

CITY OF WILLISTON, NORTH DAKOTA
HOME RULE CHARTER

Article 1 - Incorporation

The inhabitants of the City of Williston, within the corporate limits as now established or as hereafter established in the manner provided by law, shall continue to be a municipal body politic and corporate in perpetuity, under the name of the "City of Williston".

Article 2 - Governing Body to Exercise Powers

Subject to the limitations imposed by the Constitution of the United States of America, the Constitution of the State of North Dakota, state law, and this Charter, all powers of the city shall be vested in the elected, governing body. The elected, governing body shall enact ordinances, adopt budgets, determine policies and prescribe the functions of government to be performed by the city under the authority of the charter and the constitution and laws of this state.

Article 3 - Powers of City

The city shall have all powers granted to municipal corporation by the constitution and laws of this state and by this charter together with all the implied powers necessary to carry into execution all powers granted.

Among its enumerated powers, which may be implemented by ordinance subject to the limitations specified in this charter, shall be the authority to impose a retail sales tax and use tax of no more than one percent of those gross receipts taxed pursuant to Chapters 57-39.2 and 57-40.2, N.D.C.C., subject to the following:

a. The following shall be specifically exempted from any tax imposed pursuant to this article:

1. Sales of natural gas.

2. Those sales exempted from the imposition and computation of the state sales tax and use tax pursuant to sections 57-39.2-04, 57-39.2-04.1, 57-40.2-04, and 57-40.2-04.1, N.D.C.C. Sales to contractors that are exempt pursuant to subsection 15 of section 57-39.2-04, N.D.C.C., shall be exempt from any city sales tax, but contractors shall be subject to the city use tax on those items used within the city that would be taxed pursuant to section 57-40.2-03.3, N.D.C.C., on which the city sales tax has not previously been paid.

3. Any other transactions exempted from imposition of the state sales tax or use tax pursuant to state law.

4. Gross receipts from coin-operated amusement machines.

Article 3 (con't)

b. The tax shall not exceed \$25.00 on any single sales transactions involving one (1) or more items.

c. Any retail sales tax or use tax imposed will be computed and collected in the same manner provided by law for the collection of the state sales tax and use tax. The bracket system for the application of the state sales tax set forth in section 57-39.2-08.2, N.D.C.C., shall be adjusted to incorporate the additional city sales tax.

d. Seventy-five percent (75%) of the proceeds of any city sales and use tax shall be dedicated to property tax relief.

e. Twenty-five percent (25%) of the proceeds of any city sales tax and use tax shall be dedicated to a "Job Development Fund," with the primary objective of creating jobs by applying funds for business retention, expansion and recruitment in Williston and Northwestern North Dakota. The fund shall be administered by a seven (7) member committee appointed by the Williston City Commission and may allow for two (2) City Commissioners to serve on such a committee. All projects recommended by the Job Development Fund Committee will be subject to approval by the Williston City Commission.

f. An ordinance imposing a city sales and use tax adopted pursuant to this article shall expire no later than June 30, 1996 unless the ordinance has previously been referred and rescinded by a majority of the qualified voters. A referral must be made by a petition signed by not less than 15% of the qualified electors of the city voting in the last city election. An ordinance imposing a city sales tax and use tax approved by a majority vote of the voters shall remain in effect unless repealed or amended thereafter pursuant to law.

The charter may be repealed or amended by the procedure set forth in section 40-05.1-07, N.D.C.C., provided that any petition for repeal or amendment of this Charter shall be signed by not less than fifteen percent (15%) of the qualified electors of the city voting in the last city election.

It is intended that the statutes of this state, so far as applicable, shall continue to apply to this city, except insofar as superseded by this charter or by ordinance passed pursuant to this charter, and that in addition to the powers enumerated herein or implied hereby, or appropriate to the exercise of such powers, the city shall have and may exercise all powers under the constitution and laws of the state applicable generally to all cities.

Article 4 - Boundaries

The boundaries of the city shall be the boundaries as established at the time this charter takes effect, or as such boundaries may be changed thereafter in the manner authorized by law.

Article 5 - Separability Clause

If any section or part of section of this charter shall be held invalid by a court of competent jurisdiction, such holding shall not affect the remainder of this charter, except to the extent that an entire section or part of section may be inseparably connected in meaning and effect with the section or part of section to which such holding shall directly apply.

Article 6 - Plenary and Implied Powers of the Governing Body

The governing body shall have plenary power to enact and make all proper and necessary ordinances, resolutions and orders to carry out and give effect to the express and implied powers granted by law or in this charter to the end that a complete, harmonious and effective municipal government may be initiated, installed, operated, and maintained in the city, and thereby protect and safeguard the rights, interests, safety, morality, health and welfare of the city and its inhabitants.

Article 7 - Succession in Government

Section 1 - Right of Officers and Employees Preserved

Except as otherwise specifically provided, this charter shall not affect or impair the rights or privileges of officers or employees of the city, or any office, department or agency thereof, existing at the time this charter shall take effect. Any provision of law in force at the time this charter shall take effect, which provision of law is not inconsistent herewith, shall remain in full force and effect as to qualifications of personnel, appointment, removal, pension and retirement rights, civil rights, or any other rights or privileges of officers or employees of the city or any office, department or agency thereof.

Section 2 - Continuance of Present Officers

All persons holding executive and administrative office at the time this charter takes effect shall continue in office and shall continue the performance of their duties until provisions shall have been made in accordance therewith for the performance of such duties or the discontinuance of such office.

Section 3 - Continuance of Present Offices, Departments or Agencies

Any office, department or agency, heretofore existing, shall continue to exercise powers and duties the same as were heretofore exercised and shall have the power to continue any business proceedings or other matters within the scope of its regular powers and duties until such office, department or agency shall be changed or abolished by the governing body.

The powers conferred and the duties imposed upon any office, department or agency of the city by the laws of this state shall, if such office, department or agency be abolished by this charter or under its authority, be thereafter exercised and discharged by the office, department or agency designated by the governing body.

Section 4 - Continuance of Appointive Boards, Authorities and Commissions

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

Section 5 - Continuance of Contracts

All contracts entered into by the city, or for its benefit, prior to the taking effect of this charter, shall continue in full force and effect.

Section 6 - Pending Actions and Proceedings

The adoption of this charter shall not abate or otherwise affect any action or proceeding civil or criminal, pending when it takes full effect, brought by or against the city or any office, department, agency or officer thereof.

Section 7 - Ordinances and Statues to Remain in Force

All ordinances, resolutions and regulations of the city, together with state statues applicable to municipalities which are in force at the time this charter takes effect, and not inconsistent with the provisions thereof, are hereby continued in force until such ordinances, resolutions and regulations of the city are duly amended or repealed and until ordinances are enacted providing procedures replacing those previously required by state statute.

Section 8 - Inauguration of Government Under this Charter

If a majority of the qualified electors of the city voting on the question vote to ratify this charter, the provisions of this charter shall go into effect upon the filing of the charter by the governing body with the Secretary of State, the Clerk of the District Court for Williams County, and the office of the City Auditor, within ninety days.

Article 8 - Method of Amendment and Repeal

This charter may be amended or repealed as provided by Chapter 40-05.1 of the North Dakota Century Code.

Submitted by the Williston Home Rule Charter Committee on this 12th day of March, 1991

Noel K. Hanson
Noel K. Hanson, Chairman

Joseph Vranish
Joseph Vranish

Kirk Schoepp
Kirk Schoepp

Randy Schwartz
Randy Schwartz

Larry L. Hanson
Larry Hanson

Published in the Williston Daily Herald on the 15th day of March, 1991, and approved by the voters at a special city election on the 14th day of May, 1991. Returns canvassed by the Board of City Commissioners on the 20th day of May, 1991.

Bob Kuntz
City Auditor

