence for or against said petition and to approve or disapprove said petition.

Dated _____

APPLICATION FOR VARIANCE PERMIT FROM ZONING ORDINANCE

Applicant Name _____

Applicant Address _____

Applicant Telephone # _____

Legal Description of Property Affected: _____

Description of Variance Being Requested: _____

Reason Variance Being Requested: _____

Current Owner(s) of Property _____

Dated _____, (year) .

Applicant Signature _____

For Use By City

Date Application read by City Council _____, (year) .

Two publications required:

Publication date _____, (year) .

Publication date _____, (year) .

Hearing date and time _____, (year) .

Council Action Approved or Disapproved (circle one)

Building Permit — City of Steele, N.D.

Application for permit to construct, remodel or move building

Owner: _____ Builder: _____

Proposed location of building: _____

Description: Front: _____ Depth: _____ Height: _____ Stories: _____

Manner of Construction: _____ To be used as: _____

To be completed: _____ Estimated Cost: _____

No. of Cu. Ft.: _____ Type of Construction: _____ Foundation: _____

Roof: _____ Exterior Material: _____ Type of Heating: _____

Lot Width: _____ Side Yard Clearance: _____ Front Yard Clearance: _____

Number of Rooms: _____ Number of Baths: _____ Basement Utility Room: _____

Garage: Basement: _____ Attached: _____ Detached: _____ None: _____ Porch: _____

ANY ELECTRICAL OR PLUMBING WORK COVERED WITHOUT INSPECTION MUST BE UNCOVERED

Permission is hereby granted to _____

to _____ the _____

described in the above statement. The permit is granted upon the express conditions that the person to whom it is granted, and his agents, workers, employees in all the work done in, around and upon said building, or any part thereof shall conform in all respects to the ordinances of the City of Steele regarding the construction, alteration, maintenance, repair and removal of buildings Within the City limits; and this permit may be revoked at any time upon violation of any of the provisions of said ordinances.

Dated: _____ Building Inspector _____

AGREEMENT: In consideration of the issue and delivery to me by the City Building Inspector of the City of Steele of the above permit, I hereby agree to do the proposed work in accordance with the description, above set forth and according to the provisions of the ordinances of the City of Steele; and I hereby state and say that the facts stated by me and contained in the above permit are true as herein stated.

Dated: _____ Owner _____

Fee \$ _____ Application to be approved in duplicate before work starts.

ORDINANCE NO. 170

Be it ordained by City Council of the City of Steele, North Dakota:

Section 1. That BEK Communications Cooperative, its successors and assigns, are hereby granted the right to use and occupy the streets, alleys and other public places of the City of Steele, North Dakota, for a term of twenty (20) years from the effective date of hereof, for purpose of constructing, maintaining and operating a voice, video and data communications system within said city.

Section 2. That the rights herein granted are subject to the exercise of the police power as the same now is or may hereafter be conferred upon said city.

Section 3. That this ordinance shall be in full force and effect, and shall constitute a binding contract between the City of Steele and BEK Communications Cooperative when it shall have been enacted according to law, and when the provisions hereof shall have been accepted in writing by said BEK Communications Cooperative and such acceptance filed with the City Auditor.

Section 4. During the construction, maintenance or enlargement of any part of said system, said Grantee shall not unnecessarily impede or block said streets and highways in said City and shall leave all streets, highways, alleys, sidewalks, curbs, land and public places and all grounds disturbed by said construction in good condition upon the completion of said work.

The City reserves the right to make and adopt, and the rights and privileges hereby granted shall at all times be and remain subject to such reasonable regulations of a police nature as it may deem necessary for the best interests of the City, but the City will not by any such regulations or by acts of its own or agents do anything to prevent or interfere with the Grantee carrying on its business in accordance with the franchise hereby granted.

Section 5. In case of disturbance of any street, sidewalk, alley, public way, or paved area, the Grantee shall, at its own cost and expense and in a manner approved by the City Public Works Superintendent or Engineer, replace and restore such street, sidewalk, alley, public way, or paved areas in as good a condition as before the work involving such disturbance was done. Grantee shall not be required to pay a fee for street openings.

First reading on November 7, 2005

Second reading and passage on December 7, 2005

ORDINANCE NO. 171

AN ORDINANCE TO AMEND CHAPTER ONE, ARTICLE II, SECTION 1-27 OF THE CITY OF STEELE TRAFFIC AND CRIMINAL CODE OF ORDINANCES RELATING TO SPEED LIMITS AND TO PROVIDE A PENALTY AND EFFECTIVE DATE.

BE IT ORDAINED By the City Council of the City of Steele, North Dakota, as follows:

Section 1. Amendment. Chapter One, Article II, Section 1-27 of the City of Steele Traffic and Criminal Code of Ordinances is hereby amended to read as follows:

Section 1-27. General Penalty; Special Penalties; Culpability.

1. It is unlawful for any person to do any act forbidden, or to fail to perform any act required in this chapter of the Steele Code of Ordinances. Any person violating any of the provisions of this chapter for which another criminal penalty is not specifically provided shall be guilty of an infraction. As used in this section, the phrase "another criminal penalty" includes provision for payment of a fixed fee for violating another section in this chapter, but does not include any other administrative sanction which may be imposed. This penalty provision shall not supersede those provisions in state statutes adopted in this chapter by reference which specify certain fines or penalties for the breach of the rules of conduct laid down therein.

2. Violations of subsection (37) of section 1-8 (which incorporates by reference NDCC 39-09-02 subsections 1 and 3) shall be punished in accordance with the following schedule of fines, and no imprisonment shall be imposed:

1-4 mph over limit: \$5.00.

5 or more mph over limit: \$20.00 plus \$2.00 for each mph more than 5mph over the limit.

3. Except as provided in subsection (4) the fines imposed in subsection (2) shall be mandatory and not subject to reduction, remission, suspension, or abatement.

4. When a defendant does not avail himself of the procedures set forth in NDCC 39-06.1-02 or 39-06.1-03, when charged with an offense, and thereafter the defendant is properly convicted of committing the offense, or when a particular penalty provision of state law is not mandatory, the municipal court may impose the full range of penalties permitted except as provided in subsection (2) hereof and in section 1-11-17.

5. Notwithstanding anything to the contrary in state law, violations of section 1-11 shall be punished as provided in section 1-11-17.

6. The level of culpability required to sustain a conviction under this chapter of the Code of Ordinances shall be that the defendant acted or failed to act "knowingly" as that term is used in NDCC 12.1-02-02(b), unless the specific provisions defining the elements of the offense set forth a different level of culpability.

This ordinance shall be in full force and effect after Dec. 7, 2005.

First reading on Nov. 7, 2005.

Second reading and Passage on Dec. 7, 2005.

Approved: Dec. 7, 2005.

ORDINANCE NO. 172

AN ORDINANCE TO AMEND ORDINANCE NO. 47, AS AMENDED BY ORDINANCE NO. 95.

BE IT ORDAINED By the City Council of the City of Steele, North Dakota, as follows:

Section 1. Amendment. Section 9, Ordinance No. 47, as amended by Ordinance No. 95, of the City of Steele Code of Ordinances is hereby amended to read as follows:

Section 9. Hours and Time of Sale.

No licensee shall dispense or permit the consumption of alcoholic beverages on licensed premises after 1:00AM on Sundays, before 8:00AM on Mondays, or between the hours of 1:00AM and 8:00AM on all other days of the week, nor dispense or permit such consumption on Good Friday, Christmas Day, or after 6:00PM on Christmas Eve. No premises licensed under the provisions of this ordinance shall be open to the public at any hour during which sale of intoxicating liquor is herein forbidden, and premises are to be cleared of all persons except employees by 1:00AM.

This ordinance shall be in full force and effect after Jan. 1, 2006.

First reading on Dec. 7, 2005.

Second reading and Passage on Jan 1, 2006.

Approved: Jan. 1, 2006.

ORDINANCE NO. 173

AN ORDINANCE REGULATING THE SALE OF INTOXICATING LIQUOR WITHIN THE CITY OF STEELE, NORTH DAKOTA, PROVIDING FOR SUCH SALES BY DULY LICENSED PERSONS, ESTABLISHING REGULATIONS FOR THE OPERATION OF PLACES WHERE SUCH INTOXICATING LIQUOR, IS SOLD AND FOR LICENSES THEREFOR, PROVIDING PENALTIES FOR THE VIOLATION OF THIS ORDINANCE, AND REPEALING ALL PRIOR INCONSISTENT ORDINANCES.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF STEELE, IN KIDDER COUNTY, NORTH DAKOTA

Section 1. Definitions. The word “person” whenever used in this ordinance shall mean an individual, co partnership, or domestic private corporation.

The terms “intoxicating liquor” and “liquor” shall mean and include such alcohol and alcoholic beverages as are defined by the Liquor Control Act of the State of North Dakota, and acts amendatory thereof or supplemental thereto.

The term “off sale” shall mean the sale of intoxicating liquor in original packages, corked or sealed, whether such original packages are removed from the premises, or whether opened and the Contents thereof drunk upon the premises.

Section 2. License required. No person as hereinafter defined, shall sell, exchange, barter, dispose of, or keep for sale any intoxicating liquor, without first having obtained from the City Council of the City of Steele, North Dakota, a license as herein provided. The fee for this license shall be \$950.00 for “off sale” license and \$950.00 for “on and off sale” license, payable in 2 installments of \$475.00 each.

Section 3. Terms of License. All licenses issued under and pursuant to this ordinance shall be for a term of not more than six months and shall expire the following June 30, or December 31, whichever comes sooner, unless otherwise sooner revoked or terminated. No part of any license fee shall be refunded upon revocation or cancellation of any license.

Section 4. Application for License. Any person desiring a license to sell intoxicating liquor at retail within the City of Steele, shall at least one month before the date said license is to become effective, make and file with the City Auditor of the City of Steele, a written application, duly verified, contain such information as the City Council of the City of Steele shall prescribe and require.

Section 5. Bond. No license shall be issued for a retail liquor establishment unless the applicant shall first file with the City Auditor of the City of Steele a bond in the sum of one thousand dollars(\$1000,00). Or deposit cash in such amount in lieu of said bond, which bond shall be approved by the City Attorney as to form, and by the City Council as to sufficiency. All such bonds shall be conditioned as follows:

- (a) That the licensee will obey the laws relating to such licensed business.
- (b) That the licensee will pay to the municipality, when due, all taxes, license fees, penalties and other charges provided for by this ordinance.
- (c) That the license will pay, to the extent of the principal amount of such bond, any damages for death or injury persons or property caused by or resulting from the violation of any prevision of law relating to the business for which such licenses has been granted a license, and further

City of Steele Code of Ordinances

conditioned that such recovery may be had also against the surety on the bond. The amount specified in any bond required is hereby declared to be a penalty and the amount recoverable shall be measured by the actual damages, provided, however, that the surety thereon shall not be liable for any amount in excess of the penal amount of the bond. All, such bonds shall be for the benefit of the obligee and of all persons suffering damages by reason of the breach of the conditions thereof. Such bonds shall run to the City of Steele as obligee, and in the event of a forfeiture of any such bond for violation of the law, the Dispenal sum of said bond to the City of Steele.

The surety on such bond hereinbefore referred to shall be a surety company duly licensed to do business in the State of North Dakota.

Section 6. Minors. No person under the age of 21 years shall be permitted to enter, be or remain in or upon any premises licensed under the provisions of this ordinance, under any circumstances whatsoever. In case of an honest and reasonable doubt as to the age of a person desiring admittance to a place where intoxicating liquors are sold, it shall be the duty of the licensee hereunder to require proof of age) which may be by affidavit or by certified copy of birth certificate.

It shall be unlawful for any person, whether licensed under the provisions of this ordinance or not, to give, sell, barter, exchange or donate any intoxicating liquor to any person under 21 years of age, and it shall be unlawful for any person to buy or purchase, or receive in any other manner, any liquor for any person under 21 years of age.

Section 7. Advertising. No Person holding a license under this ordinance shall be permitted to display any liquor, liquor containers, or advertising matter of any kind, advertising the sale or any other fact concerning any intoxicating liquor, in any show window or windows within the City of Steele. No outdoor advertising of intoxicating liquors, and no handbills or dodgers shall be distributed advertising the sale, brand, price or quality of intoxicating liquors, except that display posters, liquor containers and liquor may be used for advertising purposes within the premises licensed hereunder, in such a manner as to not be readily visible from the outside.

Section 8. Obstructions to Sight. No obstructions of any kind shall be used in any windows or doors of any place licensed under this ordinance, for the purpose or with the effect of preventing ready and facile visibility into said premises. No partitions or curtained booths shall be permitted within any premises where intoxicating liquor is sold, and no partitions shall be used to divide the part of said premises open to the public into more than one room, except that booths and partitions extending not more than four feet above the floor and installed where permitted by the City Council of the City of Steele.

Section 9. Hours and Time of Sale.

No licensee shall dispense or permit the consumption of alcoholic beverages on licensed premises after 2:00 A.M. on Sundays, before 8:00 A.M. on Mondays, or between the hours of 2:00 A.M. and 8:00 A.M. on all other days of the week, nor dispense or permit such consumption on Memorial Day, Good Friday, Thanksgiving Day, Christmas Day, or after 6:00 P.M. on Christmas Eve, or between the hours of 2:00 A.M. and 8:00 P.M. on the day of any statewide, special primary or general election. No premises licensed under the provisions of this ordinance shall be open to the public at any hour during which sale of intoxicating liquor is herein forbidden, and premises are to be cleared of all persons except employees by 2:00 A.M.

Section 10. Toilet Facilities. No premises shall hereafter be licensed under the provisions of this ordinance unless said premises shall have therein or thereon toilet and washroom facilities. Each

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such toilet and washroom shall contain an approved toilet stool and bathroom sink, and all such fixtures shall be connected to the city water and sewer systems. Such rooms and fixtures shall be kept always in a clean and sanitary condition, and all such fixtures shall be at all times maintained in good working order.

Section 11. Premises to be Licensed. No premises shall be licensed for the sale of intoxicating liquor under the provisions of this ordinance which premises are not located within the "C" Commercial and Industrial Zone previously established by ordinance of the City Council of the City of Steele, North Dakota. No license shall be issued permitting the sale of intoxicating liquor within 75 feet of any church or school grounds.

Section 12. Licenses not Transferable. No license issued under the provisions of this ordinance shall be in any way transferable, either as to the holders thereof, or as to the premises to which it applies, provided however, that in the discretion of the City Council, it may authorize the transfer of a license to the executors or administrators of a deceased license holder.

Section 13. Waiver of Immunity. In signing an application for a license and in accepting said license under the provisions of this ordinance, each applicant specifically consents, in the event that a license is granted to him, that any properly authorized officer of the City of Steele, North Dakota, may at any and all times enter upon the licensed premises, and each and every part of them, and all other premises controlled by the licensee and used by him in connection with his business, for the purpose of making such inspections as may be required or desirable under the provisions of this ordinance, or as they may deem necessary in checking possible violations of this ordinance, and in signing said application, each such applicant does specifically waive any and all constitutional and statutory immunities and guarantees against unreasonable and illegal searches and seizures, and does further specifically consent that the police officials of the City of Steele, North Dakota, may at any and at all times enter into and upon his premises so licensed or so used in his business, for the purpose of said investigations and inspections, without any search warrant or other process of any nature whatsoever.

Section 14. Payment of Taxes. No license shall be granted, under this Ordinance, to any person who is delinquent in the payment of his taxes either real or personal, upon any property of his within the limits of the City of Steele, North Dakota.

Section 15. Premises not Licensed. It shall be unlawful to drink or consume any intoxicating liquors in any public place or premises within the City of Steele, North Dakota, which premise or place have not been licensed under the provisions of this ordinance. It shall be equally unlawful for the proprietor, manager; owner or operator of any such place not so licensed under this ordinance to permit the drinking or consumption of intoxicating liquors upon such premises; and the owner and/or manager of such premises shall upon proof of the fact of such drinking, to be considered equally guilty with his agents or employees permitting such consumption.

Section 16. Conduct of Licensed Premises. It shall be the responsibility of every licensee under this ordinance to conduct his place of business in a clean, orderly manner, and to maintain order and sobriety in such place of business. It shall be unlawful for such licensee to permit intoxicated persons to remain upon said premises, and it shall be unlawful to sell any intoxicating liquors to any intoxicated person.

Section 17. Possession of Liquor. No person licensed under the provisions of this ordinance shall be permitted to have in his possession or under his control any intoxicating liquor, kept or intended for sale, upon any premises other than those described in his application for a license, and licensed

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under this ordinance, and the quantity of liquor possessed or kept by any person at any such place shall be taken as one of the indications of whether such liquor is possessed for the purpose of sale.

Section 18. Gambling. It shall be unlawful for any person to gamble in any manner, in or upon any premises licensed under this ordinance, and it shall be equally unlawful for the proprietor or manager of any premises licensed under this ordinance to permit such gambling.

Section 19. License to be Posted. Licenses issued hereunder shall be posted in a conspicuous place upon the premises for which they are issued.

Section 20. Penalties. Any person who shall violate any of the provisions of this ordinance shall upon conviction thereof be subject to a fine of not to exceed one hundred dollars (\$100.00), or imprisonment for not to exceed ninety (90) days, or both such fine and imprisonment. In addition thereto, if such person so convicted shall hold a license under this ordinance, such conviction may, upon the order of the court, also operate as a revocation of said license.

Section 21. Illegality of part. If any portion of this ordinance is adjudged unconstitutional or contrary the laws of the State of North Dakota or the United States of America, such fact shall not invalidate the remaining portions of this ordinance, it being hereby expressly declared that the remaining portions, of this ordinance would have been repealed.

Section 22. Repeal of Inconsistent Ordinances. Ordinance No. 37 of the City of Steele, and all other ordinances and parts of ordinances in conflict with the provisions of ordinance, are hereby repealed.

Section 23. Number of Licenses Issued. No more than one "off sale" and three "on and off sale" license shall be issued within the City of Steele, North Dakota, up to a population of 1000, and one additional for each 500 or fraction thereof of population increase over 1000.

ORDINANCE NO. ____

AN ORDINANCE TO AMEND CHAPTER ONE, ARTICLE II, SECTION 1-27 OF THE CITY OF STEELE TRAFFIC AND CRIMINAL CODE OF ORDINANCES RELATING TO SPEED LIMITS AND TO PROVIDE A PENALTY AND EFFECTIVE DATE.

WHEREAS, The North Dakota Supreme Court, in the case of Sauby v. City of Fargo, 2008 ND 60, has ruled that a home rule city may not supersede criminal or noncriminal offenses defined by state law, and therefore that the City of Steele may not impose the increased speed fine schedule imposed by Ordinance No. 171, THEREFORE:

BE IT ORDAINED By the City Council of the City of Steele, North Dakota, as follows:

Section 1. Amendment. Chapter One, Article II, Section 1-27 of the City of Steele Traffic and Criminal Code of Ordinances is hereby amended to read as follows:

Section 1-27. General Penalty; Special Penalties; Culpability.

1. It is unlawful for any person to do any act forbidden, or to fail to perform any act required in this chapter of the Steele Code of Ordinances. Any person violating any of the provisions of this chapter for which another criminal penalty is not specifically provided shall be guilty of an infraction. As used in this section, the phrase “another criminal penalty” includes provision for payment of a fixed fee for violating another section in this chapter, but does not include any other administrative sanction which may be imposed. This penalty provision shall not supersede those provisions in state statutes adopted in this chapter by reference which specify certain fines or penalties for the breach of the rules of conduct laid down therein.

2. Violations of subsection (37) of section 1-8 (which incorporates by reference NDCC 39-09-02 subsections 1 and 3) shall be punished in accordance with the following schedule of fines, and no imprisonment shall be imposed:

<u>Miles per hour over lawful speed limit</u>	<u>Fee</u>
1-5	\$ 5
6-10	\$ 5 plus \$1/each mph over 5 mph over limit
11-15	\$ 10 plus \$1/each mph over 10 mph over limit
16-20	\$ 15 plus \$2/each mph over 15 mph over limit
21-25	\$ 25 plus \$3/each mph over 20 mph over limit
26-35	\$ 40 plus \$3/each mph over 25 mph over limit
36-45	\$ 70 plus \$3/each mph over 35 mph over limit
46+	\$100 plus \$5/each mph over 45 mph over limit

3. Except as provided in subsection (4) the fines imposed in subsection (2) shall be mandatory and not subject to reduction, remission, suspension, or abatement.

4. When a defendant does not avail himself of the procedures set forth in NDCC 39-06.1-02 or 39-06.1-03, when charged with an offense, and thereafter the defendant is properly convicted of committing the offense, or when a particular penalty provision of state law is not mandatory, the municipal court may impose the full range of penalties permitted except as provided in subsection (2) hereof and in section 1-11-17.

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5. Notwithstanding anything to the contrary in state law, violations of section 1-11 shall be punished as provided in section 1-11-17.

6. The level of culpability required to sustain a conviction under this chapter of the Code of Ordinances shall be that the defendant acted or failed to act “knowingly” as that term is used in NDCC 12.1-02-02(b), unless the specific provisions defining the elements of the offense set forth a different level of culpability.

This ordinance shall be in full force and effect after Dec. 7, 2005.

First reading on April ____, 2008.

Second reading and Passage on May ____, 2008.

ORDINANCE NO. ____

AN ORDINANCE TO ESTABLISH SNOW REMOVAL CONDITIONS WITHIN THE CITY OF STEELE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF STEELE, IN KIDDER COUNTY, NORTH DAKOTA

Whereas, accumulations of snow and ice on the city streets of Steele represent a potential threat to the health, safety and general welfare of the citizens of Steele, and;

Whereas, the City Council of the City of Steele deems it appropriate to establish snow removal regulations within the City of Steele, and:

Whereas, inoperable, abandoned or parked vehicles located on public streets and roads in the City of Steele hinder the timely and efficient removal of ice and snow by the City:

Section 1. Removal of snow and ice from sidewalks. The owner or occupant of any building or grounds within the city fronting upon or adjoining any street, when a sidewalk exists, shall clear the sidewalk in front of or adjoining such building and grounds or unoccupied lot or building, as the case may be, of snow and ice to the width of such sidewalk within 24 hours after the end of snowfall. The owner or occupant shall apply sand or de-icing salts to any ice that cannot be removed readily. If the owner or occupant shall refuse or fail to remove such snow and ice by such time, the City may remove, or cause to be removed, all snow and ice from the sidewalks along or in front of any buildings, grounds or premises.

Upon the first such failure to remove snow and ice, the owner or occupant shall be given a written warning of the violation. Upon a second violation, the owner or occupant shall be subject to a fine of \$100.00. Upon a third or subsequent violation, the owner or occupant shall be subject to a fine of \$100.00 and shall pay the costs and expenses of any snow removal by the City.

Section 2. Placement of snow and ice restricted. No person shall deposit any snow or ice upon public property including all publicly owned streets, sidewalks, and alleys without City permission. In addition to any fines assessed for violation of this section, the violator shall pay to the City the costs and expenses incurred by the City relating to the removal of the deposited snow or ice.

Section 3. Parking restricted during snow removal operations. Beginning 12 hours after the end of any snow fall totaling three or more inches of accumulation, no vehicles are permitted to be parked on any City streets. Parking of vehicles on city streets may resume in locations where the snow has been cleared on both sides of the street for the length of the entire block.

Upon the first violation, the owner shall be given a written warning of the violation. Upon a second violation, the owner or occupant shall be subject to a fine. Upon a third or subsequent violation, a vehicle parked in violation of this Ordinance may be towed and impounded. Any vehicle impounded by the City may only be released upon payment to the City of its costs incurred for towing and impoundment along with all fines assessed for the violation or violations. For purposes of this section, each twelve hour period shall constitute a separate offense.

Section 4. Penalty. Any person, violating any of the provisions of this ordinance, shall be punished for each violation by a fine of One Hundred dollars (\$100.00) unless otherwise stated in this Ordinance. If any amount due is unpaid after 90 days, the necessary costs and expenses of the removal of snow or ice incurred by the City in relation to the violation shall be chargeable and assessed against, and shall be a lien upon the premises.

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First reading on:

Second reading and Passage on:

CITY OF STEELE

By _____

Tom Steinolfson, Mayor

Attest _____

Darci Mittleider, City Auditor

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ORDINANCE NO. ____

AN ORDINANCE AMENDING ORDINANCE NO. 132 WHICH PROHIBITS THE DRINKING OF ALCOHOLIC BEVERAGES IN PUBLIC PLACES

Be it ordained by the City Council of the City of Steele, in Kidder County, North Dakota:

It shall be unlawful for any person to drink, consume, or possess any open container of any beer or alcoholic beverages, both as defined in Section 5-01-01 of the North Dakota Century code, upon any public streets, alleys, sidewalks, walks, parks or property owned by governmental entities within the City of Steele.

Any person convicted of violating any of the provisions of this ordinance shall be punished by a fine of not more than \$500.00, by imprisonment for not more than 30 days, or by both such fine and imprisonment.

The Steele City Auditor or the Steele City Mayor are authorized to issue daily permits allowing the drinking, consumption, or possession of beer or alcoholic beverages in the Four Seasons Park and/or Steele Community Building. Said permits shall be valid only for the hours between 8:00 a.m. and 1:00 a.m. daily and the use of any glass bottles containing said beer or alcoholic beverages is hereby prohibited.

First Reading on September 13, 2010

Second Reading and Passage on October 4, 2010