

Sixty-fourth  
Legislative Assembly  
of North Dakota

ENGROSSED HOUSE BILL NO. 1245

Introduced by

Representatives Dockter, Rick C. Becker

Senator Poolman

1 A BILL for an Act to amend and reenact sections 40-08-24, 40-08-26, and 40-11-05 of the North  
2 Dakota Century Code, relating to the enforcement of city ordinances and the power of a city  
3 council to override the veto of a mayor.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1. AMENDMENT.** Section 40-08-24 of the North Dakota Century Code is  
6 amended and reenacted as follows:

7 **40-08-24. Ordinance or resolution signed or vetoed by mayor.**

8 The mayor shall sign or veto each ordinance or resolution passed by the council. Any action  
9 vetoed by the mayor may be overridden by the city council as provided under section 40-11-05.

10 **SECTION 2. AMENDMENT.** Section 40-08-26 of the North Dakota Century Code is  
11 amended and reenacted as follows:

12 **40-08-26. Mayor may call on ~~male inhabitants~~residents to aid in enforcing**  
13 **ordinances.**

14 When necessary, the mayor may call on each ~~male inhabitant~~resident of the city over the  
15 age of eighteen years to aid in enforcing the laws and ordinances of the city.

16 **SECTION 3. AMENDMENT.** Section 40-11-05 of the North Dakota Century Code is  
17 amended and reenacted as follows:

18 **40-11-05. Ordinances and resolutions adopted in council cities - Mayor's veto power -**  
19 **Reconsideration after veto.**

20 An ordinance or resolution adopted by the city council of a city operating under the council  
21 form of government is not enacted until ~~the ordinance or resolution~~ is approved by the mayor  
22 or passed over the mayor's veto. An ordinance or resolution passed by the governing body of a  
23 city operating under the council form of government ~~shall~~must be deposited in the office of the  
24 city auditor for the approval of the mayor. If the mayor approves ~~such~~the ordinance or

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1 ~~resolution~~, the mayor shall sign the ~~same~~ordinance or resolution. An ordinance or resolution not  
2 approved by the mayor shall ~~shall~~must be returned by the mayor with the mayor's objections in  
3 writing to the next regular or special meeting of the council occurring not less than five days  
4 after the passage ~~thereof~~of the ordinance or resolution. The veto may extend to an entire  
5 ordinance or resolution or to any one or more items or appropriations contained in any  
6 ordinance or resolution making an appropriation. If a veto extends to only a part ~~only~~ of an  
7 ordinance or resolution, the residue shall ~~take~~takes effect ~~and be in force~~. If the mayor fails to  
8 return any ordinance or resolution with the mayor's objections within the time specified in this  
9 section, the mayor shall ~~be~~is deemed to have approved the ~~same~~ordinance or resolution. Any  
10 veto of an ordinance ~~which has been vetoed in whole or in part~~ or resolution may be  
11 ~~reconsidered~~overridden by the city council, ~~and~~ if two-thirds of its members shall pass such  
12 ordinance, ~~it shall be~~a motion to override the veto. Upon such action, the ordinance or  
13 resolution is effective notwithstanding the veto. The vote to pass an ordinance or resolution over  
14 the mayor's veto shall ~~shall~~must be taken by yeas and nays and entered in the journal.