

Ordinance No. 02-03

AN ORDINANCE OF THE CITY OF HAZEN, NORTH DAKOTA, ADOPTING A NEW CHAPTER XXV, ENTITLED "FISCAL AFFAIRS-DONATIONS" OF THE MUNICIPAL ORDINANCES AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, section 40-05.1-06 N.D.C.C. authorizes the City to enact ordinances for the purpose of controlling its finances and fiscal affairs, amongst other purposes; and

WHEREAS, the City Commission has determined that it is in the best interests of the City that the implementation of certain powers relating to fiscal affairs be set forth in the form of ordinances; and

WHEREAS, the City Commission, after public comments were received, has concluded it is the wishes of its citizenry that when City tax monies are donated to persons, the City provide assurance the monies are utilized for a public purpose; and

WHEREAS, the City Commission desires to set forth the details of how donations may be given; and

WHEREAS, the City Commission recognizes it must maintain supervisory control over all donations to insure the public purposes are met, NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF HAZEN, NORTH DAKOTA:

ARTICLE 1. STATEMENT OF PURPOSE

The purpose of this Ordinance is to authorize donations from the City of Hazen to qualified persons, for the purpose of promotion of public health, safety, morals, general welfare, security, prosperity or contentment of all of the inhabitants or residents within the City of Hazen, and to establish the terms and conditions governing the manner of implementing this power.

ARTICLE 2. SHORT TITLE

This Ordinance is to be known and cited as the "City of Hazen Donations Ordinance," hereinafter in this document referred to as "Ordinance."

ARTICLE 3. DEFINITIONS

For the purposes of this Ordinance, the following terms, phrases, words, and their derivations have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The words "shall", "must", and "will" are mandatory and "may" is permissive; words not defined will be given their common and ordinary meaning.

3.01 "City" is the City of Hazen, North Dakota.

3.02 "Commission" is the City Commission of Hazen, North Dakota.

3.03 "Donation" means the granting of money, property, or services from the City to qualified persons for the purpose of promoting public health, safety, morals, general welfare, security, prosperity or contentment of the residents of Hazen and the surrounding area. It also includes discounted fees or charges for City services or property and other City in-kind contributions to persons.

3.04 "Donation limit" means a discretionary monetary sum each fiscal year no greater than eight per cent (8%) of the projected adjusted general revenue funds of the City of Hazen for that year. This provision applies only to the City.

3.05 "Ordinance" means this Ordinance (Chapter XXV) of the City of Hazen Municipal Ordinances.

3.06 "Person" is any person, firm, partnership, association, corporation or organization of any kind and any other legally recognized entity.

3.07 "Property" means any real or personal property owned by City.

3.08 "Qualified persons" means those persons approved by the Commission who promote the public health, safety, morals, general welfare, security, prosperity or contentment of the residents of Hazen and the surrounding area and are not employees of the City nor contractors for the City.

ARTICLE 4. IMPLEMENTATION AND DISBURSEMENT

4.01 Persons requesting donations from the City must present the request to the City Auditor in the manner set forth by the Auditor and Commission. The request must include a statement of the public purpose for which the donation will be used. The Auditor will bring the requests before the Commission for approval. If approved by a majority vote of the Commission, the donation may not be disbursed earlier than two weeks after approval, except in the case of a donation of City services or property, which may be effective immediately after approval.

ARTICLE 5. JOINT POWERS

5.01 The City is authorized to enter into joint powers agreements, as permitted by law, for the purpose of carrying out the intent of this ordinance. Donation limits do not apply to any entity entering into a joint powers agreement with the City.

ARTICLE 6. LIABILITY AND INDEMNIFICATION

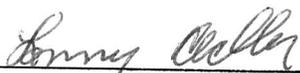
6.01. The Commission members shall have no personal liability for the granting of donations as authorized herein. The City of Hazen will indemnify any Commission member to the extent found by a court of law to have personal liability for a donation unless such liability is due to gross negligence.

ARTICLE 7. LIMITATIONS

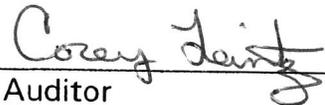
7.01 Total annual donations of money may not exceed the donation limit. Total annual donations of services or property may be made at the discretion of the Commission.

FIRST READING: December 9, 2002 SECOND READING: Jan. 20, 2003

ADOPTED: Jan. 20, 2003 EFFECTIVE DATE: Jan. 20, 2003



President of the Commission

ATTEST:


City Auditor

