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SUBJECT: TERM LIMITATIONS

ADOPTED DATE: JANUARY 6, 1997

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Because it is the intent of Cass County Government to promote citizen input on local county issues, the Board of Commissioners hereby establishes limitations on all board appointments.

The term limitation schedule for board appointments shall be as follows:

- 1) 6 year term - no more than 2 successive appointments
- 2) 5 year term - no more than 2 successive appointments
- 3) 4 year term - no more than 2 successive appointments
- 4) 3 year term - no more than 2 successive appointments
- 5) 2 year term - no more than 3 successive appointments
- 6) 1 year term - no more than 4 successive appointments

The intent of this resolution is to apply this schedule retroactively as terms become available when considering re-appointments. However, no current appointments will be changed unless a vacancy occurs.

Further, this board declares it will consider eliminating any board in which board appointments remain vacant due to a lack of interest from board applicants. However, if the only applicant is an incumbent, the Commission can vote to waive the term limitation schedule.

The only exception to the term limit schedule shall be for water resource board membership. Terms for water resource boards are not limited.

HISTORICAL REFERENCE DATE: FEBRUARY 7, 1994

SUBJECT: ADVISORY BOARDS

ADOPTED DATE: OCTOBER 7, 2024

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STATUTORY BOARDS REQUIRING COMMISSION SERVICE (see page 2 of 6)

Human Service Zone Board (eight members)

County Park Board (5 commissioners and 2 members at large) NDCC 11-28-02

County Planning Board (1 commissioner from Cass County, City of Fargo, City of West Fargo, 1 county resident nominated by Township Officers Association, 2 City of Fargo residents, 3 rural county residents) Home Rule Ordinance #1995-1

BOARDS REQUIRING COMMISSION APPOINTMENTS (see pages 3, 4 & 5 of 6)

Cass County Housing Authority (appoint 5 members) NDCC 23-11-01 through 23-11-36

City Planning and Zoning Commissions (from extra-territorial area) NDCC 40-47-06

Community Action Agency (appoint 1 member)

County Tuition Appeals Board (appoint 1 member) NDCC 15.1-29-06

County Committee for Annexation, Dissolutions, and Reorganizations (5 members from commission districts) NDCC 15.1-10-01

Southeast Human Services (appoint 5 members) NDCC 50-06-05.3

Special Assessment Commission (appoint 3 members)

Vector Control (appoint 3 members) NDCC 23-24-05

Water Resource Boards, 4 districts in Cass County (3 members to each) NDCC 61-16-07

Weed Control Board (appoint 5 members--4 from geographic areas and 1 from within the city limits of a city with a population of five thousand or more, unless the city has established a city weed control program) NDCC 4.1-47-06

COUNTY STANDING COMMITTEES (Section 14.01)

Road Advisory Committee (5 commissioners and 4 appointed members)

Personnel Overview Committee (5 commissioners and 10 other members)

NON-STATUTORY BOARDS WITH COMMISSION SERVICE (see page 5 & 6 of 6)

Metropolitan Council of Governments (1 commissioner, 1 alternate)

Economic Development (appoint 2 members)

Board of Health (appoint 1 member)

Lake Agassiz Regional Council (appoint 1 member) NDCC 54-40.1

Metropolitan Flood Study Committee (2 commissioners)

Flood Diversion Board of Authority (appoint 3 members, 3 alternates)

STATUTORY APPOINTMENT OF COUNTY CORONER (see page 6 of 6)

County Coroner (appoint 1 person) NDCC 11-19.1-03

NOTE: COMMISSION SERVICE ON A BOARD/COMMITTEE TERMINATES WHEN A COMMISSIONER NO LONGER SERVES IN OFFICE

HISTORICAL REFERENCE DATE: SEPTEMBER 21, 1998

SUBJECT: ADVISORY BOARDS

ADOPTED DATE: OCTOBER 7, 2024

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MEMBERSHIP ON BOARDS/COMMITTEES

<u>STATUTORY BOARDS REQUIRING COMMISSION SERVICE</u>		<u>Term expires</u>	<u>(1st appt)</u>
<u>Human Service Zone Board</u>			
Jim Kapitan (Commissioner)	PO Box 2806-Fargo 58108	Dec. 31, 2025	(12/0423)
Kyle Davison (Senator)	4918 Meadow Creek Drive Fargo 58104	Dec. 31, 2025	(08/2123)
(3 year terms)			
Rick Steen	47 Prairiewood Dr Fargo 58103	Dec. 31, 2025	
Julie Haugen	6271 57 th Ave S Fargo 58104	Dec. 31, 2026	(09/20/21)
Jennifer Sahr	2554 69 th Ave S Fargo ND 58104	Dec. 31, 2026	(01/04/24)
Dan Madler	3320 Westrac Dr S STE G Fargo 58103	Dec. 31, 2026	(09/20/21)
Brian Hagen	680 42 nd Ave W West Fargo 58078	Dec. 31, 2024	(12/21/09)
Carrie Fry	1350 32 nd St S Fargo 58103	Dec. 31, 2024	(09/20/21)
<u>County Park Board (3 year terms for at-large members)</u>			
All Five County Commissioners			
Brandy Pyle	PO Box 337 Casselton 58012	Dec. 31, 2024	(12/17/12)
Reid Middaugh	419 7th Ave S Fargo ND 58103	Dec. 31, 2026	(08/03/20)
<u>County Planning Commission-Membership established by Cass County Ordinance #1995-1</u>			
(4-year terms except Commission and Township Officer representatives)			
Duane Breitling	Cass County Commission	Dec., Each Yr.	(12/19/22)
Tim Mahoney	Mayor Fargo City Commission	Dec., Each Yr.	(08/01/16)
Brad Olson	West Fargo City Commission	Dec., Each Yr.	(07/24/18)
David Gust	Township Officers' Assn. 3724 26 th St NW Harwood 58042	Dec., Each Yr.	(12/17/12)
Vacant		Dec. 31, 2027	
Hugh Veit	2014 E Rose Creek Pkwy S Fargo 58104	Dec. 31, 2026	(12/19/22)
Keith Gohdes	3747 16 1/2 Ave SE Mapleton 58059	Dec. 31, 2025	(12/20/21)
Ken Lougheed	17142 18 th St SE Gardner 58036	Dec. 31, 2025	(01/05/98)
Keith D. Monson	2995 170 th Ave SE Harwood 58042	Dec. 31, 2024	(06/18/01)

HISTORICAL REFERENCE DATE: MAY 4, 1992

SUBJECT: ADVISORY BOARDS

ADOPTED DATE: OCTOBER 7, 2024

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BOARDS REQUIRING COMMISSION APPOINTMENTS

		<u>Term expires</u>	<u>(1st appt)</u>
<u>Cass County Housing Authority (5 year terms)</u>			
Nate Monson	2632 6 th St W West Fargo 58078	July 1, 2028	(11/02/09)
Eddie Sheeley	2009 5 th St E West Fargo 58078	July 1, 2029	(09/07/10)
Flora West	1430 Sheyenne St West Fargo 58078	July 1, 2026	(12/19/05)
Terry Styf	807 Elm St West Fargo 58078	July 1, 2025	(08/01/11)
JoDee Knipfer	5888 26 St S Fargo, ND 58104	July 1, 2028	(03/06/24)
<u>City Planning and Zoning--from extra-territorial jurisdiction (5 year terms)</u>			
<u>Casselton</u>			
Nick Pyle	3512 154 th Ave SE Casselton 58012	July 1, 2028	(01/17/23)
<u>Fargo</u>			
Brett Shewey	6202 13 th Street N Fargo, ND 58102	July 1, 2027	(06/20/22)
Joseph Cecil	7102 37 th St N Fargo, ND 58102	July 1, 2028	(04/01/24)
Vacancy		July 1, 2020	
<u>Gardner</u>			
Vacancy		July 1, 2019	
<u>Harwood</u>			
Vacancy		July 1, 2018	
<u>Horace</u>			
John (Mike) Zietz	8501 81 st St S Horace ND 58047	July 1, 2028	(12/02/24)
<u>Kindred</u>			
Christina Woller-Cornog	PO BOX 68, Kindred ND 58051	July 1, 2028	(12/21/20)
<u>Mapleton</u>			
Vacancy		July 1, 2023	
<u>North River</u>			
Vacancy		July 1, 2017	
<u>Oxbow</u>			
Vacancy		July 1, 2024	
<u>Reile's Acres</u>			
Wyatt Kram	4518 47 th St N Fargo 58102	July 1, 2029	(02/22/22)
<u>West Fargo</u>			
Brady Woodard	3010 4th St NW West Fargo 58078	July 1, 2023	(03/15/21)
Vacancy		July 1, 2027	
David Gust	3724 26 th St NW Harwood 58042	July 1, 2025	(06/15/15)

SUBJECT: ADVISORY BOARDS

ADOPTED DATE: OCTOBER 7, 2024

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<u>BOARDS REQUIRING COMMISSION APPOINTMENTS (Cont.)</u>			<u>Term expires</u>	<u>(1st appt)</u>
<u>County Tuition Appeals Board (3 year term)</u>				
William Cromarty	1125 5 th St N Fargo 58102		July 1, 2025	(12/19/22)
<u>Southeastern North Dakota Community Action Agency</u>				
Vacancy (no open positions)			(see organization's by-laws)	
<u>County Committee for Annexation, Dissolutions, and Reorganizations (3 year terms)</u>				
Comm. Dist.				
1	Chad Peterson	149 S Woodcrest Dr-Fargo 58102	Dec. 31, 2025	(02/05/01)
2	Rick Steen	47 Prairiewood Dr S Fargo 58103	Dec. 31, 2024	(12/21/15)
3	Jim Kapitan	4553 44 th St S Fargo 58104	Dec. 31, 2024	(06/21/21)
4	Levi Bachmeier	1774 Charleswood Estates Dr, West Fargo 58078	Dec. 31, 2026	(01/02/24)
5	Brandy Pyle	PO Box 337 Casselton 58012	Dec. 31, 2025	(12/17/12)
<u>Southeast Human Services Board (2 year terms) Cass County Members</u>				
Joan Bachman			515 Grieson Ave West Fargo 58078	Dec. 31, 2025 (08/03/20)
Vacant				Dec. 31, 2025
Jennifer Sahr			4714 Arbor Ct S Fargo 58104	Dec. 31, 2024 (08/17/20)
Gregory Kaiser			729 48 th Ave W West Fargo 58078	Dec. 31, 2024 (12/19/22)
Michael Worner			94 18 th Ave N Fargo 58102	Dec. 31, 2024 (12/19/22)
<u>Special Assessment Commission (6 year terms)</u>				
David Branson			5855 24 th St S #305 Fargo 58104	Dec. 31, 2026 (12/21/20)
Jacob Gust			4614 81 st St N Fargo 58102	Dec. 31, 2027 (05/03/93)
Betty A. Wieland			3671 21 st St S Fargo 58103	Dec. 31, 2024 (11/05/01)
<u>Cass County Vector Control District #6 (5 year terms)</u>				
Denise Kolpack			225 4 th St N Fargo ND 58102	Dec. 31, 2026
Matthew Eaton			1626 Ash Pl West Fargo 58078	Dec. 31, 2025 (09/08/20)
Joseph P. Rinehart			712 Augusta Place West Fargo 58078	Dec. 31, 2024 (02/06/17)
<u>Maple River Water Resource District (3 year terms)</u>				
Dallas Hoffmann			14552 39 th St SE Wheatland 58079	Dec. 31, 2024 (10/07/24)
Chad Miller			13789 26 th St SE Buffalo 58011	Dec. 31, 2025 (12/18/17)
Gerald Melvin			3510 139 th Ave SE Buffalo 58011	Dec. 31, 2026 (01/03/12)
<u>Southeast Cass Water Resource District (3 year terms)</u>				
Keith Weston			4235 47 th Ave S Fargo 58104	Dec. 31, 2024 (06/03/19)
Rick Steen			47 Prairiewood Dr S Fargo 58103	Dec. 31, 2025 (12/19/22)
David Branson			5855 24 th St S #305 Fargo 58104	Dec. 31, 2026 (12/02/19)

HISTORICAL REFERENCE DATE: MAY 4, 1992

SUBJECT: ADVISORY BOARDS

ADOPTED DATE: OCTOBER 7, 2024

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<u>BOARDS REQUIRING COMMISSION APPOINTMENTS (Cont.)</u>			<u>Term expires</u>	<u>(1st appt)</u>
<u>Rush River Water Resource District (3 year terms)</u>				
Jacob Gust		4614 81 st St N Fargo 58102	Dec. 31, 2024	(12/21/15)
William A. Hejl		15560 28 th St SE Amenia 58004	Dec. 31, 2025	(01/21/97)
Richard Sundberg		210 Park Drive Harwood 58042	Dec. 31, 2026	(01/03/12)
<u>North Cass Water Resource District (3 year terms)</u>				
Robert Thompson		14253 19 th St SE Page 58064	Dec. 31, 2024	(05/04/76)
Ken Loughheed		17142 18 th St SE Gardner 58036	Dec. 31, 2025	(01/20/15)
Jay Colwell		1918 166 th Ave SE Gardner 58036	Dec. 31, 2026	(03/04/24)
<u>County Weed Control Board (4 year terms)</u>				
(One member from each of four geographical areas, i.e. SW, SE, NW, NE; and one member from within the city limits of West Fargo, which has a population of 5,000 or more and has not established a city weed control program)				
Ken Hagen	SW area	14964 47 th St SE Leonard 58052	July 1, 2026	(09/21/98)
Clayton Brennan	SE area	2608 Ann St West Fargo 58078	July 1, 2025	(09/02/08)
Dalen Grieger	NW area	2958 136 th Ave SE Buffalo 58011	July 1, 2027	(01/02/24)
Marty Murch	NE area	1782 151 st Ave SE Hunter 58048	July 1, 2028	(08/17/20)
Chad Zander	West Fargo	810 12 th Ave NW West Fargo 58078	July 1, 2026	(06/20/22)
<u>Cass County Cemetery Board</u>				
County Administrator- Robert Wilson				
Buildings and Grounds Supervisor- Gene Gartner				
County Coroner-Kristie Ross				
Human Service Zone Director- Gail Bollinger				
Corner's Office Commission Portfolio- Mary Scherling				
Cemetery Sexton-Colleen Lanners				
<u>Committee Representative (3 year term)</u>				
Hannah Blazinski-Cuhel		408 Roberts St N #211 Fargo 58102	Dec. 31, 2026	(02/05/24)
Kristin Roers		4378 Estate Dr S Fargo 58104	Dec. 31, 2026	(02/05/24)
Nicole Geist		205 Fairway Dr Casselton 58012	Dec. 31, 2026	(02/05/24)
<u>STATUTORY APPOINTMENT OF COUNTY CORONER (5 year term)</u>				
Kriste Ross			Nov. 1, 2025	(10/19/20)

SUBJECT: ADVISORY BOARDS

ADOPTED DATE: OCTOBER 7, 2024

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Building Committee

Chad M. Peterson
Jim Kapitan

Flood Sales Tax Committee

Mary Scherling
Duane Breitling

Flood Buyout Committee

Mary Scherling
Duane Breitling

Cass Clay Food Commission

Jim Kapitan

Red River Regional Dispatch Center Authority Board

Mary Scherling
Chad Peterson

HISTORICAL REFERENCE DATE: MAY 4, 1992

SUBJECT: ARTIFICIAL INTELLIGENCE USAGE

ADOPTED DATE: JULY 1, 2024

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Purpose: The purpose of this policy is to establish the Cass County Government employee practices for the responsible and secure use of artificial intelligence (AI). The County is committed to utilizing Artificial Intelligence in a secure, responsible, and ethical manner to improve processes, enhance services, and support employees to do their best work. This policy provides simple, user-focused guidance for all employees.

Due to the rapid rate of development of AI tools, the County will regularly review and update this policy to keep it aligned with County standards as well as technological advancements.

Scope: This policy applies to all employees, contractors, and any other third-party individuals or entities who have access to AI technologies or are involved with using AI technologies on behalf of the County.

Definition, Artificial Intelligence: Artificial Intelligence (AI) refers to the development of computer systems capable of performing tasks that typically require human intelligence. These tasks include but are not limited to learning, reasoning, problem-solving, perception, natural language understanding, and decision-making. AI technologies encompass a range of approaches, including machine learning, neural networks, and advanced algorithms.

Principals of Responsible AI Use: County workers are supported in the responsible integration of AI into their tasks, leveraging its potential to enhance services, promote justice, and improve efficiency. Each staff member bears the responsibility of utilizing generative AI tools in a manner that prioritizes the security of sensitive information and aligns with County policies. The following key principles should guide their approach:

1. Data Security: Recognizing the critical nature of data security, County workers must exercise utmost caution when utilizing AI models. It is strictly prohibited to input non-public data into any AI model. This includes sensitive information that is not publicly available.

2. Data Integrity: Ensuring the integrity of information is a paramount concern. Before relying on any output from an AI model, County workers are required to validate the generated information. This involves cross-referencing with authoritative sources and ensuring accuracy to maintain the reliability of government operations.

3. AI Models as Tools, Not Replacements: AI models are intended to be tools to aid and enhance the capabilities of County workers. They are not to be considered replacements for human employees. County workers should exercise professional judgment and decision-making, utilizing AI models as supportive tools in their respective roles.

SUBJECT: ARTIFICIAL INTELLIGENCE USAGE

ADOPTED DATE: JULY 1, 2024

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4. Ethical Usage: County workers must adhere to ethical standards when utilizing AI. This includes avoiding any bias in input data, addressing potential biases in AI algorithms, and ensuring fair and equitable treatment in decision-making processes facilitated by AI models.

5. Training and Awareness: When County provided AI training becomes available, regular training sessions and awareness programs will be conducted to keep County workers updated on the latest advancements, best practices, and potential risks associated with AI usage. This will help in fostering a culture of responsible and informed AI utilization.

6. Compliance with Legal and Regulatory Frameworks: All AI activities undertaken by County workers must comply with existing legal and regulatory frameworks. Any use of AI that violates laws or regulations is strictly prohibited, and County workers are expected to stay informed about the evolving landscape of AI-related policies related to their job duties.

7. Opt-Out Option: Members of the public have the right to opt out of their data being used in any AI model. County departments shall provide a clear and accessible opt-out mechanism, allowing individuals to choose not to have their data utilized in AI applications. Departments are responsible for respecting and implementing these opt-out preferences.

8. Human Interaction and Oversight: AI-driven solutions will not make impactful decisions without human interaction and oversight. County workers must actively engage with AI outputs, providing necessary context, interpretation, and oversight to ensure that AI-driven decisions align with policy objectives and ethical standards.

9. Transparency Option: County Departments shall implement a transparency option, including citing when AI was used to generate information. This involves providing clear communication to the public and stakeholders about instances where AI has been utilized in the generation of information, ensuring transparency in the decision-making processes.

10. Monitoring and Accountability: There will be periodic monitoring of AI usage to ensure adherence to this policy. County workers found in violation may be subject to disciplinary action. Accountability is a shared responsibility, and all employees are encouraged to report any concerns regarding the misuse or inappropriate application of AI.

11. Continuous Improvement: This policy is subject to periodic review and updates to align with evolving technology, best practices, and legal requirements. Feedback from County workers and the public regarding AI usage will be considered to enhance the effectiveness of this policy.

SUBJECT: AMERICANS WITH DISABILITIES ACT

ADOPTED DATE: MARCH 8, 1993

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ADA - THE AMERICANS WITH DISABILITIES ACT

Cass County Government, in keeping with its mission, intends to implement the "spirit" of the Americans with Disabilities Act (ADA).

It is vital during this process of implementation that all units, committees and employees within Cass County Government keep foremost in their planning the basic intent of the law as agency efforts are made to ensure compliance with all requirements.

The Americans with Disabilities Act (ADA), was enacted into law in July of 1990. The effective date for the ADA is July 26, 1992, for a covered employer with 25 or more employees. Therefore, it is important to be aware of the provisions of the ADA and to lay the groundwork to comply with the law and avoid potential lawsuits. For covered employers with 15 to 24 employees, the Act becomes effective July 26, 1994.

It is estimated that there are approximately 43 million Americans today with one or more physical or mental disabilities. The ADA together with the Rehabilitation Act of 1973 and related state legislation such as the North Dakota Human Rights Act, NDCC 14-02.4, have been enacted in an effort to combat discrimination against such individuals in employment and other areas.

A. COVERAGE OF ADA.

Although the ADA has five titles, those of most concern to personnel professionals are Title I, dealing with employment, and Title V containing some miscellaneous provisions related to employment. The ADA has been codified at 42 U.S.C. 12101 et seq. Regulations have been promulgated and can be found at 29 C.F.R. 1630.

The ADA prohibits discrimination "against a qualified individual with a disability because of the disability of such an individual in regard to job application procedures, the hiring, advancement, or discharge of employees, employee compensation, job training, and other terms, conditions, and privileges of employment." 42 U.S.C. 12112(a). The regulations provide that "other terms, conditions, and privileges of employment" include:

- 1) recruitment, advertising and job application procedures;
- 2) hiring, upgrading, promotion, award of tenure, demotion, transfer, layoff, termination, right of return from layoff, and rehiring;
- 3) rates of pay or any other form of compensation and changes in compensation;

SUBJECT: AMERICANS WITH DISABILITIES ACT

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- 4) job assignments, job classifications, organizational structures, position descriptions, lines of progression, and seniority lists;
- 5) leaves of absence, sick leave, or any other leave;
- 6) fringe benefits available by virtue of employment, whether or not administered by the covered entity;
- 7) selection and financial support for training, including: apprenticeships, professional meetings, conferences, and other related activities, and selection for leaves of absence to pursue training;
- 8) activities sponsored by a covered entity including social and recreational programs;
- 9) any other term, condition, or privilege of employment.

29 C.F.R. S1630.4.

B. PROHIBITED ACTIVITIES.

The ADA (42 U.S.C. S12112) prohibits the following:

- 1) limiting, segregating, or classifying a job applicant or employee in a way that adversely affect the opportunities or status of that person because of that person's disability;
- 2) participating in a contractual or other arrangement which has the effect of discriminating against a disabled individual;
- 3) utilizing standards, criteria, or methods of administration that have the effect of discriminating on the basis of disability or perpetuates such discrimination (disparate impact discrimination);
- 4) excluding or otherwise denying equal jobs or benefits to qualified individuals because of the known disability of a person with whom the qualified individual has a relationship or association;
- 5) not making reasonable accommodations for the known physical or mental limitations of an otherwise qualified applicant or employee unless the employer establishes the accommodation would cause undue hardship;
- 6) denying employment opportunities to an otherwise qualified person with a disability if based on a need to make a reasonable accommodation;

SUBJECT: AMERICANS WITH DISABILITIES ACT

PAGE 3 OF 5

- 7) using qualification standards, employment tests or other selection criteria that screen out qualified individuals with a disability unless such selection criteria are job related and consistent with business necessity as defined by the ADA; and
- 8) failing to select and administer tests in the most effective manner to ensure the tests measure skills and aptitude of the person with the disability rather than reflecting a person's impairment.

(Emphasis supplied.)

The ADA also prohibits pre-employment medical exams unless the employer makes a conditional offer of employment to the applicant and requires a medical exam of all applicants for the position. The exam should only test for job related abilities and records of the exam must be kept separately in confidential files. 42 U.S.C. S12112(c)(3).

C. KEY TERMS USED IN THE ADA.

Although the ADA has a number of terms that are defined in the Act or in the regulations, in order to have an understanding of the Act, it is important to be aware of some of the basic terms used in the Act such as disabled individual, reasonable accommodation, and undue hardship.

1. Disabled Individual.

For purposes of the ADA, a disabled individual is 1) an individual with a physical or mental impairment that substantially limits one or more of the major life activities (such as walking, seeing, hearing, speaking, breathing, learning, working, caring for oneself, or performing manual tasks; 2) an individual with a record of such impairment; or 3) an individual regarded as having such an impairment. 42 U.S.C. 12102(2).

Under the ADA, a qualified individual with a disability is applicant or employee who can, with or without reasonable accommodations, perform the essential functions of the employment position held or sought. 42 U.S.C. 12111(8).

SUBJECT: AMERICANS WITH DISABILITIES ACT

PAGE 4 OF 5

2. Reasonable Accommodation.

A key requirement of the ADA mandates employers to make reasonable accommodations for the limitations of qualified individuals with disabilities who are applying for employment or who are already employed to enable such individuals to perform the essential functions of the job.

Reasonable accommodation under the ADA can include any of the following: making existing facilities readily accessible and useable by disabled individuals, job restructuring, part-time or modified work schedules, reassignment to a vacant position, acquisition or modification of equipment or devices, modifying or adjusting examinations, training materials or policies, and provision of qualified readers or interpreters, etc. 42 U.S.C. S12111(9).

3. Undue Hardship.

The ADA also defines whether an action of accommodation on the part of an employer would constitute an undue hardship, and thus establish a defense to having to accommodate a qualified individual with a disability. The ADA looks at the nature and cost of accommodations needed, the overall financial resources of the facility involved, the overall financial resources of the covered entity, and the type of operation or operations of the covered entity.

PREPARING TO IMPLEMENT THE ADA.

A. AVOID QUESTIONING JOB APPLICANTS ABOUT PHYSICAL OR MENTAL DISABILITIES.

Agencies should scrutinize employment applications and interview questions to avoid questions designed to elicit whether a person has a disability. The following are examples of questions that should be avoided:

- 1) Direct questions as to whether a person has a disability or is disabled, including questions regarding the nature and severity of a disability.

SUBJECT: AMERICANS WITH DISABILITIES ACT

PAGE 5 OF 5

- 2) Questions about whether a person has filed a workers compensation claim against a former employer or suffered a work-related injury or obtained such benefits.
- 3) Questions asking an applicant to identify physical or mental impairments or medical conditions.
- 4) Questions relating to use of leave because of a disability or perceived disability.
- 5) Questions as to whether a person has been treated for drug addiction, alcoholism, or for mental or psychological disorders.

The proper way to pose questions to job applicants is initially to review the essential functions of the job in question with the applicant; it is then legitimate and lawful to inquire whether the applicant can perform these essential job functions. The ADA protections are designed only to protect those qualified individuals with a disability who can perform the essential functions of the position with or without reasonable accommodation. The regulations define essential functions as "fundamental job duties of the employment position the individual with the disability holds or desires." 29 C.F.R. S1630.2(n). The term essential function does not include the marginal functions of the position.

B. UPDATE AND REVISE JOB DESCRIPTIONS.

One of the most important ways to prepare for the implementation of the ADA is for employers to review and revise job descriptions. Job descriptions should explicitly identify the essential functions of the position. Properly detailed and updated job descriptions would likely be the key piece of evidence to determine essential functions of any position. It is important that job descriptions are updated and reflect the essential functions of the job in question. If an applicant or employee cannot perform the essential functions of the position with or without reasonable accommodation, such applicant or employee need not be hired or retained.

C. EMPLOYEE HANDBOOKS AND PERSONNEL POLICY SHOULD BE EXAMINED TO ENSURE THAT POLICIES ARE IN COMPLIANCE WITH THE ADA.

HISTORICAL REFERENCE DATE: JULY 26, 1992

SUBJECT: COUNTY OFFICES

ADOPTED DATE: APRIL 1, 2019

PAGE 1 OF 2

APPOINTED OFFICES

Cass County Administrator: A full-time administrator assists the part-time, elected board of commissioners in the implementation of their strategic plan and in day-to-day activities. The administrator also supervises personnel and buildings and grounds maintenance.

Cass County Extension Agent: This is the county office of the NDSU Extension Service. The program's mission is to improve the quality of life through education and service.

Director of Tax Equalization: This office has a director and a deputy clerk who supervises, instructs, and assists city and township assessors with fair market values for all agricultural, commercial, and residential property of the county. They levy and collect taxes on all mobile homes in cities and rural areas of Cass County.

Finance Director: This office serves as the county's chief financial officer and custodian of certain court records and documents. The major office functions are county accounting, county property tax administration, election administration, and preparation of the annual county budget. The office also has custody of all county funds, collects taxes and disburses funds, invests county funds, reconciles bank statements, mails out real estate statements, records birth and death certificates, and marriage licenses. The treasurer also serves as custodian of certain county school district funds.

Highway Engineer: This office has the responsibility for the construction and maintenance of county roads and bridges. The county levies taxes for road and bridge construction. All public roads not part of the federal, state or county system are maintained by individual townships. Administration, finance, and road improvements are the major program areas of this department. In addition, the county engineer supervises vector control, as well as county planning services.

Information Technology Coordinator: This office provides all computer related services to county employees. The "voice mail" phone service for county offices is also run through this office.

Recorder: This office is responsible for filing and recording documents that pertain to personal and real property. The office is also required to maintain a permanent record of these documents which can include but is not limited to deeds, mortgages, leases, easements, plats, crop liens, state and federal tax liens, medical certificates, and a variety of other miscellaneous instruments. All of these records are open to the public.

SUBJECT: COUNTY OFFICES

ADOPTED DATE: APRIL 1, 2019

PAGE 2 OF 2

Social Services Director: The staff includes social workers, eligibility specialists, administrators, homemakers, and support staff. The department has been designated by law to provide poor relief and related services to the citizens of Cass County. The two major program areas are social services and economic assistance. The agency is directly responsible to the Cass County Social Services Board comprised of all five county commissioners and two non-voting citizen advisory members.

Veterans Service Officer: This department works with veterans and families of veterans within local, state and federal laws. The office provides assistance with pensions, military records, VA benefits, proof of service, burial and death payments. The office not only provides services to veterans, but also widows, orphans, and dependents of veterans.

Weed Control Officer: The weed control board appoints this position, whose purpose is to provide leadership and education in long-term control of noxious weeds.

HISTORICAL REFERENCE DATE: DECEMBER 12, 2002

SUBJECT: BRIDGES AND CULVERTS

ADOPTED DATE: MAY 4, 1992

PAGE 2 OF 5

RESOLUTION

WHEREAS; Cass County has been assisting the townships with the maintenance and reconstruction of the township bridges for several years and,

WHEREAS; Cass County plans to continue to help the townships with the maintenance and reconstruction of the bridges under their jurisdiction and,

WHEREAS; all bridges on the township roads in Cass County are presently township bridges,

NOW THEREFORE BE IT RESOLVED; that the Cass County bridge replacement policy for township roads shall be as follows until such time as the County Board of Commissioners sees fit to change same:

-BRIDGE REPLACEMENT-

Cass County will cause all county and township bridges to be inspected as required by law, and when in the opinion of the engineer, the structure is in such poor condition that it is considered to be a hazard, the bridges so considered shall be closed to use by the public. When such bridge is located on the township system the township board may request that said bridge be considered for replacement and after town board action these requests should be submitted to the County Engineer. The County will review each request and will determine the needs and the priority of each township structure so presented, and will determine the reconstruction program for these projects based upon the needs of the several townships and the funding available for projects of this type. If and when the county closes a township bridge due to structural conditions and elects to leave said bridge closed due to low priority or lack of funds, the affected township or townships may elect to replace the condemned structure using their own funds if the new structure is properly designed and built in accordance with minimum design standards, as outlined in the American Association of State Highway and Transportation Officials Manual for Geometric Design of Highways and Streets, and meeting HS-20 structural design requirements.

When the county agrees to assist a township in the replacement of a bridge on the township system the township shall provide the first \$500.00 of the cost for which the township would normally be responsible. The balance of the cost will be paid by the County unless other arrangements have been made between the County Board and the

SUBJECT: BRIDGES AND CULVERTS

PAGE 3 OF 5

township board. All structures so replaced shall remain on the township system upon completion of the project.

-BRIDGE REFURBISHMENT (REPAIRS)-

Cass County will continue to assist the several townships in the repair of bridges on the township system. The jurisdiction for structures located on the township system shall remain with the townships. When the County elects to assist the townships with bridge repairs the first \$500 of the costs so encountered shall be paid by the township of townships involved. The County will pay the balance of such costs provided that the work is done by the County and under the direction of the County engineer. The townships may elect to repair their own structures and in so doing shall be responsible for the entire costs of repairs encountered by so doing. When repairing bridges by using this method the townships may request that the affected bridge be re-rated by the County upon the townships completion of the work.

-SIGNING OF TOWNSHIP STRUCTURES-

The County will continue to assist the several townships with signing of township bridges when the signs are placed in accordance with the Manual on Uniform Traffic Control Devices, and load limits are placed in accordance with inventory and appraisal provided by the County and when the County furnishes and installs these signs with its own crews. The cost of material and labor for signs installed on township bridges shall be paid by the townships.

The intent of the Cass County Board of Commissioners "Policy Statement" is to provide assistance to the townships, so that townships may provide more safe and efficient transportation facilities for the public. Cass County has no intention of usurping any of the township jurisdiction as provided for in the North Dakota Century Code.

In the event that a township has a problem providing for their "Fiscal responsibilities" for structural projects other than those covered by this policy, they may request assistance from the County Board of Commissioners on a project by project basis. Proof of financial need will be required.

HISTORICAL REFERENCE DATE: MAY 24, 1988
AMENDED JUNE 7, 1988

SUBJECT: BUDGET POLICY

ADOPTED DATE: MAY 4, 1992

PAGE 1 OF 2

RESOLUTION ON BUDGET POLICY

WHEREAS, the Cass County Commission adopted the following mission statement for Cass County Government on January 28, 1991:

The mission of the Cass County Board of Commissioners:

- (1) To develop, approve and administer yearly budgets and set appropriate mill levies within statutory constraints.
- (2) To determine county policy and strategic planning decisions in conjunction with County functional directors to assure that county services mandated by statute, or determined by policy, are provided equitably to the citizens of Cass County.
- (3) To assure that property tax assessment and collection is accomplished, as dictated by statute, and determined by service level in serving the citizens of Cass County.

In addition, the Commission shall manage and maintain all County property, purchase and dispose of such property and supervise the electoral process for the citizens of Cass County.

WHEREAS, in order to properly carry out the mission policy adopted by the Commission, we need to establish goals and strategies that we as a Commission will strive to follow this year and in future years concerning the county budget.

THEREFORE, BE IT RESOLVED, that the goal of the County Commission is to maintain the financial stability of Cass County Government, while at the same time providing the services mandated by its constituents and mandates by State and Federal governments. Some of the strategies of the Commission in meeting this goal are as follows:

- (1) The Commission will budget in a manner that maintains cash reserves equal to 7%-10% of expected expenditures for each fund.
- (2) The Commission will seek, and will encourage all departments to seek, alternative funding sources for those programs that may be eligible for outside funding.

SUBJECT: SPRINGVALE CEMETERY

ADOPTED DATE: AUGUST 5, 2024

PAGE 1 OF 3

Springvale Cemetery is overseen and cared for by Cass County Government. It is reserved for those who qualify for Final Disposition Assistance through the Cass Human Service Zone. Concerns with Springvale Cemetery will be addressed by the Cass County Cemetery Sexton, the Cass County Cemetery Board, and the Board of Cass County Commissioners.

Markers:

Only markers with base (size 34" x 22" or smaller) are allowed to be placed at the grave site. No plaques (other than military markers) or upright monuments are allowed. All monument companies and/or families must contact the cemetery Sexton for approval for having the marker set at the cemetery. Springvale reserves the right to reject any marker or memorial which does not conform to the rules and regulations.

Decorations:

Grave decorations should be placed as close as possible to the grave marker to allow accessibility for lawn mowing equipment. If decorations interfere with normal grass mowing those items may be removed and/or discarded by cemetery staff.

Items NOT allowed include glass decorations, items over 36 inches in height, trees, shrubs, edging material, metal or plastic fences, benches and large concrete pots or planters.

Nothing may be placed on top of the grave other than black dirt and grass seed. Landscape rocks, stones, or mounded dirt on top of the grave are not allowed.

Graves are maintained by the cemetery and if additional dirt and grass seed needs to be placed, this will be completed by cemetery staff only.

Cleaning:

Springvale Cemetery will be thoroughly cleaned each spring (first week of April) and fall (first week of September). Grave decorations will be removed during both the fall and spring cleanups. If you have decorations you wish to save, you must remove them prior to the cleanup dates. The Cemetery staff will not hold decorations for families and decorations will be disposed of by Cemetery staff at the times designated for clean up.

Cemetery staff will use their discretion, throughout the year, in removing and discarding the items if they become unsightly or appear to have been ignored and abandoned.

Wind, rain, wildlife, and general maintenance of the cemetery (mowing lawn) may damage or even displace some grave decorations. Springvale is a public cemetery and items may also be lost due to vandals or thieves. Springvale is not responsible for damage or loss to decorations or markers that are placed on the grave site. The cemetery is not liable for any costs or damage to items removed from gravesites and discarded by staff in accordance with the rules and regulations.

SUBJECT: SPRINGVALE CEMETERY

ADOPTED DATE: AUGUST 5, 2024

PAGE 2 OF 3

Saving of lots:

Lots will no longer be saved at Springvale Cemetery as of August 5, 2024. Prior to this policy being put in place there were lots saved for certain individuals. The Sexton has a list of these saved lots and who they are saved for. These will continue to be saved until they are needed for burial.

At the time of their death, the family members of the deceased individual must apply for funeral/burial assistance through the Cass County Human Service Zone. If they do not qualify then the cost of the saved lot will be equivalent to the price of the lowest cost lot at Holy Cross Cemetery, Fargo. This must be paid to Cass County prior to the burial occurring.

Individuals who have a saved lot cannot transfer it to another individual.

Purchasing of lots:

Lots can no longer be purchased at Springvale other than in the circumstance as indicated above (saved lots).

Open and close of grave:

The opening and closing of the grave must be coordinated through the Sexton of the Cemetery who will then also notify and coordinate with the gravedigger. Funeral Homes may dig the graves when burying cremated remains but must always notify the Sexton.

Burials and required documentation:

The cemetery Sexton must be notified of any burial that is to occur at Springvale Cemetery. Burials cannot be completed without the approval of the Sexton.

Appropriate paperwork (disposition permit or certificate of cremation) must be provided to the Sexton prior to the burial.

Two sets of cremated remains (two urns) may be buried in one lot. One set of cremated remains (one urn) may be buried on top of a full body interment (casket) with approval from family of the casketed deceased.

All full body interments require a vault (outer burial container), to eliminate sunken graves as well as maintain a high level of care and follow North Dakota state law - ND Century Code 33-05.

SUBJECT: SPRINGVALE CEMETERY

ADOPTED DATE: AUGUST 5, 2024

PAGE 3 OF 3

Visitors:

Visitors to the cemetery grounds should respect the cemetery as a memorial to honor those who have died. The following are prohibited at the cemetery:

- The use of alcohol, illegal substances, and hallucinogenic drugs
- Fireworks and explosives of all kinds
- Sleeping or loitering on the cemetery grounds

Use roadways and do not travel with vehicles off the roads.

Use garbage cans at the cemetery to throw away trash.

SUBJECT: BUILDING SECURITY

ADOPTED DATE: JUNE 6, 1994

PAGE 1 OF 1

Department heads shall periodically review allocation of "pass cards" to ensure cards are provided only to those employees needing access to the courthouse after hours and on weekends.

If access cards are lost by county employees, the department head shall notify the Sheriff's Department immediately so that the appropriate entrance code can be deleted from the access program and the integrity of the security system is preserved.

HISTORICAL REFERENCE DATE: MAY 4, 1992

SUBJECT: COUNTY COMMISSIONERS

ADOPTED DATE: MAY 4, 1992

PAGE 1 OF 1

AGENDA PROCEDURES

The agenda procedure shall be as follows:

- 1) The agenda deadline is the Monday before each meeting at 5:00 PM.
- 2) Prepare a one or two-page memo or letter outlining your request, addressed to the Cass County Board of Commissioners, and submit it to the Commission Secretary by the agenda deadline. It will be determined from the information you submit if an item is ready to be placed on the agenda. An agenda packet will be prepared for commissioners prior to each meeting, allowing them full opportunity to review each request and to ask questions prior to the commission meeting.
- 3) If you are asking the board of commissioners to make a decision based on your supporting material, type "SUGGESTED MOTION" at the end of your memo or letter, and state the action you are requesting the board of commissioners to consider. If you are providing information only and not requesting action, please state that in your letter.
- 4) If you need to attach a lengthy document to your letter but don't think it is necessary to make copies for each commissioner, state in your letter that full documentation is available for their review in the Commission Secretary's office.
- 5) Commission agendas may be amended for "unusual circumstances" as part of the motion to approve the order of the agenda by a majority of the Commissioners present. The portfolio commissioner should have responsibility for placing these items on the agenda.

HISTORICAL REFERENCE DATE: JANUARY 31, 1989
DECEMBER 15, 2014
DECEMBER 5, 2016

SUBJECT: COUNTY COMMISSIONERS PER DIEM

ADOPTED DATE: DECEMBER 7, 2020

PAGE 1 OF 1

ACTIVITIES ELIGIBLE FOR PER DIEM REIMBURSEMENT

Commissioners will receive a per diem payment of \$100 per day for days they attend, participate in, travel to/from scheduled meetings for all boards or committees assigned as part of their Commission responsibilities. Cass County Commissioners will not receive per diem for meetings/work on regular Commission meeting days.

Legislative business and conference travel and attendance will be paid as per diem days.

Per diems will not be paid under this policy for work related to Cass County Human Service Zone Board activities.

For tracking and recording purposes, Commissioners will submit information electronically for days eligible for per diem reimbursement. The County Administrator will review and direct Payroll to process payments. Information about the level of per diem use will be posted and available.

Non-official, non-noticed meetings related to official responsibilities are per diem reimbursable if the duration is one hour or longer, as reported by Commissioners.

HISTORICAL REFERENCE DATE: OCTOBER 11, 1993

SUBJECT: CONTRACTS

ADOPTED DATE: OCTOBER 17, 2022

PAGE 1 OF 1

All contracts which bind Cass County must contain the signature of the Commission Chairman or the Chairman's designee. Prior to being placed on the Commission agenda, the Department Head shall forward the contract and contract cover form to the Commission Office to be placed on the Commission agenda. The Commission Assistant will then forward all contracts to the State's Attorney's Office for review. The State's Attorney's Office shall review the contracts and return the approval to the Commission Office prior to the Commission meeting.

The form included in Attachment A shall be used when presenting contracts to the Commission for approval. The form includes a portion to be filled out by the department requesting approval and the State's Attorney's Office for approval.

HISTORICAL REFERENCE DATE: MAY 4, 1992
OCTOBER 2, 2000

Attachment A



CONTRACT APPROVAL

REQUIRED BY DEPARTMENT:

DEPARTMENT: _____ DATE OF REQUEST: _____

COMPANY REQUESTING CONTRACT: _____

BRIEF PROJECT DESCRIPTION: _____

____ NEW CONTRACT OR ____ CONTRACT RENEWAL

REQUIRED BY STATE'S ATTORNEY OFFICE:

STATE'S ATTORNEY SIGNATURE: _____ DATE _____

STATE'S ATTORNEY COMMENTS:

SUBJECT: COUNTY HIGHWAYS WITHIN ANNEXED CITIES

ADOPTED DATE: FEBRUARY 20, 2007

PAGE 1 OF 2

Background

Funding formulas for distribution of the State Highway Distribution Funds and Federal Highway Funds in North Dakota are based on the premise that county highways have traditionally been turned over to the larger cities (over 5,000 in population) as the land adjacent to the highways is annexed. These formulas are population-based resulting in increased city funding and decreased county funding as annexations take place although there may be a lag of several years in the change, pending census updates.

Counties do not have authority to levy special assessments for highway improvements within an incorporated area.

Cities with population over 5,000

It is the policy of the county commission that in cities with populations over 5,000, county highways should be targeted to be turned over to the city within two years of annexation of the majority of the land on both sides of the highway. The policy recognizes that segments should be turned over with logical termini, such as mile line road intersections. The county should work cooperatively with the cities to accomplish an orderly transfer of ownership. Interim partnership arrangements should be considered during transitional periods to provide for logical and efficient delivery of government services. The county may participate in funding of improvement projects in connection with the change in ownership. Factors to be considered in determining if the county participates in project funding and the extent of county participation may include but are not limited to traffic volume, highway condition, county funding of previous projects, project scope, trip origins/destinations, land use and available funding.

Cities with population of less than 5,000

It is the policy of the county commission that county highways running through or adjacent to cities with populations of less than 5,000 will generally remain on the county highway system. This presupposes that the cities will not take actions that preclude safe and efficient traffic operations on the county highway. North Dakota Century Code gives cities considerable authority regarding streets within the city boundaries. This policy is not intended to circumvent state statute. The county and city are obligated to exercise good engineering judgment and apply appropriate design standards to highways. Project agreements should be developed for improvement projects outlining funding and maintenance responsibilities. In general the county will fund all of the costs of basic rural design section pavement improvements and county funds may be applied to related infrastructure enhancements. City participation will generally be expected for municipal enhancements such as sidewalks, bike paths, storm sewers and curbing. All signing will

SUBJECT: COUNTY HIGHWAYS WITHIN ANNEXED CITIES

ADOPTED DATE: FEBRUARY 20, 2007

PAGE 2 OF 2

be in strict accordance with the most recent edition of the Manual on Uniform Traffic Control Devices (MUTCD). County funding of improvement projects will be contingent upon the city complying with county policies and decisions regarding access spacing, right of way dedication, and corridor preservation.

HISTORICAL REFERENCE DATE: DECEMBER 4, 2006
FEBRUARY 20, 2007

SUBJECT: COUNTY HISTORY

ADOPTED DATE: DECEMBER 12, 2002

PAGE 1 OF 2

Cass County was created in 1873 and named for George W. Cass, president of the Northern Pacific Railway Company. The territorial legislature authorized the governor, John A. Burbank, to appoint county commissioners of Cass County. He appointed Fargo's first settler Newton Whitman, W. H. Leverett, and Jacob Lowell. The board first met on October 27, 1873 at Whitman's blacksmith shop near Front Street (Main Avenue) bridge in Fargo. The commissioners elected Mr. Whitman as the commission's first chairman. They appointed a register of deeds and a judge of probate. Tenure on the commission was brief during the early days of Cass County, trouble over taxes was a major problem. One of the first official acts of the 1873 board was to institute a system to obtain revenue by charging retail liquor dealers \$100 a year for a license, peddlers \$20, auctioneers \$15, and retail merchants \$50.

The first instrument filed for record in the office of the register of deeds was the Fargo town plot on January 2, 1874. The first election held in the county took place on February 14, 1874, when the question of bonding for the purpose of erecting county buildings was presented. There was one precinct in the county and 179 votes were cast. In the summer of 1874, two elections were held and a total of \$15,000 was spent on "completing and furnishing" the courthouse. The building was completed that fall and served as both courthouse and jail. The site was several blocks east of the current courthouse.

The Cass County Courthouse is the third building to be used by the county on the present site. The second courthouse was destroyed by fire in 1904 and was replaced by the existing classical-style building. It finally opened for business on July 31, 1906. The interior decoration for the building was awarded to the North Dakota Decorating Company, founded in 1902 by Herman Boerth and two others. The company sold wallpaper, paint, glass, and did interior decoration for churches, theaters, private homes and other buildings across the state. The firm later became Boerth Frame and Mirror, owned by Boerth's son, Walter.

One question always asked concerns the background of the nine paintings on the dome depicting the four seasons and the various arts and sciences. These paintings were the work of Herman Boerth and a Milwaukee artist known only as G. Peter.

GENERAL INFORMATION

Population: The 2010 census was 149,778. The primary growth of Cass County was centered around the urban cities of Fargo and West Fargo. These two urban cities represent nearly 85% of the county's total population.

Geography: Cass County is 1,765 square miles. It is approximately 42 miles square. The county seat and largest city in the county and state is Fargo. Cass County is situated on a fertile level plain which was once the bottom of a glacial lake, Lake Agassiz. Almost every acre is tillable except for stretches along the rivers. Cass County is located in the Red River Valley, known for its significant agricultural productivity.

GENERAL ORGANIZATION

Constitution: The state constitution lists elected officials of the county and provides a commission type of county government, with a board of three or five commissioners. Proposed changes in county government may be initiated by the county commissioners or by a petition signed by 15% of the number of those voting for governor in the last election. Any changes must be approved by the voters.

SUBJECT: COUNTY LOGO

ADOPTED DATE: MAY 4, 1992

PAGE 1 OF 1

LETTERHEAD - BUSINESS CARDS - ENVELOPES - SIGNS

All departments shall use the standard stationery and the county logo as registered with the Secretary of State effective July, 1991. A sample of the format for style is available for reference.

(Exhibit 2)

Business cards which are necessary for the performance of county duties shall also utilize the registered logo for county design.

(Exhibit 2)

HISTORICAL REFERENCE DATE: JULY, 1991

Section 15.00
Exhibit 2



**Board of County
Commissioners**

Chad M. Peterson
Fargo, North Dakota

Vern Bennett
Fargo, North Dakota

Ken Pawluk
Fargo, North Dakota

Darrell W. Vanyo
West Fargo, North Dakota

Mary Scherling
Stanley Township, North Dakota



Chad M. Peterson
Commissioner

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Commission Assistant

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www.casscountynd.gov

SUBJECT: COUNTY RECORDS

ADOPTED DATE: OCTOBER 6, 2008

PAGE 1 OF 1

Upon a request for a copy of specific public records, an entity shall furnish the requester one copy of the public records requested. The right to access public records belongs to all persons equally, therefore the identity of the requester and the purpose of the request are generally irrelevant.

A request for a public record need not be made in person or in writing. A verbal request in person or by telephone has the same effect as a "formal" written request.

HISTORICAL REFERENCE DATE: JULY 18, 1989
MAY 4, 1992

SUBJECT: COUNTY SALES TAX FOR FLOOD RISK REDUCTION AND RECOVERY
PROJECTS

ADOPTED DATE: DECEMBER 4, 2017

PAGE 1 OF 4

PURPOSE

The purpose of this policy is to provide guidance for the administration and funding of projects with Cass County Flood Control Sales Tax funds.

GENERAL PROVISIONS

As passed during the 2010 election and extended in the 2016 election, the voters approved the following: The Cass County Home Rule Charter be amended to extend the existing flood protection-related sales, use, and gross receipts tax of one-half of one percent (1/2%) to be used solely for the engineering, land purchase, construction, and maintenance of flood control measures including the Metro Flood Diversion Project including associated special assessments and indebtedness, through December 31, 2084, and shall be rescinded when all of the costs, obligations, and debt for said project have been paid in full and satisfied, whichever event occurs first as provide in Resolution #2016-20.

Cass County Commission Policy 38.23 outlines Ordinance #2010-2 Amended (Flood Control Sales Tax) which serves as the ordinance for the establishment and regulation of the Cass County Flood Control Sales Tax.

This policy governs expenditures of funds from a one half percent County sales tax that started in 2011 and will end in 2084 to fund flood risk reduction projects. The primary purpose of the sales tax measure is to fund local costs associated with a planned Fargo Moorhead Area Flood Diversion project in either Minnesota or North Dakota. The planned diversion project will not address all flood damage risks in Cass County. Additional measures are necessary to reduce risk to areas within and outside of the diversion perimeter. Sales tax proceeds may also be expended for the Diversion and other flood risk reduction or recovery projects subject to funding availability and approval by the County Commission. The County sales tax proceeds should be used to leverage other sources of funding when possible.

County sales tax funds expended within incorporated cities: The County Commission through the Flood Sales Tax Committee may consider requests for flood risk reduction and recovery funding from cities within Cass County. The city will be responsible for planning and engineering costs associated with the project. Plans and specifications should be prepared by a professional engineer registered within the State of North Dakota. Projects won't be considered if they are strictly for new city development, especially cases where a developer would be shifting their cost to the County Flood Sales Tax. The city should also be able to demonstrate that other revenue sources for the project have been actively sought out. The preferred funding split is that City funds match the County sales tax proceeds on a 1:1 basis. Other funding splits may be considered by the Commission on a case by case basis to allow consideration to be given to unique circumstances and the ability of the City to pay 50% of the local cost share.

SUBJECT: COUNTY SALES TAX FOR FLOOD RISK REDUCTION AND RECOVERY
PROJECTS

ADOPTED DATE: DECEMBER 4, 2017

PAGE 2 OF 4

County sales tax funds expended outside of incorporated cities: The County Commission, through the Flood Sales Tax Committee, may also consider flood risk reduction and recovery projects recommended by the County Engineer or requested by townships, neighborhood groups, or individuals for areas within and outside of the diversion protected area. Projects won't be considered if they are strictly for new rural development, especially cases where a developer would be shifting their cost to the County Flood Sales Tax. Special assessments may be considered as a local match to County sales tax funds. Funds may be expended for projects that provide benefit to Cass County residents but are physically constructed outside of the County boundaries such as retention projects. Funds may also be spent to assist property owners downstream from the diversion channel in offsetting diversion project impacts.

ADMINISTRATION

The Cass County Commission will organize and appoint members to a Flood Sales Tax Committee. This will be a six-member committee made up of the following members:

1. Two members of the Cass County Commission
2. Cass County Auditor
3. Cass County Administrator
4. Cass County Engineer
5. One member from either the Southeast Cass, Maple River, Rush River, or North Cass Water Resource District.

The Flood Sales Tax Committee will solicit project requests on a bi-annual basis. Meetings to review project requests will generally be held with one meeting in the fall (October-November) and one meeting in the spring (March-April). Requests received from political subdivisions and county staff for cost effective projects will be prioritized and considered for funding by the County Commission as funds available allow.

FUNDING ELIGIBILITY

Entities eligible for funding: Funding should generally be for flood protection for communities or individuals that live outside of the Diversion protected area or those within the Diversion protected area that do not receive a significant benefit from the Diversion. This includes:

1. Cities
2. Townships
3. Water Resource Districts
4. Farmsteads and Homesteads

SUBJECT: COUNTY SALES TAX FOR FLOOD RISK REDUCTION AND RECOVERY
PROJECTS

ADOPTED DATE: DECEMBER 4, 2017

PAGE 3 OF 4

Types of projects eligible for funding:

1. Levee construction or recertification for cities or rural subdivisions. Generally levee projects should be constructed to FEMA and/or US Army Corps of Engineer standards and be able to bring the benefited area out of the 1% chance (100 year) floodplain. These levees would also need to be maintained at that standard by either the city or township that is a member of the National Flood Insurance Program. Rural subdivisions seeking this funding would need to complete an agreement with the township and form an assessment district for the long term maintenance of the levee.
2. Flood control projects.
3. Water retention or detention projects.
4. Dam construction or maintenance.
5. Lift Stations for removing storm water from within a levee protected area.
6. Rural Farmstead Ring Levees (in conjunction with the ND State Water Commission 50% cost share) as outlined on the ND State Water Commission website under "Cost Share" at http://www.swc.state.nd.us/project_development/cost_share.html. Generally levee projects should be constructed to FEMA and/or US Army Corps of Engineer standards. However, individual rural farmsteads cannot be "certified" by FEMA or the US Army Corps of Engineers as they not maintained by either a city or township that is a member of the National Flood Insurance Program.
7. Road Projects that provide infrastructure protection to prevent significant future flood damage. These requests may be standalone projects or in conjunction with post-flood damage repair with or without FEMA cost share.
8. Road access (road raises or other infrastructure improvements that will allow access to a city, subdivision, or rural residence/farmstead).
9. Embankment slumping along the Red River, Wild Rice River, Sheyenne River, Maple River, Rush and Lower Rush Rivers, and Legal Drains. River slumping projects may include road and infrastructure repair, home buyouts, and repair to legal drains.
10. Home buyouts for flooding and bank slumping.
11. Flood Recovery projects to include: Levee repair, road repair, bridge repair, and other infrastructure related repair projects. None infrastructure flood recovery such as debris removal and sandbag cleanup will not be eligible.

Cass County Sales Tax Cost Share:

1. Generally the cost share will be 50% of the "local" share of the non-retention projects, i.e. if a \$100,000 project had a 50% state cost share, the local share would be \$50,000 and the County cost share would be \$25,000.
2. Policy for Retention Projects: Cost share is 75% of the "local" share if they are approved by the Red River Joint Water Resource District.
3. Home buyouts for flooding and bank slumping: Cost share is 90% of the "local" cost with the homeowner paying 10% of the "local" cost.

SUBJECT: COUNTY SALES TAX FOR FLOOD RISK REDUCTION AND RECOVERY

ADOPTED DATE: DECEMBER 4, 2017

PAGE 4 OF 4

4. If significant funds are available compared to the project requests, the County may authorize a cost share above 50% for non-retention projects and above 75% for Retention Projects.

PROJECT PRIORITIES

Priority of projects will be based on the following:

1. Population benefited by the project
2. Distribution of funds by location
3. Disbursement percentage determined by the number of people benefited
4. Cost effectiveness of the project
5. Permanency of the project
6. Effect of the diversion on the project
7. Does the project have long-term merit (benefits extend beyond 10 years)
8. Other sources of funding from local, state, or federal cost share programs.

Evaluation Criteria: The County Commission and/or Flood Sales Tax Committee may use some or all of the following criteria in determining funding priorities:

1. Benefit cost ratio
2. Land area benefited
3. Population benefited
4. Downstream flood reduction
5. Total acre-feet of retention storage

HISTORICAL REFERENCE: AUGUST 2, 2010

SUBJECT: COUNTY STANDING COMMITTEE PROCEDURE

ADOPTED DATE: JULY 9, 2001

PAGE 1 OF 1

Cass County government believes that communications between the board of commissioners, county standing committees, and all department employees is of utmost importance.

The following procedure has been established to accomplish that goal:

- 1) Each standing committee, as appointed, shall formally establish a mission or statement of purpose.
- 2) Procedure for standing committee meetings shall be as follows:
 - a) All items on the committee agenda must be accompanied by written documentation.
 - b) Agenda and attachments will be sent to all department heads.
 - c) If a department head selects a proxy, the substitute member must come from their own department. If an employee member selects a proxy, the replacement must come from the employee group represented by the original member. Commissioners will not vote by proxy if they are absent.
 - d) Actions taken will be recorded in minutes and distributed to all department heads.
 - e) Policy changes will be considered by the board of commissioners and, if approved, posted for a 15-day comment period.
 - f) Policy ratification will take place at the next commission meeting, generally in two weeks.

HISTORICAL REFERENCE DATE: DECEMBER 6, 1993

SUBJECT: COUNTY STANDING COMMITTEES

ADOPTED DATE: APRIL 1, 2024

PAGE 1 OF 1

Personnel Overview Committee

Term Expires

(1st appt)

All 5 county commissioners Jim Prochniak
Jesse Jahner Tom Soucy for Jason Benson
Kriste Ross Brandy Madrigga
Kim Hegvik Robert Wilson

Employees - (1-year terms)

David Malheim (Finance Office) Dec. 31, 2024
Marjorie Branden (Sheriff's Office) Dec. 31, 2024
Rebecca Jund (State's Attorney) Dec. 31, 2024

Road Advisory Committee

All 5 county commissioners
Tom Soucy for Jason Benson 1201 W Main Ave-West Fargo 58078
Blaine Laaveg 1201 W Main Ave-West Fargo 58078

Rotating Members - (2-year terms)

Bill Hejl (WRD) 15560 28th St SE-Amenia 58004 Dec. 31, 2024 (02/05/18)
Scott Saewert (Twps) 15642 45th St SE-Durbin 58059 Dec. 31, 2024 (12/18/06)
Keith Monson (Planning) 2995 170th Ave SE-Harwood 58042 Dec. 31, 2024 (12/15/14)

Cass County Finance Committee

Commission Chair, Chad Peterson
County Commissioner, Tony Grindberg
Finance Director, Brandy Madrigga
County Finance Office, Sarah Heinle
County Administrator, Robert Wilson

Cass County Building Committee

Commissioner, Chad Peterson
Commissioner, Jim Kapitan
County Administrator, Robert Wilson
County Sheriff, Jesse Jahner
County Finance Director, Brandy Madrigga
County Information Technology Director, Bob Henderson
East Central Judicial District Court Representative, Judge Wade Webb

HISTORICAL REFERENCE DATE: MAY 4, 1992

SUBJECT: USE OF COUNTY RESOURCES

ADOPTED DATE: MARCH 16, 2009

PAGE 1 OF 1

Cass County government resources may only be used for county authorized activities. County supplies, services, work hours, and utilities may not be used for personal private gain or as part of a profit making venture.

HISTORICAL REFERENCE DATE: MARCH 16, 2009

SUBJECT: WEDDING CEREMONIES

ADOPTED DATE: APRIL 5, 2021

PAGE 1 OF 1

Marriage Ceremony/Solemnization at the Cass County Courthouse

In order to get married at the Cass County Courthouse, you must first obtain your marriage license. After the license has been obtained, you may make an appointment to have the ceremony at the Courthouse.

Marriage ceremonies/solemnizations are performed daily by appointment only at the Courthouse. Ceremonies are scheduled on a first come/first served basis, based on availability, and there may be a one to three week waiting period. The waiting period may be longer during busier times of the year (summer months).

The Cass County Finance Office will perform the civil ceremony, which lasts approximately 5 to 15 minutes. The cost of the wedding ceremony is set by statute at \$30.00.

On the day of the ceremony:

- You must bring all three copies of the marriage license.
- You must bring two people (related or non-related) to sign as witnesses on the marriage license.
- You should arrive at the Finance Office, which is located on the main floor of the Cass County Courthouse, at least 15 minutes prior to your scheduled wedding ceremony, to allow for time to complete the Marriage License paperwork. We will also collect the ceremony fee and fee for certified copies at this time.
- You must be here at the scheduled time for your ceremony or the ceremony will be cancelled.
- You may obtain a certified copy of the marriage license after the ceremony is completed. The fee for this is \$10.00. At least one certified copy is required for any name changes or to legally prove the marriage. If you need additional certified copies, they are \$5.00 each (2 copies = \$15.00).

Payment for ceremony fees and certified copies may be made by cash, check or credit card. Payments made by credit card will incur an additional convenience fee.

HISTORICAL REFERENCE: APRIL 15, 2019

SUBJECT: DONATED EQUIPMENT

ADOPTED DATE: APRIL 4, 1994

PAGE 1 OF 1

Because Cass County government maintains a fixed assets system, it is necessary to report any equipment that is donated or obtained at no cost to any department or is maintained by a county department. Inventory tags can then be appropriately assigned.

Before taking possession of the equipment, however, the department head shall send a letter to the Board of Commissioners detailing the asset/assets received, including brand name, size, model, etc. The salvage or replacement value shall be estimated along with the expected useful life of the equipment.

In addition, the source, vendor or grantor of the equipment shall be identified for the Board.

Upon receipt of this notice, the Board will take action to approve or reject such equipment.

HISTORICAL REFERENCE DATE: APRIL 4, 1994

SUBJECT: PURCHASE ORDERS

ADOPTED DATE: APRIL 4, 1994

PAGE 1 OF 1

It is the policy of Cass County Government that any purchase of equipment exceeding \$5,000 shall only be authorized by the Board of Commissioners if a purchase order is completed through the County Auditor's Office.

Any department head intending to make a purchase exceeding \$5,000 shall meet with the Auditor to prepare the purchase order (copy attached).

The purchase order then becomes a formal request and will be placed on the first available Commission agenda for consideration. After signature of the purchase order by the Board Chairman, the department head is authorized to order the equipment and the Auditor is authorized to pay the vendor.

HISTORICAL REFERENCE DATE: APRIL 4, 1994

SUBJECT: DUST CONTROL GUIDELINES

ADOPTED DATE: MAY 17, 2004

PAGE 1 OF 1

Cass County Highway Department Dust Control Guidelines

1. Cass County Government may provide dust suppressant on a reimbursable basis on Cass County highways adjacent to rural residences or businesses as workload of the Highway Department allows.
2. Cass County may also fund the dust control on county or local roads if, in the County Engineer's judgment, county employees or contractors performing work on county projects are causing or significantly contributing to the dust problem, or if it is being done on a test case basis.
3. Cass County will not provide dust control on any roads that are not part of the county highway system except as listed in item 2 above.
4. The County Engineer should set rates that cover the estimated cost of material, equipment and labor costs of the program.
5. To complete a request form, contact the Cass County Highway Department.

HISTORICAL REFERENCE DATE: MAY 17, 2004

SUBJECT: COUNTY OFFICES

ADOPTED DATE: JANUARY 1, 2019

PAGE 1 OF 1

ELECTED OFFICES

Governing Board--Board of County Commissioners: The county is governed by a board of five members elected for four year terms. Each commissioner represents a population district of the county. The commissioners make policies regulating the functions of the many departments and see that these are carried out. Responsibilities of the board are: levy taxes, appropriations, authorize bonds, set salaries, approve bills, accept bids, and approve the annual county budget, just to mention a few. This board meets the first and third Mondays of each month at 3:30 PM. All county meetings are open to the public. Approximately 375 employees are engaged in the operation of the government of Cass County. The social service department is also under the state merit system for operations and services.

Sheriff: Office functions are separated into field services, staff services and corrections. The office provides law enforcement services to Cass County, including patrolling of county roads, investigating crimes in the county, maintaining the county jail, juvenile detention center, and criminals therein, serving official papers of the courts, and responding to county emergencies. Construction of a state-of-the- art, \$18 million jail was completed in the summer of 2002.

State's Attorney: This office represents the county in civil litigation and prosecutes offenders of state laws. This office also provides legal advice and opinions to county, township, and school officials and also to various county boards.

HISTORICAL REFERENCE DATE: DECEMBER 12, 2002

SUBJECT: EMERGENCY EVACUATION PROCEDURES

ADOPTED DATE: OCTOBER 5, 2020

PAGE 1 OF 2

The need to evacuate portions of Cass County may arise in a number of varying situations. Hazardous material releases, fire, plane crashes, terrorist activities, and civil disorder may require the evacuation of a contained area. Likewise, flooding or other large weather events may require the evacuation of very small or large area.

An Incident Commander from the Sheriff's Department or local fire department has the authority to evacuate all or part of a small number of buildings during smaller emergency incidents.

The Cass County Evacuation Plan is maintained in Annex II of the Cass County Emergency Operations Plan and is reviewed and updated on a semi-annual basis by the Cass County Emergency Manager. The plan provides the framework to ensure the safe and orderly evacuation of residents who are threatened by hazards. It identifies roles, responsibilities, and capabilities to specific departments and agencies.

The Governor of North Dakota has the authority to issue a declaration of Disaster Emergency under Chapter 37 of the N.D.C.C. During the state of emergency or disaster the governor has the authority to direct and compel the evacuation of all or part of the population from any stricken or threatened area within the state if the action is necessary for the preservation of life or other disaster mitigation, response or recovery.

Chapter 37 of the N.D.C.C. requires that a local mandatory evacuation order may only be declared by the principal executive officer of the county or city. It may not be continued or renewed for a period in excess of seven days except by or with the consent of the governing board of the county or city. The N.D.C.C. also requires that a mandatory evacuation order must be given prompt and general publicity and be filed promptly with the county auditor.

The Cass County Commission has the authority to order (that is command or direct), but not to compel, evacuation in the event of a disaster emergency. This authority should be exercised after a local disaster or emergency has been declared by the county governing body upon finding that a disaster has occurred or is imminent.

The request for evacuation will originate with the Incident Commander at the scene in charge of a specific incident who is well aware of the potential consequence to lives and property of the local citizens. The request for evacuation is forwarded to the EOC, (if it is activated), or through proper channels. The County Emergency Manager or Incident Commander will contact the Commission Chair or in the chair's absence, the Vice Chair requesting an evacuation order. The order may be continued beyond seven days only with the full consent of the county commission.

SUBJECT: EMERGENCY EVACUATION PROCEDURES

ADOPTED DATE: OCTOBER 5, 2020

PAGE 2 OF 2

Cass County may issue two types of evacuation notices: voluntary and mandatory.

Voluntary Evacuation

Residents are encouraged to evacuate when there is a significant potential threat of flooding to life or property. This will be issued when the expected time frame for the threat is six to 48 hours. Notification will be through CassClayAlerts and media outlets. A voluntary evacuation may target specific populations, such as nursing home residents or hospital patients or specific geographical locations.

Cass County will also use voluntary evacuations as a precursor to mandatory evacuations to reduce the number of people when the likelihood of a mandatory evacuation order is high but timing is not precise or predictable. Voluntary evacuations may also be used for locations at greater risk and those prone to higher levels of congestion that would hinder mitigation activities.

Officials will provide reasons for a voluntary evacuation, enabling citizens to make informed decisions based on personal situations.

Mandatory Evacuation

This is a warning that an imminent threat to life and property exists and individuals MUST evacuate in accordance with the instructions of local officials. This will be issued for immediate threats with an anticipated timeframe of zero to six hours. Notifications will be routed through all available means including warning sirens, door-to-door notification, CassClayAlerts, and media outlets. A mandatory evacuation may target vulnerable populations such as nursing home residents or hospital patients as well as populations in specific geographical locations.

Individuals who choose not to evacuate need to be prepared to accept the consequences of limited or no access to food, water, or basic services for an extended period of time. In addition, people must understand that rescues into areas previously evacuated may not be timely or possible.

Cass County will attempt to secure all areas under mandatory evacuation orders by restricting access and increasing patrols by law enforcement officers or requesting support through mutual aid or state support.

Cass County will not be responsible for individual costs relating to an evacuation. Under voluntary evacuation conditions, there are no programs that citizens may access to recoup costs. If mandatory evacuations are ordered during a declared presidential disaster, FEMA may reimburse expenses during the timeframe the order was in effect.

HISTORICAL REFERENCE DATE: MARCH 15, 2010
MARCH 21, 2011
OCTOBER 21, 2013

SUBJECT: EMPLOYMENT REFERENCE POLICY

ADOPTED DATE: DECEMBER 17, 2007

PAGE 1 OF 1

Cass County will provide a written response to a written request for an employment reference. As a matter of general policy, the county limits the information disclosed to dates of employment, positions held, and wage history. The sample letter follows:

Example Letter

Dear REQUESTER:

Thank you for your inquiry about our former employee, EMPLOYEE NAME.

We are pleased to provide you with the following information:

EMPLOYEE NAME was employed with Cass County from DATE TO DATE.

EMPLOYEE NAME was employed as POSITION/TITLE(S).

EMPLOYEE NAME starting salary was AMOUNT and ending salary was AMOUNT, plus benefits.

It is Cass County's general policy to provide only this limited information for reference checks concerning any current or former employee. No inference should be drawn from our uniform application of this policy.

Sincerely,

Cass County Personnel Office

However, Cass County may be required to disclose all personnel information under an open records request made to the personnel office. In this case, a copy of any such written disclosure will be sent to the employee's last known address.

HISTORICAL REFERENCE DATE: DECEMBER 17, 2007

SUBJECT: CODE OF ETHICS FOR COUNTY OFFICIALS

ADOPTED DATE: SEPTEMBER 7, 2004

PAGE 1 OF 2

PREAMBLE

Cass County is committed to the highest standards of conduct by and among county officials in the performance of their public duties. Individual and collective adherence to high ethical standards by public officials is central to the maintenance of public trust and confidence in government.

While county officials agree on the need for proper conduct, they may experience personal conflict or differing views of values or loyalties.

In such cases the principles contained in this Code of Ethics provide valuable guidance in reaching decisions which are governed, ultimately, by the dictates of the individual conscience of the public official and his or her commitment to the public good.

Certain of these ethical principles are best expressed as positive statements: actions which should be taken; courses which should be followed; goals which should permeate both public and private conduct. Other principles are expressed as negative statements: actions to be avoided and conduct to be condemned.

The Code of Ethics for County Officials has been created by and for elected county officials. However, these principles apply to the day to day conduct of both elected and appointed officials and employees of county government.

Cass County recognizes that this Code of Ethics should serve as a valuable reference guide for all those in whom the public has placed its trust.

ETHICAL PRINCIPLES

The ethical county official should:

- * Properly administer the affairs of the county.
- * Promote decisions which only benefit the public interest.
- * Actively promote public confidence in county government.
- * Keep safe all funds and other properties of the county.

- * Conduct and perform the duties of the office diligently and promptly dispose of the business of the county.
- * Maintain a positive image to pass constant public scrutiny.
- * Evaluate all decisions so that the best service or product is obtained at a minimal cost without sacrificing quality and fiscal responsibility.
- * Inject the prestige of the office into everyday dealings with the public employees and associates.
- * Maintain a respectful attitude toward employees, other public officials, colleagues and associates.
- * Effectively and efficiently work with governmental agencies, political subdivisions and other organizations in order to further the interest of the county.
- * Faithfully comply with all laws and regulations applicable to the county and impartially apply them to everyone.

The ethical county official should not:

- * Engage in outside interests that are not compatible with the impartial and objective performance of his or her duties.
- * Improperly influence or attempt to influence other officials to act in his or her own benefit.
- * Accept anything of value from any source which is offered to influence his or her action as a public official.

The ethical county official accepts the responsibility that his or her mission is that of servant and steward to the public.

SUBJECT: FIXED ASSETS

ADOPTED DATE: MAY 4, 1992

PAGE 1 OF 2

DELETE, TRANSFER, CHANGE

When previously tagged assets are disposed, transferred, or changed, the system will need to be updated. As these events occur, the department will complete an inventory form (Appendix B) and submit it to the Auditor's Office.

DETERMINING TRANSACTION TYPE:

DISPOSAL: If an asset is determined useless, obsolete, etc., and the department head determines that the asset will not be useful to another department or used in the near future, the asset may be disposed in a manner determined appropriate by the department head. Computer software to be disposed of should be transferred to Information Technology.

TRANSFER: If the department head determines the asset may be useful to another department, then the other departments will be notified. The transferring department will send a written memo to department heads, describing the asset and listing its location. Transfer requests will be honored on a first come basis.

SALE: If there was no response to the transfer notice outlined above, the item may be sold to the public. Assets purchased with federal grant funds may have to be returned or offered for return to the grantor agency.

Assets will be accumulated in a central storage area, until the time of the sale. Depending on the volume, sales will generally occur one time a year. When selling assets, the process should be open and fair to provide all citizens with the opportunity to purchase the asset. Public notice of the sale will be communicated in an advertisement in the official county newspaper.

According to North Dakota Century Code 11-27-01, "When the property to be disposed of is estimated by the board to be of a value of less than one thousand dollars, it may be sold at private sale upon the proper resolution of the board. In all other cases, the property may be sold only at public sale ..."

If the asset is a specialized item with an estimated value of less than one thousand dollars, and the department head determines the general public would not be interested in purchasing that item, then the department head may solicit a private buyer.

If the specialized item has an estimated value of over one thousand dollars, then the department head shall solicit bids by an advertisement in the official newspaper of the county.

SUBJECT: FLOOD ASSISTANCE TO CITIES AND UNINCORPORATED AREAS

ADOPTED DATE: FEBRUARY 16, 2010

PAGE 1 OF 1

This policy sets forth criteria to use when determining the level of county assistance to provide to incorporated cities and unincorporated areas during times of flooding in Cass County.

INCORPORATED CITIES

County staff are allowed to provide limited technical assistance, law enforcement, rescue, and coordination activities within incorporated cities. Planning and construction of emergency clay, sandbag or other emergency levees within city limits, including associated pumping, will be considered the responsibility of the city.

UNINCORPORATED AREAS

County staff are allowed to give priority to construction of necessary primary and secondary levees on public and private property where those levees protect public infrastructure.

For private residences in unincorporated areas where protective measures do not involve public infrastructure, county staff are allowed to create a system to provide sand and sandbags to private homeowners, wherein the county's judgment the protection is warranted.

The county may also participate in construction of earthen or other levees to protect groups of private homes. It is understood these expenses most likely will be borne by the county and may not be eligible for state or federal reimbursement, and residents will be responsible for a 10% cost share.

HISTORICAL REFERENCE DATE: FEBRUARY 16, 2010

SUBJECT: CASS COUNTY FLOOD LOT LEASE POLICY

ADOPTED DATE: DECEMBER 4, 2017

PAGE 1 OF 8

CASS COUNTY FLOOD LOT LEASE POLICY

Cass County & Leaseholder Rights & Responsibilities:

Existing leaseholders have the option and priority to renew an existing lease. Leaseholders have the ability to restrict access or require permission to enter leased property. Hunting activities are allowed on leased property, but must comply with all applicable laws and local ordinances.

Leaseholders will control all weeds, with special attention and control efforts focused on noxious weeds. Leaseholders will remove garbage in a timely manner. Parcels in residential areas that are not otherwise maintained must be mowed by leaseholders a minimum of once every month during the growing season. Where appropriate and consistent with surrounding properties, leaseholders are encouraged to mow portions of leased property adjacent to, or near road right-of-ways and leave riverbank areas in a natural state.

Any type of construction or placement of a permanent structure or change in elevation of the lot is prohibited, with an exception as defined by FEMA in Section 1. b. of Appendix A.

Season extension hoops and structures are acceptable, but must be removed at the end of the season.

Leaseholders are encouraged to plant trees along riverbanks. Leaseholders should consult with the local Soil Conservation District for recommended species. Leaseholders are required to carry liability insurance on the property. In rare circumstances the County may assist leaseholders in controlling weeds, particularly after major floods.

Types of Lease Agreements:

Cass County has two types of flood lot lease agreements: 1) leases with other governmental agencies & 2) leases with individuals. All lease agreements shall be for a maximum of one year. Lease agreements with individuals will only be entered into with individuals who own adjacent property. Requests for an exemption to this policy will be submitted to the County Administrator and reviewed by the Administrator, County Planner, Weed Control Officer and the Portfolio Commissioner for Weed Control, with final approval by the County Commission.

All uses shall be consistent with local zoning ordinances. All existing leases will be grandfathered in and subject to annual review.

Alternative Uses:

Alternative uses of flood lot properties, such as community gardens, may be considered. Before entering into a lease for an alternative use, the county must understand and approve of the alternative use. Proposals for alternative uses shall be submitted to the County Administrator and reviewed by the Administrator, County Planner, Weed Control Officer and the Portfolio Commissioner for Weed Control, with final approval by the County Commission.

SUBJECT: CASS COUNTY FLOOD LOT LEASE POLICY

ADOPTED DATE: DECEMBER 4, 2017

PAGE 2 OF 8

Disposal of County Flood Lots:

County-owned properties acquired with a FEMA grant for flood protection may only be disposed of by transfer to another governmental agency. If transferred, the receiving agency must agree to abide by the restrictions of the Stafford Act (Exhibit A) and maintain the property as green space. If a governmental entity receives flood protection property and the entity later dissolves, Cass County agrees to re-acquire the property and maintain it for green space. If transfer of a flood property is considered, the Federal Emergency Management Agency (FEMA) must approve the transfer.

**EXHIBIT A
STAFFORD ACT**

WHEREAS, the Robert T. Stafford Disaster Relief and Emergency Assistance Act, Public Law 93-288, as amended ("The Stafford Act"), identifies the use of disaster relief funds under Section 404 (Hazard Mitigation Grant Program, "HMGP"), including the acquisition and relocation of structures in the floodplain;

WHEREAS, Section 404 of the Stafford Act provides a process for a Community, through the State, to make application for funding to be used to acquire interests in property, including the purchase of structures in the floodplain, to demolish and/or remove the buildings, and to convert the land use into perpetual open space;

WHEREAS, the County of Cass has made such an application and has entered into a FEMA-state agreement dated January 23, 2014, and herein incorporated by reference;

WHEREAS, the terms of the Stafford Act, regulations promulgated thereunder (44 C.F.R. Section 206.434), and FEMA-State Agreement require that the Grantee agree to conditions which are intended to restrict the use of the land to open space in perpetuity in order to protect and preserve natural floodplain values;

NOW, THEREFORE, the grant is made subject to the following terms and conditions:

1. Terms. Pursuant to the terms of the Stafford Act, regulations promulgated thereunder (44 C.V.R. 206.434), as they read now and may be amended in the future, and the FEMA-State Agreement, the following conditions and restrictions shall apply in perpetuity to each property described in the attached deed and acquired by the Grantee pursuant to the Stafford Act Section 404 acquisition program:

SUBJECT: CASS COUNTY FLOOD LOT LEASE POLICY

ADOPTED DATE: DECEMBER 4, 2017

PAGE 3 OF 8

- (a) Compatible Uses. The land shall be used for purposes compatible with open space, recreational, or wetlands management practices; in general, such uses include parks for outdoor recreational activities, nature reserves, unimproved pervious parking lots and other uses described in 44 C.F.R. Section 206.434, as it reads now and may be amended in the future.
- (b) Structures. No new structures or improvements shall be erected on the property other than:
- i. a public facility that is open on all sides and functionally related to the open space use;
 - ii. a rest room; or
 - iii. a structure that is compatible with the uses described in Paragraph 1(a) above, and approved by the Director in writing prior to the commencement of the construction of the structure.

Any structures built on the property according to this paragraph shall be flood-proofed or elevated to the Base Flood Elevation plus one foot of freeboard.

- (c) Disaster Assistance. No future disaster assistance from any Federal source for any purpose related to the property may be sought, nor will such assistance be provided;
- (d) Transfer. The Grantee agrees that it shall convey any interest in the property only with prior approval of the transferee from the Regional Director of FEMA and only to another public entity or to an organization qualified under Section 170(h) of the Internal Revenue Code of 1954, as amended, and applicable regulations promulgated thereunder. However, the Grantee may convey a lease to a private individual or entity for purposes compatible with the uses described in Paragraph 1(a) above, including agriculture, with the prior approval of the Regional Director.
- i. the Grantee shall convey, in accordance with section (d) above, a conservation easement to someone other than the title holder, or
 - ii. at the time of title transfer, the Grantee shall retain such conservation easement, and record it with the deed.

2. Inspection. FEMA, it's representatives, and assigns, including County of Cass, shall have the right to enter upon the property, at reasonable times and with reasonable notice, for the purpose of inspecting the property to ensure compliance with the terms of the grant.

SUBJECT: CASS COUNTY FLOOD LOT LEASE POLICY

ADOPTED DATE: DECEMBER 4, 2017

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3. Monitoring and Reporting. Every two (2) years on July 1, the Grantee, through the County of Cass, shall submit to the FEMA Regional Director, a report certifying that the Grantee has inspected the subject property within the month preceding the report, and that the property continues to be maintained consistent with the provisions of the grant.

4. Enforcement. If the subject property is not maintained according to the terms of the grant, FEMA, its representatives, and the Grantee are responsible for taking measures to bring the property back into compliance.

- (a) The State will notify the Grantee in writing and advise the Grantee that it has 60 days to correct the violation.
- (b) If the Grantee fails to demonstrate a good faith effort to come into compliance with the terms of the grant within the 60-day period, the State shall enforce the terms of the grant by taking any measures it deems appropriate, including but not limited to bringing an action at law or in equity in a court of competent jurisdiction.
- (c) FEMA may enforce the terms of the grant by taking any measures it deems appropriate, including but not limited to the following:
 - i Requiring transfer of title in accordance with Paragraph 1(d). The Grantee shall bear the costs of bringing the property back into compliance with the terms of the grant; or
 - ii Bringing an action at law or in equity in a court of competent jurisdiction against the State or the Grantee.

5. Severability. Should any provision of this grant or the application thereof to any person or circumstance be found to be invalid or unenforceable, the rest and remainder of the provisions of this grant and their application shall not be affected and shall remain valid and enforceable.

- (a) Any breach or threatened breach of the above conditions may be enjoined upon application by the State of North Dakota. In addition, the State of North Dakota, shall have the option to repurchase the above described premises for the sum of One Dollar (\$1.00), if the Grantee, its successors or assigns shall have failed to remove or correct any violation of the above conditions within thirty (30) days after the mailing of written notice thereof by said State of North Dakota or its successor, to the Grantee, it's successors, or assigns.

SUBJECT: CASS COUNTY FLOOD LOT LEASE POLICY

ADOPTED DATE: DECEMBER 4, 2017

PAGE 5 OF 8

EXHIBIT B
EXAMPLE OF LEASE AGREEMENT

THIS LEASE is made by and between Cass County, North Dakota (hereinafter "County") and Leaseholder, (address) (hereinafter "Lessee").

THE PARTIES HEREBY COVENANT AND AGREE AS FOLLOWS:

1. Property: The County hereby offers to lease, and the Lessee agrees to lease, the property situated in the Township of XXXX, County of Cass, State of North Dakota, described as: (legal property description) (hereinafter "property").
2. Term: The term of this lease shall commence on January 1, 201X, and expire at midnight on December 31, 201X.
3. Rent: Rent shall be \$10 dollars per year, payable in advance of the commencement day, to the County by and through the Cass County Auditor at the address given in the section herein entitled Notices.
4. Use: The property shall only be used for purposes consistent with those contained in Exhibit 1 (attached). Furthermore, the property shall not be used for, among other purposes, parking vehicles; building any kind of structure without prior written approval of the County; storage of any kind of equipment or personal property; placement of any signs; raising or keeping of animals; or disposal of any kind of materials, whether hazardous or not. The determination of compliance with these limitations on use of the property shall be at the County's sole discretion.
5. Maintenance: The portion of the lot visible to the general public shall be mowed a minimum of once per month during the growing season.
6. Delivery of Possession: Lessee acknowledges that Lessee has inspected the property and accepts it as suitable for the purpose and use described in this Lease and that the property then complies with the use limitations.
7. Insurance: At all times during the term of this Lease, Lessee shall maintain at Lessee's sole expense, public liability and property damage liability insurance in an amount not less than \$500,000. Lessee shall deliver to County a copy of the certificate of insurance prior to the commencement, and renewal if applicable, of this Lease. County makes no representation that the limits of liability specified herein are adequate to protect Lessee.

SUBJECT: CASS COUNTY FLOOD LOT LEASE POLICY

ADOPTED DATE: DECEMBER 4, 2017

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8. Indemnification: County shall not be liable for any damage to Lessee, or any other person, or to any property, occurring on the premises or any part thereof, unless such damage is the proximate result of the negligence or an unlawful act of the County. Lessee agrees to hold the County harmless from any claims for damages occurring on the property, no matter how caused, except for injury damages for which County is legally responsible.
9. Ordinances and Statutes: Lessee shall comply with all statutes, ordinances and requirements of municipal, state and federal authorities.
10. Assignment and Subletting: Lessee shall not assign this Lease or sublet any portion of the property without prior written consent of the County.
11. Entry/Inspection of Property: Lessee shall permit County or County's agents to enter and inspect the property at any reasonable time for the purpose of verifying compliance with the terms of this Lease.
12. Maintenance: Lessee shall, at his/her own expense, and at all times, remove snow from any sidewalks, keep the property clear of rubbish or weeds, regularly mow the grass, irrigate or water the property in a manner sufficient to maintain the property but not in a manner inconsistent with governing statutes, ordinances or rules.
13. Default - Event: Lessee will be in default of this Lease for failure to timely pay any rent, or failure to abide by any material terms or conditions of this Lease including, but not limited to, the limitations on use of the property, and such default continues for ten (10) days after written notice from County.
14. Default - County's Remedies: If any one or more of the default events set forth herein occurs, then the County may, in its sole discretion, do one or more of the following:
 1. Give Lessee written notice of its intention to terminate this Lease on the date of such notice, or on any later date that the County may specify in such notice. On the date so specified in such notice, Lessee's right to use of the property will cease and the Lease will be terminated.
 2. Remove personal property and/or other materials that reflect an inappropriate use of the property, and charge Lessee a reasonable sum for removal, storage or/and disposal of such items.
 3. Collect all reasonable attorney fees, costs and disbursements that may arise as a result of any suit filed as a result of Lessee's default.
 4. Exercise such rights or remedies that may be provided by law.

SUBJECT: CASS COUNTY FLOOD LOT LEASE POLICY

ADOPTED DATE: DECEMBER 4, 2017

PAGE 7 OF 8

15. Notices: Any notice which either party may or is required to give, may be given by mailing the same, postage prepaid, to the Lessee or County at the respective addresses given below, or at such other places as may be designated by the parties in writing from time-to-time, or may be delivered in person.

County: Cass County Commission, 211 9th Street South, P.O. Box 2806, Fargo, ND 58108-2806

Lessee: (Address)

16. Binding Effect: All the provisions hereof shall extend to and be binding upon, and in favor of or against (as the case may be), the heirs, executors, administrators, guardians, assigns and successors in interest of the parties hereto.
17. Severability: If any provision of this Lease should be found invalid or unenforceable, then the rest and remainder of the provisions shall remain valid and enforceable.
18. Entire Agreement: This Lease represents the entire agreement between the parties and there are no collateral or oral agreements or understandings and any executory agreement hereafter made shall be made ineffective to change, modify or discharge this lease, in whole or in part, unless such agreement is in writing and signed by the party against whom enforcement of the change, modification or discharge is sought.
19. Construction: All provisions hereof and words and phrases used herein shall be governed and construed under the laws of the State of North Dakota.
20. Time is of the Essence: Time is of the essence for each term and provision of this lease.
21. Effective Date: The effective date of this lease is January 1, 201X, regardless of the day that the parties may have signed this agreement.

IN WITNESS WHEREOF, the parties hereto affix their signatures:

Cass County

Lessee

By: Chair, Cass County Commission

SUBJECT: CASS COUNTY FLOOD LOT LEASE POLICY

ADOPTED DATE: DECEMBER 4, 2017

PAGE 8 OF 8

EXHIBIT 1

Additional Lease Terms and Conditions

WHEREAS, Cass County North Dakota became the rightful owner of certain real property, more fully described in the attached Lease, through the use of certain disaster relief funds under Section 404 of the Stafford Act; and

WHEREAS, the terms of the Stafford Act, and related regulations and agreements (e.g., FEMA-State Agreement) require that Cass County agree to conditions which are intended to restrict the use of the land to open space in perpetuity in order to protect and preserve natural flood plain values;

NOW, THEREFORE, the attached Lease is made subject to the following additional terms and conditions:

1. Terms. Pursuant to the terms of the Stafford Act, regulations promulgated thereunder (44-C.F.R. 206-434), as they read now and may be amended in the future, and the

FEMA-State Agreement, the following conditions and restrictions shall apply to the leased property:

- (a) Compatible Uses. The land shall be used for purposes compatible with open space, recreational, or wetlands management practices; in general, such uses include parks for outdoor recreational activities, nature reserves, unimproved previous parking lots and other uses described in 44 C.F.R. Section 206-434, as it reads now and may be amended in the future.
 - (b) Structures. No new structures shall be erected on the property other than:
 - (1) a public facility that is open on all sides and functionally related to the open space use;
 - (2) a restroom; or
 - (3) a structure that is compatible with the uses described in Paragraph 1(a), above, and approved by Cass County in writing prior to the commencement of the construction of the structure.
2. Inspection. FEMA, its representatives, and assigns, including Cass County, shall have the right to enter upon the property, at reasonable times and with reasonable notice, for the purpose of inspecting the property to ensure compliance with the above terms.
 3. Enforcement. Any violation of these terms may, at Cass County's sole discretion, be deemed a default with all the rights and remedies available under the attached Lease.

SUBJECT: FUND BALANCE RESERVES

ADOPTED DATE: AUGUST 5, 2019

PAGE 1 OF 5

FUND BALANCE RESERVES - In accordance with GASB Statement No. 54

SCOPE/PURPOSE: To accurately report and classify fund balances in accordance with GASB Statement No. 54 and to ensure the County maintains adequate fund balance reserves for the following:

- a. Provide sufficient cash flow for daily financial needs,
- b. Secure and maintain investment grade bond ratings,
- c. Offset significant economic downturns or revenue shortfalls, and
- d. Provide funds for unforeseen expenditures related to emergencies.

GOVERNMENTAL FUND DEFINITIONS:

Fund type definitions: The following definitions will be used in reporting activities in governmental funds throughout the County's financial statements. The County may or may not report all fund types in any given reporting period, based on actual circumstances and activity.

General Fund is used to account for all financial resources not accounted for and reported in another fund.

Special Revenue Funds are used to account and report the proceeds of specific revenue sources that are restricted or committed to expenditures for specific purposes other than debt service or capital projects.

Debt Service Funds are used to account for all financial resources restricted, committed or assigned to expenditures for principal, interest and debt service related fees.

Capital Projects Funds are used to account for all financial resources restricted, committed or assigned to expenditures for the acquisition or construction of capital assets.

FUND BALANCE REPORTING IN GOVERNMENTAL FUNDS:

Classification: Fund balance classification shall be recorded in accordance with governmental accounting standards as promulgated by the Government Accounting Standards Board (GASB).

Spending: The order of spending and availability of the fund balance shall be to reduce funds from the listed areas in the following order: restricted, committed, assigned and unassigned. Negative amounts shall not be reported for restricted, committed or assigned funds.

SUBJECT: FUND BALANCE RESERVES

ADOPTED DATE: AUGUST 5, 2019

PAGE 2 OF 5

Definition - Fund Balance: Shall mean the gross difference between governmental fund assets and liabilities reflected on the balance sheet. Governmental fund assets are those of the General Fund, Special Revenue Funds, Debt Service Funds and Capital Project Funds.

General Fund: The fund balance of the general fund, one of the governmental fund balance types, is of primary significance because the general fund is the primary fund, which finances most functions in the County. The fund balance of the general fund shall mean the gross difference between governmental fund assets and liabilities reflected on the balance sheet.

Fund balance will be reported in governmental funds under the following categories using the definitions provided by GASB Statement No. 54 and the five classifications of fund balances:

1. **Non-spendable fund balance** shall mean the portion of the gross fund balance that is not expendable (such as inventories or loans receivable) or is legally earmarked for a specific use (such as the self-funded reserves program).

Examples of non-spendable fund balance reserves for which fund balance shall not be available for financing general operating expenditures include:

- Inventories;
- Prepaid items;
- Deferred expenditures;
- Long term receivables; and
- Outstanding encumbrances.

2. **Restricted fund balance** shall include amounts constrained to a specific purpose by the provider, such as a grantor, by restricted tax levy or by bond indenture. Examples of restricted fund balances include:

- Tax levy funds;
- Construction programs (including related debt service funds restricted); and
- Resources from other granting agencies - restricted state and federal grants/reimbursements.

3. **Committed fund balance** shall mean the portion of the fund balance that is constrained to a specific purpose by the Commission authority to make commitments. Commitments will only be used for a specific purpose pursuant to a formal action by the Commission enacted by a motion with a majority voting in approval.

SUBJECT: FUND BALANCE RESERVES

ADOPTED DATE: AUGUST 5, 2019

PAGE 3 OF 5

Examples of committed fund balances include:

- Potential litigation, claims, and judgments;
- Commission approved projects, grants, programs; and
- Legislative induced restrictions.

4. **Assigned fund balance** shall mean the portion of the fund balance that is spendable or available for appropriation but has been tentatively earmarked for some specific purpose by the County. In current practice, such plans may change and may not be budgeted, or may result in expenditures in the future. Examples of assigned fund balances include:

- Insurance deductibles;
- Program start-up costs; and
- Other legal use.

5. **Unassigned fund balance** shall include amounts available for any legal purpose. This portion of the total fund balance in the General Fund is available to finance operating expenditures.

The unassigned fund balance shall be the difference between the total fund balance and the total of the non-spendable fund balance, restricted fund balance, committed fund balance and assigned fund balance.

Minimum Fund Balances:

General Fund: The County shall maintain a minimum unassigned fund balance in the General Fund ranging from not less than 17 percent to 25 percent of the subsequent year's budgeted expenditures and outgoing transfers. The minimum fund balance is to protect against cash flow shortfalls related to timing of projected revenue receipts and to maintain a budget stabilization commitment.

County Road and Bridge Fund: The County shall maintain a minimum unassigned fund balance in the County Road and Bridge Fund of 17 percent to 25 percent of the subsequent year's budgeted operating expenditures. Operating expenditures are the total fund expenditures less the bridge and road construction expenditures. The minimum fund balance is to protect against cash flow shortfalls related to timing of projected revenue receipts and to maintain a budget stabilization commitment.

SUBJECT: FUND BALANCE RESERVES

ADOPTED DATE: AUGUST 5, 2019

PAGE 4 OF 5

Human Service Zone Fund: The Human Service Zone Fund is used to account for State of North Dakota grant funds and other income for the operation of the Human Service Zone. State law requires the Fund Balance of the County's Social Service Fund be transferred to the Human Service Zone Fund on January 1, 2020. After calendar year 2020, the Fund is limited to no more than \$500,000. If, due to unforeseen or other extenuating circumstances, a Human Service Zone's formula distribution payment, the County's cost allocation of indirect costs, and balance of moneys carried over pursuant to the \$500,000 limitation above are not sufficient to meet the expenses of the Zone, the director of State Human Services may approve a transfer from the State Human Service Finance Fund to the Zone. If the Human Service Zone Fund on January 1st of each year after calendar year 2020 exceeds the limit noted above, the state will reduce the Human Service Zone's formula payment for that year.

Replenishing Deficiencies: When the fund balance falls below the minimum 17% to 25% target range, the County will replenish shortages/deficiencies using the budget strategies and timeframes described below:

- Reduce recurring expenditures to eliminate any structural deficit or;
- Increase revenue, pursue other funding sources, or;
- Some combination of the two options above.

Minimum fund balance reserves shall be replenished within the following timeframes:

- Fund balances that fall between 15% and 17% shall be corrected within 1 year;
- Fund balances that fall between 10% and 15% shall be corrected within 3 years or less;
- Fund balances that fall between 0% and 10% shall be corrected within 5 years of less.

Special Revenue Funds: Special levy funds account for the proceeds of specific revenues. Special Revenue funds will have unique criteria for reserves based on the use and objective of the fund, for special revenue funds other than the Human Service Zone Fund and County Road and Bridge Fund as noted above, the County shall maintain a minimum unassigned fund balance from 7% to 10% of the preceding year's operating expense with the exception of the Emergency and Flood Mitigation Fund. The Emergency and Flood Mitigation Fund is used to provide funds for emergencies caused by nature and for flood mitigation (control) projects. This Fund is the major source of dollars to bridge the time period when funds are expended on emergency measures and the reimbursement of dollars from state and federal agencies which may take several years. As such, the minimum unassigned fund balance will be stated in terms of dollars and be adjusted periodically based upon the history of emergencies and the dollars needed to fund those emergencies. The Cass County Commission will review the fund balance requirements when considering the next year's budget.

SUBJECT: FUND BALANCE RESERVES

ADOPTED DATE: AUGUST 5, 2019

PAGE 5 OF 5

Debt Service Funds: The objective of designated Debt Service Funds is to accumulate principal and interest payments maturing in future years. At a minimum, each debt service fund shall maintain reserves sufficient to meet bond covenants and current year obligations. A viable revenue source must be identified and maintained for all long term obligations. Debt service fund balances, revenues, and expenses will be reviewed during the annual budget process; insufficient revenue and or reserves shall be addressed as part of the annual budget process.

Capital Project Funds: The County will maintain a Capital Projects Fund to fund the County's five-year master facilities plan. The fund will be supported by a property tax levy as determined by the Cass County Commission. Additional capital project funds will accumulate costs, any off-setting revenue, and debt proceeds related to long term capital projects. Capital project funds will typically be resolved with permanent long term debt financing, which will be determined prior to incurring any expenditures. At the time of completion the capital project fund will be closed with proceeds from permanent financing, and multiple projects will require separate and distinct capital project funds.

Internal Service Funds: The business type activity funds of the County include Motor Pool, Telephone Trust, Health Insurance Trust and Dental Insurance Trust; these funds shall systematically retain an unassigned fund balance between 25% and 50% of the preceding year's operating budget. Internal Service Funds are required to be self-sufficient in activity and will establish rates sufficient to maintain and grow fund equity. In the event a Commission directive allocates funding from equity, a plan and time frame not to exceed 3 years needs to be included in the budget process to restore the established one year's operating fund equity requirement.

Expending Fund Balance Reserves: Fund balance reserves are maintained to prohibit and or minimize interruption in operations, unmet obligations and opportunity costs. Fund balance reserves will only be made available for extraordinary events such as:

1. Major projects that are long term in nature.
2. Temporary gap financing pending permanent financing and/or grant monies.
3. Disaster recovery.
4. Potential service disruptions.

Reserves may only be committed upon approval of the Cass County Commission.

HISTORICAL REFERENCE DATE: AUGUST 6, 2012

SUBJECT: DISASTER SITUATIONS

ADOPTED DATE: OCTOBER 5, 2020

PAGE 1 OF 1

GENERAL INFORMATION

The County Commission has the overall responsibility to supervise and control local government operations from the County Emergency Operations Center (EOC) and meet the dangers to the county and its people presented by an emergency or disaster.

The County Commission delegates authority to coordinate emergency operations to the County Emergency Manager, who will perform primarily from the county EOC.

Local government emergency and disaster operations will be guided by the Cass County Emergency Operations Plan which consists of: the Basic Document; nine (9) Functional Annexes, which include policies; procedures; specific hazard appendices; and a resource library. When the Local Emergency Operations Plan is activated, all or part of the documents, plans, and procedures may be implemented.

Entities of local government are assigned responsibilities in nine (9) functional areas as Functional Coordinators and/or Task Coordinators. Functional Coordinators are assigned responsibility for coordinating all activities within a particular function and shall perform these duties either remotely or from the county EOC.

The Emergency Management Organization Chart which follows graphically illustrates the coordination and control relationship between the County Commission, the County Emergency Manager, County Departments (Function and Task Coordinators), and the on-scene Incident Commander.

HISTORICAL REFERENCE DATE: APRIL 15, 1986
MAY 4, 1992

SUBJECT: GRANT-FUNDED POSITIONS

ADOPTED DATE: JUNE 18, 2001

PAGE 1 OF 1

Before a department proceeds to obtain funding or to sponsor a grant on behalf of, or with, any other organization, political subdivision or agency, notice must be sent to the County Commission.

All hiring documents should reflect that any employee hired under a grant may be terminated when the grant money is no longer available. Other special terms regarding grant-funded programs are listed in the Personnel Policy Manual Section 4.60, Reduction in Force.

HISTORICAL REFERENCE DATE: JUNE 18, 2001

SUBJECT: HAZARD MITIGATION LAND ACQUISITION

ADOPTED DATE: AUGUST 4, 2003

PAGE 1 OF 4

In order to reduce future public expenditures from flood damage, Cass County has acquired, and may continue to acquire, certain flood prone properties. Properties have been acquired with funding received under Section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, Public Law 93-288, as amended ("Stafford Act"). It is Cass County Government's policy that all use of these properties will be in complete accordance with the provisions of the Stafford Act, as outlined below.

Farmland purchased by Cass County may continue to be farmed if deemed by Cass County to be the most appropriate use of the land. Farmland acquired by Cass County may be leased to private operators to farm. Any land leased to private operators will be leased at market rental rates for the area, as recommended by a competent professional and approved by the county commission or as determined by a competitive bid process.

If the previous landowner is also the operator, they have first refusal rights at a rent price recommended by a competent professional and approved by the Commission.

In cases where the current land operator is not the same party as the owner, Cass County may either allow the current operator to continue to lease the land at a fair market rental rate or solicit bids from the public. In making this determination, Cass County will give consideration to the practicality of separate operators on the county-owned and adjacent non-county owned land. Annual property taxes on leased property will be paid by Cass County.

Lessee has the right to restrict access by the public to land being farmed.

Hunting and motorized vehicles will not be allowed on any county owned land other than the operation of motorized vehicles owned by the lessee.

Leases should not exceed three years in length.

Lease payments are due each year by April 1.

Subleasing of the property will not be allowed.

The Stafford Act identifies the use of disaster relief funds under Section 404 (Hazard Mitigation Grant Program, "HMGP"), including the acquisition and relocation of structures in the floodplain.

Section 404 of the Stafford Act provides a process for a community, through the State, to make application for funding to be used to acquire interests in property, including the purchase of structures in the floodplain, to demolish and/or remove the buildings, and to convert the land use into perpetual open space.

The terms of the Stafford Act, regulations promulgated thereunder (44 C.F.R. § 206.434), and the FEMA-State Agreement require that the Grantee agree to conditions which are intended to restrict the use of the land to open space in perpetuity in order to protect and preserve natural floodplain values. Land acquired under this program is subject to the following terms and conditions:

1. Terms. Pursuant to the terms of the Stafford Act, regulations promulgated thereunder (44 C.F.R. 206.434), as they read now and may be amended in the future, and the FEMA-State Agreement, the following conditions and restrictions shall apply in perpetuity to each property described in the attached deed and acquired by the Grantee pursuant to the Stafford Act § 404 acquisition program:
 - a. Compatible uses. The land shall be used only for purposes compatible with open space, recreational, or wetlands management practices; in general, such uses include parks for outdoor recreational activities, nature reserves, unimproved pervious parking lots and other uses described in 44 C.F.R. § 206.434, as it reads now and may be amended in the future.
 - b. Structures. No new structures or improvements shall be erected on the property other than:
 - i. A public facility that is open on all sides and functionally related to the open space use;
 - ii. A public rest room; or
 - iii. A structure that is compatible with the uses described in Paragraph 1(a), above, and approved by the Director in writing prior to the commencement of the construction of the structure.

Any structures built on the property according to this paragraph shall be flood proofed or elevated to the Base Flood Elevation plus one foot of freeboard.

- c. Disaster Assistance. No future disaster assistance from any Federal source for any purpose related to the property may be sought, nor will such assistance be provided.
- d. Transfer. The Grantee agrees that it shall convey any interest in the property only with prior approval of the transferee from the Regional Director of FEMA and only to another public entity or to an organization qualified under Section 170(h) of the Internal Revenue Code of 1954, as amended, and applicable regulations promulgated thereunder. However, the Grantee may convey a lease to a private individual or entity for purposes compatible with the uses described in Paragraph 1(a), above, including agriculture, with the prior approval of the Regional Director.

If title to the property is transferred to a public entity other than a qualified State or Federal agency with a conservation mission, it must be conveyed subject to a Conservation Easement that shall be recorded with the deed and shall incorporate all terms and conditions set forth herein, including the easement holder's responsibility to enforce the easement. This shall be accomplished by one of the following means:

- i. The Grantee shall convey, in accordance with section (d), above, a Conservation Easement to someone other than the title holder, or
 - ii. At the time of title transfer, the Grantee shall retain such Conservation Easement, and record it with the deed.
2. Inspection. FEMA, its representatives, and assigns, shall have the right to enter upon the property, at reasonable times and with reasonable notice, for the purpose of inspecting the property to ensure compliance with the terms of the grant.

3. Enforcement. If the subject property is not maintained according to the terms of the grant, the Grantee, the State of North Dakota, and FEMA, its representatives, and assigns, are responsible for taking measures to bring the property back into compliance.
 - a. The State will notify the Grantee in writing and advise the Grantee that it has 60 days to correct the violation.
 - b. If the Grantee fails to demonstrate a good faith effort to come into compliance with the terms of the grant within the 60-day period, the State shall enforce the terms of the grant by taking any measures it deems appropriate, including but not limited to bringing an action at law or in equity in a court of competent jurisdiction.

SUBJECT: DISASTER SITUATIONS

ADOPTED DATE: OCTOBER 5, 2020

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Cass County
Hazardous Weather Operations Plan

- I. Local Warning System Activation
- II. Tornado Warning
- III. Flood Warning
- IV. Severe Summer & Winter Weather Warning
- V. SkyWarn Weather Spotter Activation
- VI. Emergency Operations Center (EOC) Activation
- VII. Reporting damage to the National Weather Service
- VIII. Installation of outdoor weather sirens
- IX. Warning - Evacuation - Shelter Plans for the Disabled

LOCAL WARNING SYSTEM ACTIVATION CRITERIA

The Outdoor Warning Sirens in Cass County may be activated for any of the following conditions:

- The National Weather Service has issued a tornado warning for West Fargo, Fargo, Moorhead, or Dilworth or any portion of Cass County.
- A trained weather spotter has observed a tornado in Cass County, including the West Fargo, Fargo, Moorhead, or Dilworth vicinity and requested activation of the sirens. The weather spotter will relay this information to an amateur (ham) radio operator stationed within either the Red River Regional Dispatch Center or the West Fargo Dispatch Center.
- A trained Law Enforcement Officer has observed a tornado in the Cass County area, and requested siren activation. (Such a request should go through an agency/department supervisor if time permits).
- An on-scene Fire Department Incident Commander has requested activation of the sirens to alert the public of a hazardous materials or other life-threatening incident. The Incident Commander should have an evacuation plan, or other instructions such as “sheltering in-place,” for the public prepared and transmitted to the Dispatch Center or the media, prior to requesting siren activation.
- A Cass Fargo Emergency Manager has requested activation of the sirens.
- Testing and maintenance operations.

If any city in the metro area (Moorhead, Dilworth, Fargo or West Fargo) activates its warning sirens for a weather or hazardous material incident, **all the other cities in the area will also activate their sirens**. Whichever city decides to activate its sirens first will contact the other cities in the area and advise them of their decision.

If Fargo, Moorhead, or Dilworth are the first cities to activate their sirens, they will coordinate through the Red River Regional Dispatch Center for this activation. RRDC will notify the West Fargo Dispatch Center, advise them they are activating the sirens, and give the reason for activation.

- **NOTE: In the event that a community has no siren system or the local outdoor warning siren system is inoperable, the RRDC will dispatch law enforcement and fire units to use their siren and PA systems to warn citizens.**

TORNADO WARNING

The National Weather Service in Grand Forks is the primary source of severe weather information for the public. The National Weather Service will issue tornado watches and warnings to the public and local emergency response agencies as conditions dictate.

The Red River Dispatch Center is the siren activation control point for Cass County.

The National Weather Service will release information on siren activation related to tornado warnings based on information supplied by the RRDC and the West Fargo Dispatch Center.

Both RRDC and the National Weather Service in Grand Forks will release information to the media via the use of the Emergency Alert System (EAS), media paging, and fax. This information will be released as soon as possible so the public will be informed of the reason for the siren activation.

PROCEDURE:

Rural Cass County

When notified of a tornado warning for all or parts of Cass County, the RRDC will implement the following dissemination plan defined in the RRDC Outdoor Warning Siren Manual including:

- Activate the sirens for all affected cities.
- Broadcast by radio to Cass County mobile units, repeating the message EXACTLY as received.
- Page and notify all rural Cass Ambulance Services.
- Page or phone and notify all rural Cass Fire Departments.
- Notify a Cass Fargo Emergency Manager in case of a confirmed touchdown with damage.

City of Fargo

When notified of a tornado warning for the City of Fargo, or if included in a Cass County-wide warning, the communication operator shall implement the plan according to the RRDC Outdoor Warning Siren Manual including:

- Activate the sirens for the City of Fargo
- Notify NDSU PD by radio or phone to activate the siren located on NDSU Campus.
- Simulcast to the following agencies by radio, repeating the message EXACTLY as received. If radio traffic prohibits simulcast, notify by phone.
 1. Cass County Sheriff's Jail (Booking)
 2. West Fargo Police Department
 3. Fargo Fire Department
 4. NDSU Police Department
 5. FM Ambulance Service
 6. Fargo Police/Fire, Cass County Mobile Units
- Page via the Fargo Fire Department Media pager and announce that they will be receiving a weather-related fax.
- Fax the Media fax form with the weather message announcement.
- Notify a Cass Fargo County Emergency Manager in case of a confirmed touchdown with damage. (Fargo EM primary)

FLOOD WARNING

Advance warning for flood events is critical in allowing communities in Cass County to prepare for and respond to flooding situations. Cass County communities are responsible for preparing their own flood response plans.

Potential floods in Cass County fall into two general categories:

➤ Annual Spring Snowmelt

This typically occurs around the end of April, and is influenced by a combination of snowpack, temperature, and additional moisture during the melt cycle. Communities typically have adequate advanced warning for these events.

➤ Summer Rain Events

Heavy rains can create localized flooding including flash floods in a short time. These situations do not often provide advance warning.

Flood watches and warnings originate from the Grand Forks Office of the National Weather Service. The NWS provides real time and advanced flood prediction information through regular news releases.

RRDC will disseminate flash flood information to all law enforcement and fire units:

Simulcast to the following agencies by radio, repeating the message EXACTLY as received. If radio traffic prohibits simulcast, notify by phone.

1. West Fargo Police and Fire Departments
2. NDSU Police Department
3. Fargo Police and Fire Departments
4. Cass County Sheriff's Department

Detailed flood prediction information and real-time river gauge data for the Red River Valley is available through the National Weather Service Advanced Hydrologic Prediction Service at <https://water.weather.gov/ahps2/index.php?wfo=FGF> Another resource is the US Army Corps of Engineers web site at www.mvp-wc.usace.army.mil/ .

SEVERE SUMMER & WINTER WEATHER WARNING

The National Weather Service Office in Grand Forks will provide advance summer and winter weather advisories to the public through the media and to local emergency response agencies through the Emergency Alert System (EAS).

RRDC will disseminate severe summer or winter weather warning information to all law enforcement units:

Simulcast to the following agencies by radio, repeating the message EXACTLY as received. If radio traffic prohibits simulcast, notify by phone.

1. West Fargo Police & Fire Departments
2. NDSU Police Department
3. Fargo Police & Fire Departments
5. Cass County Sheriff's Department

SKYWARN WEATHER SPOTTER ACTIVATION CRITERIA

SkyWarn is a group of individuals made up of trained weather spotters and Red River Radio Amateurs - RRRA (ham radio) that are trained to weather observe for the National Weather Service.

Before or during severe weather when weather spotters are needed, the National Weather Service will contact RRDC by phone or on the NAWAS frequency (Fargo Warning Point) and request the activation of the SkyWarn weather spotters. RRDC will page SkyWarn personnel according to the procedures established in the RRDC Outdoor Warning Siren Manual.

Ham radio operators will report to RRDC and West Fargo Police Department to communicate with SkyWarn personnel in the field.

EOC ACTIVATION

The Emergency Operations Center (EOC) will be activated for all incidents requiring a significant dedication of resources and/or extraordinary interagency coordination. The Cass County Commission Chairperson will make the decision regarding EOC activation. Not all disasters require full activation, in those instances, partial EOC activation will be ordered, and only relevant agencies and functional coordinators will be activated

Upon request of the Emergency Manager, the County Administrator, or the Cass County Commission Chair or Vice Chair, the RRDC will initiate a call back of the Functional Coordinators listed in the Cass County Emergency Operations Plan (EOP) Appendix B.

PROCEDURES FOR REPORTING STORM DAMAGE TO THE NATIONAL WEATHER SERVICE

In an effort to enhance the ability of the National Weather Service to understand the characteristics of severe weather activity as it happens, it is important to provide basic storm damage reports from observers on the ground in “real time”.

In an effort to provide this information to the NWS, all SkyWarn personnel and emergency responders in Cass County will provide the RRDC with “real time” preliminary damage reports from the field.

This information will be passed on to the National Weather Service Office in Grand Forks via normal established channels.

INSTALLATION OF OUTDOOR WARNING SIRENS

The weather warning siren system for Cass County is radio controlled from the RRDC. This single coordinated system operates the warning sirens in Fargo, Moorhead and several rural Cass and Clay County communities.

Rural Cass County communities desiring to connect to this radio-controlled system must coordinate the connection with the siren installer and the RRDC. The system controller must be programmed to accept the new siren. Communities are responsible for any fees associated with the connection to the RRDC.

Communities connecting their siren system must also coordinate an activation protocol for their city with the RRDC for testing and actual events.

WARNING-EVACUATION-SHELTER PLANS FOR THE DISABLED

Warning

- Emergency warning systems within Cass County include a combination of local outdoor warning sirens, the Emergency Alert System (EAS), along with emergency vehicle siren and public address systems.
- This combination of warning devices provides the broadest level of notification to residents of Cass County in the event of an imminent disaster emergency. These systems however do not guarantee that everyone will receive the warnings. This may be especially true for those with sight and hearing impairments.
- As a result, it is imperative that the sight and hearing impaired together with community organizations and facilities that provide the disabled services, along with neighbors, friends and relatives develop emergency notification plans that complement existing warning systems.

Evacuation and Shelter

- During a contained disaster emergency local law enforcement and fire departments will provide search and rescue and evacuation services as resources allow. They may be assisted by health and engineering officials together with personnel from other local organizations including the American Red Cross.

SUBJECT: HOME RULE CHARTER

ADOPTED DATE: AUGUST 15, 1994

PAGE 1 OF 10

CASS COUNTY, NORTH DAKOTA
HOME RULE CHARTER

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PREAMBLE

We, the people of Cass County, do establish this Home Rule Charter.

Article 1

Board of County Commissioners to Exercise Powers

Subject to the limitations imposed by the North Dakota Constitution, state law, and this charter, the home rule powers of Cass County will be vested in the Board of County Commissioners. The Board of County Commissioners will have plenary power to enact ordinances and resolutions to carry out and give effect to the express and implied powers granted in this charter and to prescribe the functions of government to be performed under this charter.

Article 2

Home Rule Powers of County

In addition to powers granted counties under the constitution and laws of the State of North Dakota, Cass County will have among its enumerated home rule powers, subject to implementation by ordinance or resolution of the Board of County Commissioners, the following:

1. Acquire, hold, operate, and dispose of property within or without the county limits, and exercise the right of eminent domain for those purposes.
2. Control its finances and fiscal affairs; appropriate money for its purposes, and make payments of its debts and expenses;

subject to the limitations of Article 9, levy and collect taxes, excises, fees and special assessments for benefits conferred, for its public and proprietary functions, activities, operations, undertakings, and improvements; contract debts, borrow money, issue bonds, warrants, and other evidences of indebtedness; establish charges for any county or other services to the extent authorized by state law, and establish debt and mill levy limitations subject to Article 9. Notwithstanding the other provisions of this subsection, the Board of County Commissioners will not commingle dedicated mill levies with one another or with the general fund levy.

3. Provide for county elected and appointed officers and employees, their selection, powers, duties, qualifications, and compensation, and the terms of county appointed officers and employees.
4. Provide for all matters pertaining to county elections, except as to qualifications of electors.
5. Provide for the adoption, amendment, repeal, initiation, referral, enforcement, and penalties for violation of ordinances, resolutions, and regulations to carry out its governmental and proprietary powers and to provide for public health, safety and welfare. However, this subsection does not confer any authority to regulate any industry or activity which is exclusively regulated by state or federal law or by rules adopted by a state or federal agency. This subsection does not confer the authority to regulate the private use of agricultural chemicals.
6. Lay out or vacate public grounds, and provide for the construction, use, operation, designation, and regulation of a county road system.
7. Provide for zoning, planning, and subdivision of public or private property within the county limits but outside the zoning authority of any city or organized township.
8. Exercise in the conduct of its affairs all powers usually exercised by a corporation.
9. Exercise any of its powers or perform any of its functions by contract with, or grants from, any other governmental entity or agency.

Article 3

Adoption of Ordinances and Resolutions

Section 1 - Definitions

An ordinance is any enactment by the Board of County Commissioners or the people which prescribes a permanent rule or statute governing the actions of persons or bodies.

A resolution is any enactment by the Board of County Commissioners or the people which defines policies or procedures governing the actions of persons or bodies for a limited period of time.

Section 2 - Procedures

Any enactments by the people or the Board of County Commissioners implementing charter provisions, or expanding or curtailing any of the powers or authorizations provided herein, will be in the form of ordinances or resolutions. Each ordinance or resolution introduced through the Board of County Commissioners will have two readings, with the first reading consisting of announcement of the title of the ordinance or resolution at a meeting of the Board of County Commissioners and publication of a summary of the enactment in the official newspaper of the county at least 20 days before the second reading.

The proposed enactment will then be given second reading, which will be by title, and submitted to a roll call vote of the Board of County Commissioners. If a majority of the elected commissioners concur, the enactment will become effective on the date stated in the enactment or if no date is stated, on the first day of the month following the date of enactment.

Section 3 - Limitations

1. No ordinance enacted under this charter will supersede any ordinance of any political subdivision without its consent.
2. No ordinance may be enacted to diminish the authority of the boards of supervisors of townships or change the structure of organized township government.

Article 4

Initiative and Referendum

The powers of initiative and referendum are reserved to the electors of Cass County. The applicable provisions of state law will govern the exercise of the powers of initiative

and referendum under this charter. The number of signatures required to exercise these powers is at least equal in number to fifteen per cent of the number of electors voting in the county for the office of governor in the last general election.

Article 5

Referenda by Board of County Commissioners

The Board of County Commissioners may on its own motion submit any question to the electorate for a vote of the people at any primary or general election specified by the Board. If the question is submitted in the form of a proposed ordinance or resolution and it is approved by a majority of votes cast, and the Board subsequently adopts the ordinance or resolution within six (6) months of the vote, the ordinance or resolution may not be subject to referral by petition for a period of two years from the date of adoption.

Article 6

Elections

Section 1 - Offices to be Elected

1. The Board of County Commissioners shall consist of five members who shall be elected on a nonpartisan ballot. All of the candidates seeking the office of county commissioner shall be voted upon by the qualified electors of the entire county, but one of the commissioners to be elected must reside in each of the commissioners' districts.
2. The Board of County Commissioners may enact ordinances concerning the organization and structure of elected county offices in accordance with state law.
3. After January 1, 2002, the Board of County Commissioners may, by ordinance, convert the elected offices of the county treasurer, register of deeds, auditor and clerk of court into appointed offices. An ordinance to convert an elected office to an appointed office shall not shorten the term for which the official was elected nor reduce the salary of the official's office for that term.

Section 2 - Qualifications

In addition to any qualifications established by state law for any of the offices to be filled by election, candidates must be qualified electors of the County of Cass and must have been in continuous residence in the county for at least six months prior to filing nomination papers.

Section 3 - Term limitations

After the effective date of this charter, no Commissioner will serve more than three successive four-year terms. A Commissioner elected for a term of less than four years as a result of redistricting or vacancy will be eligible to serve three successive four-year terms.

Section 4 - Disclosure

The provisions of state law applicable to candidates for the state legislature will govern the exercise of filing of campaign contribution statements by all candidates for election.

Section 5 - Recall

The applicable provisions of state law will govern the recall of elected officials.

Article 7

Departments, Offices, Agencies, Boards and Commissions

Section 1 - General Provisions

The Board of County Commissioners may, by ordinance, establish county departments, offices, agencies, boards or commissions in addition to those offices to be filled by election and may prescribe their functions and membership.

Section 2 - Department Directors

The Board of County Commissioners may appoint Department Directors and fix their compensation. Department Directors will be appointed solely on the basis of executive and administrative qualifications to be established by the Board of County Commissioners. Department Directors need not be residents of the county or state at the time of appointment but must reside within the county within 90 days from the time of appointment.

Section 3 - Removal

A Department Director may be suspended by a resolution of the Board of County Commissioners which will set forth the reasons for suspension and proposed removal. A copy of the resolution will be served immediately upon the Department Director who will have five working days in which to reply in writing. Upon request, the Department Director will be afforded a public hearing, which will occur not earlier than ten days nor later than fifteen days after the hearing is requested. After the public hearing, if one is requested, and after full consideration, the Board of County Commissioners may adopt a final resolution of removal. The Department Director will continue to receive full salary until the effective date of a final resolution of removal.

Section 4 - Personnel System

All appointments and promotions of county employees must be made solely on the basis of qualifications set forth in written job descriptions adopted by the Board of County Commissioners.

Consistent with all applicable federal and state laws, the Board of County Commissioners will provide by resolution for the establishment, regulation and maintenance of a personnel system necessary for effective administration of the employees of the county's departments, offices and agencies.

Article 8

Financial Procedures

Section 1 - Fiscal Year

The fiscal year of the county will begin on the first day of January and end the last day of December.

Section 2 - Submission of Budget

On or before a date established by the Board of County Commissioners, each department, office, or agency whether headed by an elected official or appointed officer will submit to the Board of County Commissioners a budget for the ensuing fiscal year, including a five year capital program.

Section 3 - Budget

The Board of County Commissioners will prepare a budget which provides in fiscal terms and in terms of work programs an outline of the proposed financial policies of the county for the ensuing fiscal year.

The budget will provide a complete financial plan of all county funds and activities for the ensuing fiscal year and including a county-wide, five year capital program and, except as required by law or this charter, will be in a form as the Board of County Commissioners may require.

Section 4 - Board of County Commissioners Action on Budget

The Board of County Commissioners will publish in the official newspaper of the county the general summary of the budget and a notice stating:

1. The times and places where copies of the budget are available for inspection by the public, and

2. The time and place, not less than two weeks after publication, for a public hearing on the budget.

After the public hearing, the Board of County Commissioners may adopt the budget with or without amendments. No amendment may increase or decrease expenditures required by law or for debt service or for an estimated cash deficit. No amendment to the budget may increase the authorized expenditures to an amount greater than total estimated resources.

The Board of County Commissioners will adopt the budget on or before the first day of October of the current fiscal year.

Section 5 - Revenue Certification

To implement the adopted budget, the Board of County Commissioners will file a tax levy certification authorizing the tax levy or levies and setting the tax rate or rates not later than the 10th day of October of each year.

Section 6 - Amendments after Adoption

1. The Board of County Commissioners may adopt supplemental or emergency appropriations or may provide for reductions or transfers pursuant to the procedures provided in Section 4. To the extent that there are no available unappropriated revenues or a sufficient fund balance to meet emergency appropriations, the Board of County Commissioners may authorize the issuance of emergency notes, which may be renewed from time to time, but the emergency notes and renewals of any fiscal year must be paid not later than the last day of the fiscal year next succeeding that in which the emergency appropriation was made.
2. No appropriation for debt service may be reduced or transferred, and no appropriation may be reduced below any amount required by law to be appropriated or by more than the amount of the unencumbered balance. The supplemental and emergency appropriations and reduction or transfer of appropriations authorized by this section may be made effective immediately upon adoption.

Section 7 - Lapse of Appropriations

Every appropriation, except an appropriation for a capital expenditure, will lapse at the close of the fiscal year to the extent that it has not been expended or encumbered. An appropriation for a capital expenditure will continue in force until expended, revised or repealed.

Section 8 - Administration of the Budget

The Board of County Commissioners will provide by resolution the procedures for administering the budget.

Article 9

Revenue Authority and Limitations

Section 1 - Scope of Authority

Subject to the provisions of this Article, Cass County will have the authority by ordinance or resolution of the Board of County Commissioners, to levy and collect property taxes, sales taxes, income taxes, motor vehicle registration fees, excises, fees and special assessments for benefits conferred.

Section 2 - Limitations

1. No ordinance or resolution may be adopted by the Board of County Commissioners levying property taxes in excess of 75 mills in total until referred by the Board of County Commissioners for approval by the electorate at any regular county election. This mill levy limit does not include any levies certified to the Board of County Commissioners by any other governing body.
2. No ordinance or resolution may be adopted by the Board of County Commissioners implementing any new or additional tax not currently being levied or assessed until referred by the Board of County Commissioners for approval by the electorate at any regular county election.
3. Any ordinance or resolution submitted to the electorate must be approved by a majority vote of the electors voting.
4. In order to be subject to the assessment provisions of this Article, all property must be assessed in a uniform manner as prescribed by the state board of equalization and the state supervisor of assessments. No ordinance or resolution of the Board of County Commissioners may supersede any state law which determines what property is subject to or exempt from ad valorem, sales or use taxes.
5. Flood Protection sales, use, and gross receipts tax. The Board of County Commissioners is authorized to collect a one-half of one percent (1/2%) sales, use, and gross receipts tax as outlined in Resolution #2016-20 to take effect on January 1, 2017, to be used for the engineering, land purchase, construction, and maintenance of a Red River Diversion and other flood control measures or the payment of special assessments for a Red River Diversion and other flood control measures as authorized by the Cass County Commission.

This ordinance shall terminate on December 31, 2084 unless rescinded earlier by the Cass County Commission but in no event shall this ordinance be rescinded or modified until all costs of construction and debt, including special assessments for the construction, for the Fargo-Moorhead (FM) Area Diversion Project are retired.

Article 10

Separability Clause

If a court declares that any part of this charter is invalid, the decision will not impair or affect in any manner the validity or enforceability of the remainder of this charter.

Article 11

Succession in Government

Section 1 - Rights of officers and employees preserved

Nothing in this charter, except as specifically provided, will affect or impair the rights, privileges, duties or authority of officers and employees of the county or of any office, department, agency, board or commission existing at the time this charter takes effect.

Section 2 - Continuance of contracts

All contracts entered into by the county prior to the taking effect of this charter will continue in full force and effect.

Section 3 - Pending actions and proceedings

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

Section 4 - Resolutions and policies to remain in force

All county resolutions and policies in force at the time this charter takes effect, and not inconsistent with this charter, will continue in force until amended or repealed.

Article 12

Amendments and Repeal

In the manner provided by state law, this charter may be amended or repealed by a proposal of the Board of County Commissioners or by petition bearing signatures of qualified voters at least equal in number to fifteen per cent of the number of electors voting in the county for the office of governor in the last general election.

Respectfully submitted by the Cass County Home Rule Charter Commission, this 15th day of August, 1994.

ss/Michael B. Unhjem
Michael B. Unhjem, Chairman

ss/Jean Rayl
Jean Rayl

ss/Joseph A. Nelson
Joseph A. Nelson

ss/Bruce W. Furness
Bruce W. Furness

ss/Jay R. Lindgren
Jay R. Lindgren

HISTORICAL REFERENCE DATE: AUGUST 15, 1994
DECEMBER 20, 2010
DECEMBER 19, 2016

SUBJECT: CASS COUNTY HUMAN SERVICE ZONE BOARD COMPENSATION

ADOPTED DATE: JANUARY 19, 2021

PAGE 1 OF 1

HUMAN SERVICE ZONE BOARD COMPENSATION

Cass County Human Service Zone Board Members will receive compensation at a rate of \$50 per meeting plus mileage calculated at the IRS rate allowed for private vehicle travel effective January 1, 2020 through December 31, 2021.

HISTORICAL REFERENCE DATE: JANUARY 19, 2021

SUBJECT: INVESTMENT

ADOPTED DATE: MAY 3, 2021

PAGE 1 OF 4

Purpose

The purpose of this policy is to set forth the investment objectives and parameters for the management of public funds of Cass County, "County". The intent of this policy is to safeguard funds on behalf of the County, assure the availability of funds for operational and capital needs, comply with applicable North Dakota Century Code (NDCC 21-04 and 21-06-07), and provide a competitive return on investment.

Scope

In accordance with accounting standards, financial reporting guidelines, and North Dakota Century Code, this investment policy applies to all monetary assets held or controlled by the Finance Director on behalf of the County. This policy does not apply to funds related to the issuance of debt where there are other indentures in effect for such funds. In addition, any future revenues and proceeds, which have statutory investment requirements conflicting with this policy, will not be subject to this policy.

Objectives

The primary objective of the County, in priority order, of investment activities shall be safety, liquidity, and yield.

Management of Investments

The Finance Director shall be responsible for setting investment objectives, strategies, identifying cash flow needs, and ensuring compliance with this policy and applicable North Dakota Century Code. The Finance Director is responsible for overseeing the day-to-day management of County investments. In the event the Finance Director is unable to carry out investment responsibilities, the Sr. Accountant shall assume the duties. The Finance Director shall be responsible for the transfer of appropriated funds to affect investment transactions, for investment of operating funds, and bond proceeds that are consistent with this Investment Policy.

Delegation of Authority

In accordance with North Dakota Century Code, 21-04, the County Board has the authority to designate brokers to invest county funds when it is deemed to be in the best interest of the County. Any investments made by brokers on behalf of the County must do so in accordance with this policy and North Dakota Century Code 21-06-07.

SUBJECT: INVESTMENT

ADOPTED DATE: MAY 3, 2021

PAGE 2 OF 4

Authorized Depositories, Investment Institutions and Dealers/Brokers

The County Board in accordance with North Dakota Century Code 21-04 shall designate depositories. At least biannually, the Finance Director shall be provided a collateral pledge agreement along with documentation, such as bank resolution/minutes, approving the collateral pledge agreement.

Each depository used by the County must be either a Savings Association or a Commercial Bank.

County funds will be invested in instruments, which meet at least one of the following criteria:

- A. Governmental bonds, notes, bills, mortgages, and other securities, which were direct obligations or are guaranteed or insured issues of the United States, its agencies, its instrumentalities, or organizations created by an act of Congress.
- B. General Obligations of a state or local government with taxing powers which was rated "A" or better by a national bond rating service.
- C. Revenue obligation of a state or local government with taxing powers, which was rated "AA" or better by a national bond rating service.
- D. Time Deposits fully insured by the Federal Deposit Insurance Corporation.
- E. Other investment instruments as allowed by North Dakota Century Code, i.e. mutual funds or units of a short-term investment fund.

NDCC 21-06-07. Political Subdivisions May Invest Funds

1. Counties, cities, school districts, park districts, and townships in this state may invest moneys in their general fund, or balances in any special or temporary fund, in:
 - a. Bonds, treasury bills and notes, or other securities that are a direct obligation insured or guaranteed by, the treasury of the United States, or its agencies, instrumentalities, or organizations created by an act of Congress.
 - b. Securities sold under agreements to repurchase written by a financial institution in which the underlying securities for the agreement to repurchase are of a type listed above.
 - c. Certificates of deposit fully insured by the federal deposit insurance corporation or by the state.

- d. Certificates of deposit, savings deposits, or other deposits fully insured or guaranteed by the federal deposit insurance corporation and placed for the benefit of the public depositor by a public depository through an appropriate deposit placement service as determined by the commissioner of financial institutions.
 - e. State and local securities:
 - i) Any security that is a general obligation of any state or local government with taxing powers which is rated in the highest three categories by nationally recognized rating agency.
 - ii) Any security that is a general obligation of a school district and is rated in the highest two categories by a nationally recognized rating agency.
 - iii) An obligation of the state housing finance agency that is rated in the highest two categories by a nationally recognized rating agency.
 - iv) Obligations of this state and general obligations of its political subdivisions.
 - f. Commercial paper issued by a United States corporation rated in the highest quality category by at least two nationally recognized rating agencies and matures in 270 days or less.
2. Bonds, treasury bills and notes, or other securities so purchased must be taken into consideration in making levies for the ensuing year, and when funds are needed for current expenses, the governing board and authorities of such municipalities may convert those obligations into cash.

Ethics and Conflict of Interest

The Finance Director, Sr. Accountant and anybody involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the investment program or could impair their ability to make impartial investment decisions. All County staff involved in the investment process shall disclose to the County Board any material financial interests in financial institutions that conduct business with the Board or County, and they shall further disclose any material personal financial/investment positions that could be related to the performance of the County's investment program.

SUBJECT: INVESTMENT

ADOPTED DATE: MAY 3, 2021

PAGE 4 OF 4

Authorized Investments and Portfolio Composition

Investments and Depositories are restricted to those complying with the applicable sections of North Dakota Century Code 21-06-07. Listed below are some specific examples:

- U.S. Government Securities
- U.S. Government Agencies
- Federal Instrumentalities (U.S. Government-Sponsored Enterprises)
- Certificates of Deposits
- Registered Investment Companies/Money Market Mutual Funds
- Certain Mutual Funds

Reporting

The Finance Director shall report, on a biannual basis, cash positions to the County Board. The Finance Director shall also maintain reports, available for review that includes, at a minimum, the following information for each individual investment:

- Description/Listing of Investment Instruments
- Interest rate or yield to maturity
- Maturity dates
- Purchase Price or remaining principle (Book Value)
- Monthly/Annual Interest

Safekeeping and Custody

To protect against potential fraud and embezzlement, the assets of the County shall be secured through safekeeping procedures. The Finance Director and Sr. Accountant shall be bonded to protect the public against possible embezzlement and malfeasance. An independent auditor shall review safekeeping procedures, legality of investments, and the receipting of interest annually.

HISTORICAL REFERENCE DATE: MAY 3, 2021

SUBJECT: LIMITED DELEGATION OF POWERS

ADOPTED DATE: FEBRUARY 4, 2008

PAGE 1 OF 1

The county commission authorizes the commission chair, or the vice chair in the chair's absence, to review any of the following items without a full meeting of the commission. The chair, or the vice chair in the chair's absence, is authorized to approve related permit, disapprove the permit, request a special meeting for the commission to address the item, or postpone a decision until the next regularly scheduled commission meeting. Any permit approved in this manner shall have the same effect as if approved by the full commission. Any permit that is approved or disapproved in this manner shall be placed on the agenda at the next regularly scheduled commission meeting for general review purposes.

The permits that may be approved or disapproved in this manner are limited to the following circumstances:

1. Permits for serving alcohol at special events or for use on Sunday, pursuant to N.D.C.C. 5-02-01.1 and 5-02-05.1, respectively.
2. Local permits for gaming purposes, pursuant to N.D.C.C. 53-06.1-03.
3. Permits for the public display of fireworks, pursuant to N.D.C.C. 23-15-03.

All other related statutory requirements must be met.

HISTORICAL REFERENCE DATE: JANUARY 5, 2004

SUBJECT: MAINTENANCE

ADOPTED DATE: MAY 4, 1992

PAGE 1 OF 1

Board action is not required on emergency repair jobs, but the board of county commissioners shall be advised in writing concerning the nature of the emergency. However, monthly work plans shall be delivered to the commission secretary for placement on the consent agenda for all maintenance work in excess of \$500.00. This policy shall also apply to contracted work which runs through the Maintenance Department.

Building and grounds staff shall not work more than 12 hours continuously without a 12-hour break before resuming work. Every effort shall be made to work with the jail for the purpose of using prisoners from the jail to work on buildings and grounds-keeping activities, including sidewalk shoveling.

The county will not be involved in removing snow or doing lawn care by buildings and grounds staff for anyone outside of the county government proper.

HISTORICAL REFERENCE DATE: MAY 4, 1992

SUBJECT: BUDGET POLICY
MANPOWER FORECAST / REDUCTION IN FORCE

ADOPTED DATE: MAY 4, 1992

PAGE 1 OF 1

MANPOWER FORECAST

Because local governments have found themselves in the midst of social, political, and economic change that has brought accountability requirements to the forefront, it is now necessary to expand our budgeting process to include a manpower forecast. Cass County department heads shall complete a manpower forecast to be attached to the annual budget for the purpose of establishing a five-year manpower forecast to better improve county government planning.

REDUCTION IN FORCE*

BE IT RESOLVED, That all county department heads should be aware of potential changes in the authorized positions within their department due to the budget process of a commission meeting on such matter.

THEREFORE, a change in the authorized positions should be discussed by the commissioner making the request, if possible, with the department prior to any formal action.

HISTORICAL REFERENCE DATE: SEPTEMBER 17, 1991
OCTOBER 12, 1992*

SUBJECT: COUNTY COMMISSIONERS

ADOPTED DATE: OCTOBER 15, 2007

PAGE 1 OF 1

NDCC 11-11-05. MEETINGS OF BOARD -- TIME AND PLACE.

"The board of county commissioners shall meet and hold sessions for the transaction of business at the courthouse, or at the usual place of holding court, in the first week of January, April, July, and October of each year, and may adjourn such meetings from time to time. The county auditor shall have power to call special sessions when the interests of the county demand it. The chairman of the board, or a majority of the members thereof, may call special sessions upon giving five days' notice of the time and object of the meeting by publishing the notice in the official newspaper of the county, or by giving personal notice, in writing, to all the members of the board."

COMMISSION MEETING SCHEDULE

Regular meetings of the Cass County Board of Commissioners shall be held at 3:30 PM on the first and third Monday of each month. If Monday is a holiday, the Board of Commissioners will meet at 3:30 PM on Tuesday that week. All meetings of the Cass County Board of Commissioners are held at the Courthouse, unless otherwise stated.

DEPARTMENT ROTATIONAL MEETINGS

Rotational department meetings are held in the Commission Room prior to each regularly scheduled meeting of the Cass County Board of Commissioners. The schedule of rotational department meetings will be printed on the Commission agenda for each meeting.

BUILDING ACCESS TO MEETINGS

Anyone planning to attend meetings of the Cass County Board of Commissioners after 5:00 PM who is not already in the building will need to make arrangements with county staff, since the building is secured after 5:00 PM.

HISTORICAL REFERENCE DATE: FEBRUARY 19, 1991
MAY 4, 1992

SUBJECT: COUNTY COMMISSIONERS

ADOPTED DATE: MAY 4, 1992

PAGE 1 OF 1

POSTING COMMISSION MINUTES

Department heads and supervisory staff shall keep a current copy of the agenda and minutes conspicuously posted in each office so that it can be easily read by staff and visitors.

HISTORICAL REFERENCE DATE: APRIL 4, 1989

SUBJECT: COUNTY COMMISSIONERS

ADOPTED DATE: MAY 4, 1992

PAGE 1 OF 1

MISSION STATEMENT

The mission of the Cass County Board of Commissioners is as follows:

- (1) To develop, approve and administer yearly budgets and set appropriate mill levies within statutory constraints.
- (2) To determine county policy and strategic planning decisions in conjunction with County functional directors to assure that county services mandated by statute, or determined by policy, are provided equitably to the citizens of Cass County.
- (3) To assure that property tax assessment and collection is accomplished, as dictated by statute, and determined by service level in serving the citizens of Cass County.

In addition, the Commission shall manage and maintain all County property, purchase and dispose of such property and supervise the electoral process for the citizens of Cass County.

HISTORICAL REFERENCE DATE: JANUARY 28, 1991

SUBJECT: MIDA BONDS

ADOPTED DATE: AUGUST 7, 1995

PAGE 1 OF 12

INSTRUCTIONS FOR MIDA BOND APPLICANTS

1. Cass County has come up with certain procedures and forms that must be followed for persons seeking MIDA bond financing from Cass County. The purpose for the instructions is to help facilitate the County by having all applicants follow the same procedures. It is also the desire of Cass County that applicants would check out the legality and feasibility of their projects prior to applying for a MIDA bond issue in Cass County. As a part of that desire, the County is going to require a \$1,000.00 application fee that is non-refundable. Second, a completed application form, a copy of which is attached to this application form, must be completed at the time of the application. Questions 5 and 6 on that form, if answered negatively, mean that the issue will not be exempt from federal income taxation. These are two of the most common problems which would cause the loss of tax exemption and should be checked out thoroughly by the applicant before filing his application form.
2. The executed application form and attached check of \$1,000.00 must be returned to Cass County Auditor's Office (Attention: Mike Montplaisir). The County Auditor's Office will forward the application to the Cass County States Attorney for review. After that review the matter will be returned to the County Auditor's office to be placed on the agenda for the next County Commission meeting. In addition, the appropriate resolution and/or notice must also be delivered to the County Auditor's office which will forward it to the Cass County States attorney for review. After that review the documents will be returned to the County Auditor's office and, if appropriate, placed on the agenda for the next County Commission meeting.
3. The County Auditor's office has the approved form of resolutions and/or notices that are to be used for Cass County. At the time of picking up the application form, you should inform the County Auditor's office as to what set of forms that you need. There are two sets of forms which will be discussed below.

INSTRUCTIONS FOR MIDA BOND APPLICANTS (cont.)

4. The first set of forms deals with original issues and contains a preliminary resolution, a notice of hearing, a resolution authorizing issuance, and a resolution approving the terms of the bonds. The preliminary resolution form and notice of hearing form should be completed and returned with the application form. The purpose of the third resolution is that state law, 40-57-09 NDCC, requires that a resolution of the County shall prescribe certain specified terms of the bond issue. This is usually done by having a form of the bond or mortgage present at the hearing and incorporated by reference.

It is not unusual at the time of the public hearing for the company to not have worked out the details of the bond sale with the purchaser. Since the terms of the bonds are not even known at the time of the public hearing and resolution authorizing the issuance, obviously compliance with 40-57-09 NDCC is impossible at that time. Therefore, in those situations, it is necessary to have a further resolution passed by the County at the time the financing details have been determined. There are cases in which the financing terms are set at the time of the public hearing and in that case the third resolution would not be necessary.

5. The second set is for refunding bond issues and contains the preliminary resolution, notice of public hearing and the resolution authorizing the issuance. The preliminary resolution and notice of public hearing should be returned along with the application form to the County Auditor's office. In that in 99% of the cases the terms of the refunding will be worked out by the company and the bond purchaser prior to bringing the matter to the County, the need for the third resolution discussed above is normally not necessary in refunding issues.
6. The applicant should contact the County Auditor's office concerning the dates for any public hearings scheduled. The County Auditor's office will be responsible for the actual publication of the form of public notice provided by the applicant in The Forum two times. The cost of the advertising shall be paid out of the initial application fee.

INSTRUCTIONS FOR MIDA BOND APPLICANTS (cont.)

7. In addition to the forms of the resolutions and notices the applicant will be responsible for completing an application for allocation which must be sent to the Governor's office for approval for most MIDA bond issues. Forms of the application can be obtained from the County Auditor's office.
8. The applicant will also be responsible for preparing all closing documents and to provide to the County Auditor's office in advance all closing documents which a County official must execute. A copy of the documents to be executed should be filed with the County as soon as possible but in no event less than three days before the bond closing to give attorneys for the County an opportunity to review those documents prior to closing.
9. The County has set an issuance fee for new MIDA bond issues based on 1% of the size of the issue, with a maximum fee of \$10,000.

SUBJECT: MIDA BONDS

PAGE 4 OF 12

CASS COUNTY
MIDA BOND APPLICATION FORM

1. Name of applicant:
2. Telephone no. of applicant: _____
3. Size of issue requested:
\$ _____
4. Type of issue (check one):
 a. Small issue - \$ 1,000,000 (Section 144(a))
 b. Small issue - \$10,000,000 (Section 144(a)(4))
 c. Qualified residential rental project Section 142(a)(7))
 d. Qualified 501(c)(3) issue (Section 145)
 e. Refunding issue
 f. Other (specify type): _____
5. If type of issue checked was small issue (\$1,000,000 or \$10,000,000), is issue for a manufacturing facility as defined in Section 144(a)(12)(c)? Yes ___ No ___
6. If type of issue checked was qualified residential rental project, will project meet the low income requirements for tenants as set out in Section 142(d)? Yes ___ No ___
7. Estimated date of issue if approved by County: _____
8. Give a brief explanation of the project, which explanation should include the location of the project, description of the use of bond proceeds, and whether or not the project would create additional employment:
9. Attached to the Application Form is a check in the amount of \$1,000 which is the application fee, which fee is non-refundable. If issue does close, the application fee shall be deducted from the issuance fee set out in paragraph 11.

CASS COUNTY
MIDA BOND APPLICATION FORM (cont.)

10. Attached is a typed Initial Resolution giving the project preliminary approval and a Notice of Hearing, both in the form provided by the County Auditor's Office. The Initial Resolution and Notice shall have a hearing date which has been provided to the applicant by the County Auditor's Office.
11. The applicant understands that the issuance fee for a new MIDA bond issue is based on a percentage of the size of the issue based on the scale set out below. For refunding bond issues the issuance fee is one-half of amount set forth in scale (on previous page).

Dated:

Signature of Applicant

SUBJECT: MIDA BONDS

PAGE 6 OF 12

NOTICE OF PUBLIC HEARING ON A PROPOSED PROJECT AND THE ISSUANCE OF INDUSTRIAL DEVELOPMENT REVENUE BONDS UNDER THE MUNICIPAL INDUSTRIAL DEVELOPMENT ACT OF 1955, NORTH DAKOTA CENTURY CODE CHAPTER 40-57 CASS COUNTY, NORTH DAKOTA

Notice is hereby given that the Board of County Commissioners of Cass County, North Dakota, will meet on the _____ day of _____, _____ at 3:30 p.m. in the County Commission Room, Cass County Courthouse, Fargo, North Dakota, for the purpose of holding a public hearing on a proposal that the County issue bonds under the Municipal Industrial Development Act of 1955, Chapter 40-57 NDCC as amended, in order to finance the cost of the project. The proposed project will consist of _____

The project will be operated by _____ and the amount of the proposed bond issue is not to exceed \$_____.

The project will be located at _____

The bonds or other evidence of indebtedness issued by the County to finance the project shall be limited obligations of the County payable solely from the revenue pledge to the payment thereof, and may be secured by a mortgage or other encumbrance on the project. No holder of any such evidence of indebtedness shall ever have the right to compel any exercise of the taxing power of the County to pay such evidence of Indebtedness, or the interest thereon, nor to enforce payment against any property of the County except the project secured thereby.

_____ will be engaged in the business of _____ and competitors are hereby notified of that fact pursuant to Chapter 40-57 NDCC, as amended. All persons interested may appear and be heard at the time and place set forth above.

Dated this _____ day of _____, _____, by order of the Board of County Commissioners.

SUBJECT: MIDA BONDS

PAGE 7 OF 12

RESOLUTION RELATING TO A PROJECT UNDER THE MUNICIPAL INDUSTRIAL DEVELOPMENT ACT, GIVING THE PROJECT PRELIMINARY APPROVAL SUBJECT TO A PUBLIC HEARING

Member _____ offered the following resolution and moved its adoption:

BE IT RESOLVED by the County Commissioners of Cass County, North Dakota as follows:

Section 1. Policy and Purpose.

1.01. For the purpose of promotion, attraction, encouragement and development of economically sound commerce, preserving and developing a tax base adequate to finance necessary public services, and encouraging employment opportunities for the citizens of the County, the County is authorized by Chapter 40-57, North Dakota Century Code, as amended, to acquire and lease real and personal property for use by a revenue-producing enterprise, said property to be acquired with funds raised through the issuance of revenue bonds of the County.

1.02. _____
(referred to herein as the Company), desires to undertake a Project in the County, at a total cost presently estimated at approximately \$_____, said Project to consist of

(the Project). The Project will be located at _____.

1.03. The Project would increase the level of economic activity in the County, would increase the tax base, and would provide additional employment opportunities for residents of the County and the surrounding area.

1.04. The County is advised by representatives of the Company that with the aid of municipal financing, and the resulting lower borrowing cost, the Project would be significantly more feasible. The County is further advised by the Company that approval of municipal financing would be a significant inducement to the commencement of construction of the Project by the Company.

Section 2. Findings.

2.01. Subject to the holding of a public hearing according to law, it appears the issuance of the Bonds will be in the public interest and any competitive nature and impact and effect of the issue upon existing industry and business will not result in an unfair advantage for the proposed project to the substantial detriment of existing enterprises.

Section 3. Approval and Authorization.

3.01. Subject to the holding of a public hearing according to law and subject to the mutual agreement of the County, the Company and the purchaser of the Bonds as to the details of an indenture, lease and/or other documents necessary to evidence and effect the financing of the Project and the issuance of the bonds, the issuance of revenue bonds of the County, in one or more series, in an amount not to exceed \$_____, is hereby preliminarily approved and authorized to finance part of the cost of the project.

3.02. If final approval and authorization is given after public hearing, the Company shall not be required to advertise for public bids on any part of the Project as the County hereby waives the requirements of Chapter 48-02 NDCC as authorized by Section 40-57-03 (12) NDCC.

3.03. Neither this preliminary commitment nor any actions, agreements, or legal matters related hereto or executed in pursuance hereof, shall in any manner or form create an indebtedness or liability of the County.

3.04. The passage of this resolution does not finally commit the County to execute the bonds nor establish priority for purposes of staying within the limitations established by federal law for the amount of industrial development bonds that may be issued by Cass County or the State of North Dakota.

Section 4. Public Hearing.

4.01. Since a public hearing, after notice according to law, is required for final approval of such bond issue, a public hearing on the issuance of the bonds shall be held at the County Commission Room, Cass County Courthouse, Fargo, North Dakota, on the _____ day of _____, _____ at 3:30 p.m. and the County Auditor is hereby instructed to give notice of such public hearing according to law.

4.02. The form of public notice attached to this Resolution is hereby approved.

Dated this _____ day of _____, _____.

Approved: _____
Cass County Commissioner

Attest: _____
Cass County Auditor

Member _____ seconded the above resolution and upon vote being taken thereon the following voted in favor:

_____ and the following voted against the same: _____

the following were absent and not voting: _____

whereupon the resolution was declared duly passed and adopted.

Member _____ offered the following resolution and moved its adoption:

RESOLUTION AUTHORIZING THE ISSUANCE OF MUNICIPAL INDUSTRIAL DEVELOPMENT REVENUE BONDS UNDER CHAPTER 40-57 NDCC

BE IT RESOLVED by the County Commissioners of Cass County, North Dakota, as follows:

Section 1. Policy and Purpose.

1.01. For the purpose of promotion, attraction, encouragement and development of economically sound commerce, preserving and developing a tax base adequate to finance necessary public services, and encouraging employment opportunities for the citizens of the County, the County is authorized by Chapter 40-57, North Dakota Century Code, as amended, to acquire and lease real and personal property for use by a revenue-producing enterprise, said property to be acquired with funds raised through the issuance of revenue bonds of the County.

1.02. _____
 (referred to herein as the Company), desires to undertake a Project in the County, at a total cost presently estimated at approximately \$_____, said Project to consist of

(the Project). The Project will be located at _____.

1.03. The Project would increase the level of economic activity in the County, would increase the tax base, and would provide additional employment opportunities for residents of the County and the surrounding area.

1.04. The County is advised by representatives of the Company that with the aid of municipal financing, and the resulting lower borrowing cost, the Project would be significantly more feasible. The County is further advised by the Company that approval of municipal financing would be a significant inducement to the commencement of construction of the Project by the Company.

Section 2. Findings.

2.01. A public notice setting forth the competitive nature of the project and the date and time of a public hearing on the project was published according to law. The public hearing has been held according to law.

2.02. Upon the public hearing it appears the issuance of the Bonds is in the public interest and any competitive nature and impact and effect of the issue upon existing industry and business will not result in an unfair advantage for the proposed project to the substantial detriment of existing enterprises.

Section 3. Approval and Authorization.

3.01 Subject to the mutual agreement of the County, the Company and the purchaser of the Bonds as to the details of an indenture, lease and/or other documents necessary to evidence and effect the financing of the Project and the issuance of the bonds, the issuance of revenue bonds of the County, in one or more series, in an amount not to exceed \$_____, is hereby approved and authorized to finance part of the cost of the project.

3.02. The Company shall not be required to advertise for public bids on any part of the project as the County hereby waives the requirements of Chapter 48-02 NDCC as authorized by Section 40-57-03 (12) NDCC.

3.03. Neither this commitment nor any actions, agreements, or legal matters related hereto or executed in pursuance hereof, shall in any manner or form create an indebtedness or liability of the County.

3.04. Federal legislation has imposed a cap or limit on the amount of tax exempt IDB or MIDA bonds which may be issued in each state. Accordingly, Cass County hereby states that it has not made inquiry and is without knowledge as to whether or not any bonds issued pursuant to this resolution will exceed such limitation and/or any interest paid thereon will be exempt from taxation.

Dated this _____ day of _____, _____.

Approved: _____
Cass County Commissioner

Attest: _____
Cass County Auditor

Member _____ seconded the above resolution and upon vote being taken thereon the following voted in favor: _____

_____ and the following voted against the same: _____

the following were absent and not voting: _____

whereupon the resolution was declared duly passed and adopted.

RESOLUTION AUTHORIZING THE ISSUANCE OF MUNICIPAL INDUSTRIAL DEVELOPMENT REVENUE BONDS UNDER CHAPTER 40-57 NDCC AND APPROVING OF THE DOCUMENTS PREPARED IN CONJUNCTION WITH THE ISSUANCE

Member _____ offered the following resolution and moved its adoption:

WHEREAS, the Cass County Commission has had a public hearing on the proposed MIDA bond issue and has given its authorization for in an amount not to exceed \$ _____; and

WHEREAS, since the prior authorization given by the County _____ has structured the bond issue for \$ _____ and requires Commission approval of the terms as set out in the attached bond.

NOW, THEREFORE, BE IT RESOLVED, by the Cass County Commission of Cass County, North Dakota, that the terms of the bond are hereby incorporated and made part of this resolution and are approved by the County Commission and the Chairman of the Board of County Commissioners and the County Auditor are authorized to take all necessary steps for the issuance of the bonds.

Dated this _____ day of _____, _____.

Approved: _____
Cass County Commissioner

Attest: _____
Cass County Auditor

Member _____ seconded the above resolution and upon vote being taken thereon the following voted in favor: _____

and the following voted against the same: _____

the following were absent and not voting: _____

whereupon the resolution was declared duly passed and adopted.

SUBJECT: MOTOR POOL

ADOPTED DATE: MAY 6, 1996

PAGE 1 OF 2

- 1) Priority use of vehicle:
 - a) Transportation of clients/direct services
 - b) Providing other direct client services
 - c) General staff use
 1. Out-of-town travel
 2. In-town travel
- 2) Requirements for vehicle use:
 - a) County employees only may operate county vehicles
 - b) Employees must have current/valid drivers license and use seat belts
 - c) Insurance needs are covered by Cass County
 - d) Defensive driver training
- 3) Reservation of vehicle for use:
 - a) Reservation sheet in Auditor's Office for vehicles in Courthouse lot and in Social Services second floor reception area for vehicles in Annex lot
 1. Reserve date and time
 2. Estimated length of use
 - b) Log book in vehicle
 1. Record mileage and destinations

NOTE: For further instructions, see attached Motor Pool Procedures. Also, employee responsibilities for using a motor pool vehicle are further defined in the Cass County Personnel Policy Manual, Fleet Vehicle Policy 2.60.

HISTORICAL REFERENCE DATE: MAY 6, 1996

MOTOR POOL PROCEDURES

1. Sign out log (i.e. date and time) in Auditor's Office to reserve vehicles from Courthouse lot and in Social Services accounting office to reserve vehicle from Annex lot.
2. Client transportation/direct services takes priority of vehicle usage.
3. If vehicle is in need of gasoline or other items, the following instructions should be used:
 - a. Gasoline may only be charged at Holiday gas stations and only to fill up county vehicles (they have the make/model), mileage and license numbers of county vehicles). Holiday has instructions to deny any attempt to purchase gasoline for an unauthorized vehicle. Holiday gas stations are at various locations in Fargo.
 - b. Each vehicle will have a Holiday credit card assigned to it, located in the mileage log book folder (in each vehicle), and should not be used for any other vehicle.
 - c. Please do not leave vehicle with an empty gas tank or in a messy condition at the end of use. Remember, you could be the next person to use it.
4. Maintenance of vehicles:
 - a. Oil change/lube every 3,000-4,000 miles.
 - b. Wash and clean vehicle every month (at least).
5. Report any mechanical problems or accidents involving the vehicle to Auditor's Office/Social Services accounting office, using "Equipment/Vehicle Repair Request Form."
 - a. Call Auditor's Office/Accounting Office for approval of repairs, e.g. flat tires, over-heating or any other emergency repairs.
 - b. Accidents should be reported to the local authorities immediately. In addition, a Cass County Government accident form must be completed.
6. A log will be kept in each vehicle and must be completely filled out after each use (i.e. beginning and ending mileage, destination and purpose).

SUBJECT: ORDINANCE #1995-1 (PLANNING COMMISSION MEMBERSHIP)

ADOPTED DATE: MAY 15, 1995

PAGE 1 OF 2

CASS COUNTY GOVERNMENT
ORDINANCE #1995-1

AN ORDINANCE TO CHANGE COUNTY PLANNING COMMISSION MEMBERSHIP

WHEREAS, Article 2, paragraph 3 of the Cass County Home Rule Charter contains language that enables the Board of County Commissioners to provide for county elected and appointed officers and employees, and the terms of county appointed officers and employees.

WHEREAS, in its opinion dated February 27, 1995, the North Dakota Attorney General determined that if a home rule county charter includes the authority, and that authority has been implemented in an ordinance, a home rule county may determine membership requirements for the county planning commission by the adoption of an ordinance, and that a home rule charter and ordinance will supersede state law in conflict therewith.

WHEREAS, it is the desire of the Cass County Commission to provide for fair voting representation of all of Cass County on the County Planning Commission.

NOW, THEREFORE, be it ordained by the Board of County Commissioners of Cass County, North Dakota:

The Planning Commission Membership and terms shall be as listed below. This supersedes North Dakota Century Code 11-33-04.

MEMBERSHIP

- 1 Cass County Commissioner, appointed by Commission annually
- 1 Fargo City Commissioner, appointed by City annually
- 1 West Fargo City Commissioner, appointed by City annually
- 1 County resident, nominated by Cass County Township Officers Association as an annual appointment
- 2 City of Fargo residents, appointed by County Commission
- 3 Rural County residents, appointed by County Commission--these members will not be bound by area or district, but it is preferred that the Commission endeavor to appoint 1 person from near north of the metropolitan area, 1 person from near south of metropolitan area and 1 person from west of the metropolitan area

TERMS

4 year terms except City Commission, County Commission and Township Officers Association representative

ss/Bernie Ness

Chair, Board of Commissioners
of the County of Cass

ATTEST:

ss/Michael Montplaisir
Michael Montplaisir
County Auditor

First Reading: 4/17/95
Second Reading: 5/15/95
Final Passage: 5/15/95
Publication: 4/17/95
4/24/95

(SEAL)

HISTORICAL REFERENCE DATE: MAY 15, 1995

SUBJECT: ORDINANCE #1996-1 (CURFEW FOR MINORS)

ADOPTED DATE: JANUARY 16, 1996

PAGE 1 OF 5

CASS COUNTY GOVERNMENT
ORDINANCE NO. 1996-1

AN ORDINANCE REGULATING THE PRESENCE AND CONDUCT OF CERTAIN MINORS ON STREETS AND OTHER PUBLIC PLACES; DEFINING DUTIES OF PARENTS OR OTHERS IN CARE OF CERTAIN MINORS; PROVIDING FOR PROCEDURES AND PENALTIES FOR VIOLATIONS THEREOF.

WHEREAS, the County Commission has determined that there has been an increase in juvenile violence, juvenile gang activity, and crime by persons under the age of 16 in the County of Cass; and

WHEREAS, persons under the age of 16 are particularly susceptible by their lack of maturity and experience to participate in unlawful and gang-related activities and to be victims of older perpetrators of crime; and

WHEREAS, the County of Cass has an obligation to provide for the protection of minors from each other and from other persons, for the enforcement of parental control over and responsibility for children, for the protection of the general public, and for the reduction of the incidence of juvenile criminal activities; and

WHEREAS, a curfew for those minors under the age of 16 will be in the interest of the public health, safety, and general welfare and will help to attain the foregoing objectives and to diminish the undesirable impact of such conduct on the citizens of the County of Cass;

NOW, THEREFORE, be it ordained by the Board of Commissioners of the County of Cass that a curfew ordinance for certain minors is hereby enacted as follows:

A. Definitions. In this section:

1. CURFEW HOURS means:

(a) 11:00 p.m. until 6:00 a.m. every day of the week.

2. EMERGENCY means an unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to, a fire, a natural disaster, an automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.

3. ESTABLISHMENT means any privately owned place of business operated for a profit to which the public is invited, including but not limited to any place of amusement or entertainment.
4. GUARDIAN means:
 - (a) a person who, under court order, is the guardian of the person of a minor; or
 - (b) a public or private agency with whom a minor has been placed by a court.
5. For purposes of this ordinance MINOR means any person under 16 years of age.
6. OPERATOR means any individual, firm, association, partnership, or corporation operating, managing, or conducting any establishment. The term includes the members or partners of an association or partnership and the officers of a corporation.
7. PARENT means a person who is:
 - (a) a natural parent, adoptive parent, or step-parent of another person; or
 - (b) at least 18 years of age and authorized by a parent or guardian to have the care and custody of a minor.
8. PUBLIC PLACE means any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, highways, and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities, and shops.
9. REMAIN means to:
 - (a) linger or stay; or
 - (b) fail to leave premises when requested to do so by a police officer or the owner, operator, or other person in control of the premises.

10. SERIOUS BODILY INJURY means bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

B. Restrictions.

1. It shall be unlawful for any minor to remain in any public place or on the premises of any establishment within the county during curfew hours.
2. It shall be unlawful for any parent or guardian of a minor to knowingly permit, or by insufficient control allow, the minor to remain in any public place or on the premises of any establishment within the county during curfew hours. The term "knowingly" includes knowledge which a parent or guardian should reasonably be expected to have concerning the whereabouts of a minor in the legal custody of that parent or guardian.
3. It shall be unlawful for any owner, operator, or any employee of an establishment to knowingly allow a minor to remain upon the premises of the establishment during curfew hours.

C. Exceptions.

1. The following shall constitute valid exceptions to the operation of the curfew. That the minor was:
 - (a) accompanied by the minor's parent or guardian;
 - (b) on an errand at the direction of the minor's parent or guardian, without any detour or stop;
 - (c) in a motor vehicle involved in interstate travel;
 - (d) engaged in an employment activity, or going or returning home from an employment activity, without any detour or stop;

- (e) involved in an emergency;
 - (f) on the sidewalk abutting the minor's residence or abutting the residence of a next-door neighbor if the neighbor did not complain to the police department about the minor's presence;
 - (g) attending an official school, religious, or other recreational activity supervised by adults and sponsored by a civic organization, or another similar entity that takes responsibility for the minor, or going to or returning home from, without any detour or stop, an official school, religious, or other recreational activity supervised by adults and sponsored by a civic organization, or another similar entity that takes responsibility for the minor;
 - (h) exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, and the right of assembly; or
 - (i) married or had been married.
2. It is a defense to prosecution under Section B that the owner, operator or employee of an establishment promptly notified the police department that a minor was present on the premises of the establishment during curfew hours and refused to leave.

D. Enforcement. Before taking any enforcement action under this section, a police officer shall ask the apparent offender's age and reason for being in the public place. The officer shall not issue a citation or make an arrest under this section unless the officer has probable cause to believe that an offense has occurred and that, based on any response and other circumstances, no defense in Section C is present.

E. Penalties.

1. A person who violates a provision of this section is guilty of a separate offense for each day or part of a day during which the violation is committed, continued, or permitted.
2. Any person who is convicted of a violation of this section is guilty of a class B misdemeanor and shall be punished by a fine not to exceed \$500 and/or 30 days imprisonment.

F. Severability. If any provision of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. It is intended that the curfew ordinance be held inapplicable in such cases, if any, where its application would be unconstitutional.

Section 3. That this ordinance shall take effect immediately from and after its passage and publication according to law.

PASSED by the Board of Commissioners of the County of Cass this 16th day of January, 1996.

APPROVED:

(ss/Sharon Toussaint)
Chair, Board of Commissioners
of the County of Cass

ATTEST:

(ss/Michael Montplaisir)
Michael Montplaisir
County Auditor

First Reading:	12/18/95
Second Reading:	1/16/96
Final Passage:	1/16/96
Publication:	12/26/95

(SEAL)

HISTORICAL REFERENCE DATE: JANUARY 16, 1996

SUBJECT: ORDINANCE #1997-1 (SCHOOL BUS ORDINANCE)

ADOPTED DATE: JANUARY 21, 1997

PAGE 1 OF 2

CASS COUNTY GOVERNMENT
ORDINANCE #1997-1

AN ORDINANCE PROHIBITING THE DISOBEDIENCE OF SCHOOL BUS TRAFFIC CONTROL SIGNALS RELATING TO THE GENERAL RULES OF THE ROAD

WHEREAS, the County Commission has determined that there has been an increase in reports of disobedience of traffic rules relating to school buses; and

WHEREAS, the Board of County Commissioners has an obligation to provide for the protection of citizens of Cass County, including the minor children who will ride on school buses; and

WHEREAS, existing state laws have not adequately protected the citizens of Cass County and this ordinance will be in the interest of public health, safety, and will help obtain the foregoing objectives;

NOW, THEREFORE,

be it ordained by the Board of Cass County Commissioners that an ordinance prohibiting the disobedience of school bus traffic control signals is hereby enacted as follows:

Section 1. Enactment

Ordinance 1997-1 of the Cass County Ordinances is hereby enacted to read as follows:

- A. No driver of a motor vehicle shall pass a school bus while that school bus has activated flashing red lights, stop sign control arm, or safety strobe lights.
- B. No driver of a motor vehicle shall pass a school bus in the oncoming lane while that school bus has activated flashing red lights, stop sign control arm, or safety strobe lights.

Section 2. Penalty Clause

Every person, firm or corporation violating this ordinance shall, upon conviction thereof, be punished by a fine not to exceed \$500.00; the Court to have the power to suspend said sentence and to revoke the suspension thereof.

Section 3. Effective Date

This ordinance shall be in full force and effect from and after its passage, approval and publication, pursuant to the Cass County Home Rule Charter.

ss/Alon Wieland
Chair, Board of Commissioners
of the County of Cass

Attest:

ss/Michael Montplaisir
Michael Montplaisir
County Auditor

First Reading: 12/18/95
Second Reading: 1/16/96
Final Passage: 1/16/96
Publication: 12/26/95

(SEAL)

HISTORICAL REFERENCE DATE: JANUARY 21, 1997

SUBJECT: ORDINANCE #1997-2 (SCHOOL BUS ORDINANCE)

ADOPTED DATE: JANUARY 21, 1997

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CASS COUNTY GOVERNMENT
ORDINANCE #1997-2

AN ORDINANCE PROHIBITING THE DISOBEDIENCE OF SCHOOL BUS TRAFFIC CONTROL SIGNALS RELATING TO THE GENERAL RULES OF THE ROAD

WHEREAS, the County Commission has determined that there has been an increase in reports of disobedience of traffic rules relating to school buses; and

WHEREAS, the Board of County Commissioners has an obligation to provide for the protection of citizens of Cass County, including the minor children who will ride on school buses; and

WHEREAS, existing state laws have not adequately protected the citizens of Cass County and this ordinance will be in the interest of public health, safety, and general welfare and will help obtain the foregoing objectives;

NOW, THEREFORE,

be it ordained by the Board of Cass County Commissioners that an ordinance prohibiting the disobedience of school bus traffic control signals is hereby enacted as follows:

Section 1. Enactment

Ordinance 1997-2 of the Cass County Ordinances is hereby enacted to read as follows:

Permitting use of vehicles to violate subsections (A) and (B) of Ordinance #1997-1 prohibited--Presumption of permission--Defense--Dual prosecution prohibited.--The registered owner of a motor vehicle may not permit that motor vehicle to be operated in violation of subsections (A) and (B) of Ordinance #1997-1. If a motor vehicle is seen violating said subsections, it is a disputable presumption that the registered owner of the motor vehicle permitted that violation. It is a defense to a charge of violating this section that the registered owner of the vehicle was not operating the vehicle, if that registered owner identifies the person authorized by that owner to operate the motor vehicle at the time of violation of the aforementioned subsections of Ordinance #1997-1, or if that motor vehicle had been taken without the registered owner's permission. The person may not be charged with violating both this section and with violating subsections (A) and (B) of

Ordinance #1997-1. Violation of this section is not a lesser included offense of a violation of subsections (A) and (B) of Ordinance #1997-1.

Section 2. Penalty Clause

Every person, firm or corporation violating this section shall be guilty of a non-criminal offense and shall pay a fee of \$50.00.

Section 3. Effective Date

This ordinance shall be in full force and effect from and after its passage, approval and publication pursuant to the Cass County Home Rule Charter.

ss/Alon Wieland
Chair, Board of Commissioners
of the County of Cass

Attest:

First Reading: 12/18/95
Second Reading: 1/16/96
Final Passage: 1/16/96
Publication: 12/26/95

ss/Michael Montplaisir
Michael Montplaisir
County Auditor

(SEAL)

HISTORICAL REFERENCE DATE: JANUARY 21, 1997

SUBJECT: ORDINANCE #1997-3 AMENDED (CASS COUNTY PARK CAMPSITES)

ADOPTED DATE: NOVEMBER 1, 2021

PAGE 1 OF 3

CASS COUNTY GOVERNMENT
AMENDED ORDINANCE #1997-3

AN ORDINANCE REGULATING AND RESTRICTING THE USE OF CASS COUNTY
PARK CAMPSITES

WHEREAS, the County of Cass by and through the Cass County Board operates and maintains the Cass County Park at Brewer Lake for the benefit of the citizens of Cass County and others; and

WHEREAS, the use of Cass County park campsites at Brewer Lake has increased from year to year and the demand for campsite services is greater than the available supply; and

WHEREAS, there have been occurrences of people parking vehicles, campers and other camping equipment at Brewer Lake campsites and leaving that equipment unattended for extended periods of time; and

WHEREAS, County of Cass, by and through the Cass County Park Board, has incurred certain expenses in installing and continuing to make available the use of electricity and water at the campsites; and

WHEREAS, there are a limited number of campsites which provide electricity and water services; and

WHEREAS, unattended vehicles, campers or other camping equipment at the Cass County Park Campground is not an effective and efficient use of limited services and becomes a hazard to other campers and a target for criminal activity;

NOW, THEREFORE, Be it ordained by the Board of Commissioners of the County of Cass that an ordinance regulating the use of campsites at any Cass County park is hereby enacted as follows:

1. Campsites located at any Cass County Park under the direct operation and supervision of the Cass County Park Board will be available to any persons and their camping equipment on a first come first serve basis, unless reserved in advance.

SUBJECT: ORDINANCE #1997-3 AMENDED (CASS COUNTY PARK CAMPSITES)

ADOPTED DATE: NOVEMBER 1, 2021

PAGE 2 OF 3

2. For purposes of this ordinance, camping equipment shall include, but not be limited to, vehicles, recreational vehicles, campers, boats, trailers, or any other thing which is generally recognized as recreational camping equipment. Any camping equipment left unattended for longer than 24 hours will be confiscated by county law enforcement.
3. The following service fees apply for the use of electricity and water at the campsites as of November 1, 2021: \$10 per day for tents; \$20 for electrical sites; \$25 for full hookup sites; and \$50 for rental of park building for events. After November 1, 2021 the County Commission may amend the fee amounts described in this section with a majority affirmative vote on a motion to amend.

Camping stays at the park are limited to 14 days with 7 days off between periods. The 7-day period may be waived based on availability. Check-in time is 2:00 PM and check out time is noon.

4. Group activities attended by more than twenty-five individuals are prohibited without a permit issued by the Cass County Finance Office. A \$25 fee will be charged for the application of such permit. Group activities shall be limited to no more than 100 attendees.
5. Fireworks, model rocket engines, or combustible or explosive material prohibited.
 - a. No person may possess, discharge, or set off within any area of Brewer Lake Park any form of fireworks, model rocket engine, or combustible or explosive.
 - b. The term "fireworks" means any combustible or explosive composition, or any substance or combination of substance or article prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration, or detonation.
 - c. "Model rocket engine" means a commercially manufactured, non-reusable rocket propulsion device constructed of a non-metallic casing and solid propellant wherein all of the ingredients are self-contained so as not to require mixing or handling by the user.
 - d. "Combustible or explosive material" does not include matches, butane, kerosene, propane or similar fuels and devices used in the ordinary course of camping.
6. No burning will be allowed except in designated fireplaces.
7. Use of firearms within the park is prohibited.

SUBJECT: ORDINANCE #1997-3 AMENDED (CASS COUNTY PARK CAMPSITES)

ADOPTED DATE: NOVEMBER 1, 2021

PAGE 3 OF 3

8. Cutting, damaging, or destroying any trees within park area is prohibited.
9. Dogs must be leashed within the park area.
10. Brewer Lake Park will have a curfew of 11:30 PM. After 11:30 PM, no unnecessary noise or unnecessary driving or consumption of alcohol will be permitted. Permitted group activities, including clean-up and tear-down (if required) shall conclude by 10:30 PM.
11. The speed limit in the park is 5 miles per hour.
12. Use of all-terrain vehicles (ATV's) and dirt bikes are prohibited within the park.

The above regulations will be enforced by the Cass County Sheriff's Department, pursuant to Sections 11-28-05 and 11-28-09 of N.D.C.C. Any violation of these regulations is an infraction punishable up to a maximum fine of five hundred dollars (\$500) in accordance with N.D.C.C. § 12.1-32-01(7). Additionally, any violation of these regulations will result in the individual's immediate expulsion from the park.

APPROVED:

ss/Chad Peterson
Chad Peterson, Chairman
Board of Commissioners of the
County of Cass

ATTEST:

ss/Brandy Madrigga
Brandy Madrigga
County Finance Director

(SEAL)

First reading:	September 20, 2021
Second reading:	November 1, 2021
Final Passage:	November 1, 2021
Publication:	September 29, 2021

HISTORICAL REFERENCE DATE: JULY 7, 1997
MAY 2, 2005
JULY 20, 2009
MAY 16, 2011
NOVEMBER 1, 2021

SUBJECT: ORDINANCE #1998-1 (SURFACE USE OF THE RED RIVER)

ADOPTED DATE: January 5, 1998

PAGE 1 OF 2

NORTH DAKOTA
COUNTY OF CASS
ORDINANCE NO. 1998-1

AN ORDINANCE REGULATING THE SURFACE USE OF THE RED RIVER OF THE NORTH.

Be it ordained and enacted by the Cass County Board of Commissioners, State of North Dakota, that this ordinance regulating the surface use of the Red River of the North is newly created and which, upon enactment, becomes County Ordinance No. 1998-1.

Section 1: PURPOSE, INTENT AND APPLICATION: As authorized by North Dakota Statutes now in effect and as hereinafter amended, this ordinance is enacted for the purpose and with the intent to control and regulate the use of waters of the Red River of the North and its tributaries in Cass County, North Dakota, said body of water being located within the boundaries of Cass County to promote its fullest use and enjoyment by the public in general and the citizens of Cass County in particular; to insure safety for person and property in connection with the use of said waters; and to promote the general health, safety and welfare of the citizens of Cass County, North Dakota.

Section 2: SURFACE ZONING OF THE RED RIVER OF THE NORTH BY RESTRICTING SPEEDS DURING CERTAIN SEASONAL FLUCTUATIONS OF THE WATER LEVEL: When the water level reaches 895.8 feet mean sea level, or 17.0 feet above flood stage, motorboats shall be subject to a Slow-No Wake zone, with a speed not exceeding 5 mph.

Section 3: ENFORCEMENT: The primary enforcement of this ordinance shall be the responsibility of the peace officers of Fargo or the Cass County Sheriff's Department.

Section 4: EXEMPTIONS: All authorized Resource Management, Emergency and Enforcement Personnel, while acting in the performance of their assigned duties, are exempt from the foregoing restrictions.

Section 5: NOTIFICATION: It shall be the responsibility of the County to provide for adequate notification of the public, which shall include placement of a sign at each public water craft access outlining essential elements of the ordinance, as well as the placement of necessary buoys and signs.

Section 6: PENALTIES: Any person who shall violate 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 not more than one thousand dollars (\$1,000.00) or by imprisonment of not more than thirty (30) days, or both.

Section 7: EFFECTIVE DATE: This ordinance shall be in effect from and after the date of final passage by the Board of Commissioners for Cass County, North Dakota, and its publication according to law.

APPROVED:

ss/Donna Schneider
Chair, Board of Commissioners
of the County of Cass

ATTEST:

ss/Michael Montplaisir
Michael Montplaisir
County Auditor

First Reading: 12/1/97
Second Reading: 1/5/98
Final Passage: 1/5/98
Publication: 12/8/97

(SEAL)

HISTORICAL REFERENCE DATE: JANUARY 5, 1998

SUBJECT: ORDINANCE #1998-2 (FLOOD DAMAGE PREVENTION)

ADOPTED DATE: FEBRUARY 2, 1998

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NORTH DAKOTA
COUNTY OF CASS
ORDINANCE #1998-2

Be it ordained and enacted by the Cass County Board of Commissioners, State of North Dakota, that this flood damage prevention ordinance is newly created and which, upon enactment, becomes County Ordinance No. 1998-2.

Section 1

1.1 STATUTORY AUTHORIZATION

The legislature of the State of North Dakota has in North Dakota Century Code Chapters 40-47, 11-33, and 58-03 delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. In addition to powers granted counties under the constitution and the laws of the State of North Dakota, Cass County has among its enumerated Home Rule powers the authority to: (1) Provide for adoption, amendment, repeal initiations, referral, enforcement, and penalties for violation of ordinances, resolutions, and regulations to carry its governmental and proprietary powers and to provide for public health, safety and welfare; and (2) Provide for zoning, planning, and subdivision of public or private property within the County limits. Therefore, the County Commission of Cass County, North Dakota does ordain as follows:

1.2 FINDINGS OF FACT

- (1) The flood hazard areas of Cass County, North Dakota, are subject to periodic inundation which could result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
- (2) These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazards which can increase flood heights or velocities, and when inadequately floodproofed, elevated or otherwise protected from flood damage also contribute to the flood loss.

1.3 STATEMENT OF PURPOSE

It is the purpose of this ordinance to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (1) Protect human life and health;
- (2) Minimize expenditure of public money for costly flood control projects;
- (3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) Minimize prolonged business interruptions;
- (5) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets, and bridges;
- (6) Help maintain a stable tax base by minimizing future flood blight areas;
- (7) Ensure that those who occupy areas prone to flooding assume responsibility for their actions.

1.4 METHODS OF REDUCING FLOOD LOSSES

In order to accomplish its purposes, this ordinance includes methods and provisions for:

- (1) Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- (2) Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (3) Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
- (4) Controlling filling, grading, dredging, and other development which may increase flood damage; and
- (5) Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

Section 2

DEFINITIONS

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

Base flood means the flood having a one percent chance of being equaled or exceeded in any given year.

Development means any manmade change to improved or unimproved real estate, including but not limited to grading, paving, excavation or drilling operations located within the area of special flood hazard.

Flood or flooding means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) the overflow waters, and/or
- (2) the unusual and rapid accumulation or runoff of surface water from any source.

Lowest floor means the lowest floor of a structure including the basement.

Manufactured home means a structure that is transportable in one or more sections, built on a permanent chassis, and designed to be used with or without a permanent foundation. It does not include recreational vehicles or travel trailers unless placed on a site for 180 consecutive days or more.

New construction means structures for which the 'start of construction' commenced on or after the effective date of this ordinance.

Structure means a walled and roofed building, including manufactured homes as well as gas or liquid storage tanks above the ground.

Substantial improvement means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the improvement or repair is started. This term includes structures which have incurred substantial damage regardless of the actual repair work performed.

The term does not, however, include either:

- (1) Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions; or
- (2) Any alteration of a structure listed on the National Register of Historic Places or on a State Inventory of Historic Places.

Violation means a failure of a structure or other development to be fully compliant with the community's floodplain management ordinance.

Section 3

GENERAL PROVISIONS

3.1 LANDS TO WHICH THIS ORDINANCE APPLIES

This ordinance shall apply to all areas within the jurisdiction of Cass County, but outside the boundaries of Flood Damage Prevention Ordinances of cities or townships.

3.2 COMPLIANCE

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations.

3.3 GREATER RESTRICTIONS

This ordinance is not intended to repeal, remedy or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another ordinance easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

3.4 INTERPRETATION

In the interpretation and application of this ordinance, all provisions shall be:

- (1) Considered as minimum requirements;
- (2) Liberally construed in favor of the governing body; and
- (3) Deemed neither to limit nor repeal any other powers granted under state statutes.

3.5 WARNING AND DISCLAIMER OR LIABILITY

This ordinance shall not create liability on the part of Cass County Government, any officer or employee thereof, or the Federal Emergency Management Agency for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

Section 4

ADMINISTRATION

4.1 ESTABLISHMENT OF DEVELOPMENT PERMIT

A development permit shall be obtained before construction or development begins within the community. Application for a development permit shall be made on forms furnished by the County Engineer or his/her designee and may include, but not be limited to: plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the areas in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing.

4.2 DESIGNATION OF FLOODPLAIN ADMINISTRATOR

The County Engineer is hereby appointed to administer and implement this ordinance by granting or denying development permit applications in accordance with its provisions.

4.3 DUTIES AND RESPONSIBILITIES OF COUNTY ENGINEER

Duties of the County Engineer or his/her designee shall include, but not be limited to:

4.3-1 PERMIT REVIEW

Permit applications shall be reviewed (using the best available base flood elevation data from any federal, state, or local source) to:

- a) Assure sites are reasonably safe from flooding;
- b) Determine that all necessary permits have been obtained from those federal, state, or local agencies from which prior approval is required; and
- c) Determine if the proposed development adversely affects the flood carrying capacity of a flood-prone area. For the purposes of this ordinance, 'adversely affects' means damage to adjacent properties because of rises in flood stages attributed to physical changes of the channel and the adjacent overbank areas.
 - (1) If it is determined that there is no adverse effect and the development is not a building, then the permit shall be granted without further considerations.
 - (2) If it is determined that there is an adverse effect, then technical justification (i.e., registered professional engineer) for the proposed development shall be required.
 - (3) If the proposed development is a building, then the building shall be elevated.

4.3-2 ALTERATION OF WATERCOURSES

The local administrator shall:

- (1) Notify adjacent communities, the respective water resource district, and the North Dakota State Engineer prior to any alteration or relocation of any watercourse.
- (2) Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

Section 5

PROVISIONS FOR FLOOD HAZARD REDUCTION

5.1 GENERAL STANDARDS

If a proposed building site is located in a flood-prone area, all new construction and substantial improvements (including the placement of pre-fabricated buildings and manufactured homes) shall conform to the following standards:

5.1-1 ANCHORING

- (1) All new construction and substantial improvements (including additions) shall be anchored to prevent flotation, collapse or lateral movement of the structure.

5.1-2 CONSTRUCTION MATERIALS AND METHODS

- (1) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- (2) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage. The best method for the reduction of flood damage in North Dakota is the elevation of the lowest floor of a structure on compacted earthen fill.
- (3) All new construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

5.1-3 UTILITIES

- (1) All new and replacement water supply systems and sanitary sewer systems shall be designed to minimize or eliminate infiltration of flood waters into the system.

- (2) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters.
- (3) On-site waste disposal systems shall be located to avoid impairment or contamination during flooding.

5.1-4 SUBDIVISION PROPOSALS

- (1) All subdivision proposals shall be consistent with the need to minimize flood damage;
- (2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
- (3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.

5.2 SPECIFIC STANDARDS

(1) Structures Within the Flood Plain

All construction within the flood plain to meet the following requirements:

A. Elevations

Lowest Floor	2.5' above BFE
Fill around building	2.0' above BFE
Fill 25' away from building	At BFE

B. Infrastructure Elevations

- 1) All streets and roads within new subdivisions to be constructed to BFE plus 1.0'.
- 2) All sanitary sewer facilities including private sewer connection manholes, cleanouts, etc. to be protected to an elevation of BFE plus 2.5'. Protection measures to include sealing and/or elevating.
- 3) Storm sewers to be protected to an elevation of BFE plus 1.0' and isolated from other storm sewer systems.

C. Floodway Setback

All structures to be set back 100' from floodway line.

D. Letter of Map Revisions (LOMR)

Encourage construction outside Special Flood Hazard Area (SFHA) or removal by Letter of Map Revision (LOMR) via fill.

(2) Structures Within 150' of 100 Year Flood Plain Line (Including areas removed from SFHA by LOMR)

A. Elevations

Lowest opening including

area walls 2.5' above BFE

Fill around building 2.0' above BFE

Fill across width of lot for flood protective line of defense

(minimum 10' wide) 2.0' above BFE

Fill 25' away from buildings At BFE

Maximum fill depths of five feet (5') for placement of building in areas removed from SFHA or LOMR.

B. Foundations

Construction to all flood proof codes currently in effect for Fargo, North Dakota. 'Required' within 150' of the 100 year flood plain line.

C. Floodway Setback

All structures to be set back 100' from floodway line.

D. LOMR Areas

LOMR application must include primary flood protection line to protect the entire LOMR area to elevation BFE plus 2.5'.

- (3) Structures in LOMR Areas More Than 150' from the 100 Year Flood Plain Line
 - A. Primary Flood Protective Line
Must be protected by a primary flood protection line elevated 2.5' above the BFE. This protection line would be placed on lots or streets adjacent to the 100 year flood plain line.
 - B. Elevations
 - Lowest opening including area walls 2.5' above BFE
 - Fill around building 2.0' above BFE
 - C. Foundations
No special requirements.

APPROVED:

ss/Donna Schneider
 Chair, Board of Commissioners
 of the County of Cass

ATTEST:

First Reading: 1/05/98
 Second Reading: 2/02/98
 Final Passage: 2/02/98
 Publication: 1/12/98

ss/Michael Montplaisir
 Michael Montplaisir
 County Auditor

(SEAL)

HISTORICAL REFERENCE DATE: FEBRUARY 2, 1998

SUBJECT: ORDINANCE #1998-3 (ANIMAL CONTROL ORDINANCE)

ADOPTED DATE: JULY 20, 1998

PAGE 1 OF 5

**CASS COUNTY
ANIMAL CONTROL ORDINANCE #1998-3**

Purpose

It is the purpose of this Ordinance to promote the public health, safety, comfort and general welfare of the county through the proper control and care of animals by their owners and others; and to encourage animal owners to have their pets neutered or spayed in order to minimize the unwanted pet population.

Definitions

A. Animal:

Includes every living animal except the human race.

B. Altered Animal:

Any animal that has been operated on to prevent it from procreating.

C. Owner:

A person having the right of property or custody of an animal, who keeps or harbors an animal or knowingly permits an animal to remain on or about any premises occupied by that person.

D. Kennel:

Any person, group of persons, partnerships or corporation engaged in breeding animals.

E. Public Nuisance:

- A. Any animal which interferes with a passerby or a passing vehicle.
- B. Any animal which attacks another animal or person.
- C. Any animal which trespasses on school grounds.
- D. Any animal which runs at large or unrestrained.
- E. Any animal which damages private or public property.
- F. Any animal which barks, whines, howls or makes other sounds common to its species in an excessive or continuous manner.
- G. Any owner that causes foul or noxious odors resulting from the accumulation of excrement or other waste materials from an animal and which is offensive to surrounding residents.

F. Dangerous Animal:

Any animal that;

- A. When unprovoked inflicts bite(s) on a human or a domestic animal either on public or private property.
- B. Has a history documented with a public agency of biting or attacking humans or domestic animals.
- C. Has a known propensity, tendency or disposition to attack, to cause injury, or otherwise threaten or endanger the safety of humans or domestic animals.
- D. Is not properly vaccinated.

General Provisions

- A. Any person within the boundaries of Cass County owning, keeping, harboring or having custody of a dangerous animal as defined in this ordinance will;
 1. Confine the animal within a building or secure enclosure and shall not take such animal out of such building or secure enclosure unless such animal is restrained.

Duly authorized members of a law enforcement agency including but not limited to sheriffs, deputy sheriffs, police officers, highway patrol officers, game wardens, conservation officers and other law enforcement officers while on official duty, shall be exempt from the provisions of this section for any working animal utilized in the performance of their official duties.
- B. When, in the judgment of any court, an animal should be destroyed for humane reasons, such animal may not be redeemed.

Inspection

- A. Whenever it is necessary to make an inspection to enforce any of the provisions of or perform any duty imposed by this ordinance or when there is reasonable cause to believe that there exists in any building or upon any premises any violation of this ordinance or North Dakota Century Code, the sheriff or any other law enforcement agency is authorized at all reasonable times to inspect the same for compliance with the provisions of this ordinance, or any state law, provided that;
 1. If the property is occupied, the law enforcement officer shall first present proper credentials to the occupant and request entry explaining the reasons therefore.

- a. If entry is refused by the owner or other persons having control of the property, the law enforcement officer shall secure a search warrant to inspect said premises.
2. If the property is unoccupied, the law enforcement officer shall make a reasonable effort to locate the owner or other persons having control of the property and request entry explaining the reasons therefore.
 - a. If the owner or other persons having control of the property cannot be located, the law enforcement officer may enter any out building except the residence without a search warrant for purposes of inspecting the same for compliance with the provisions of this ordinance, or any state law regarding animals.
 - b. The law enforcement officer shall secure a search warrant to inspect said residence unless the law enforcement officer has reasonable cause to believe that the keeping or maintaining of an animal is so hazardous, unsafe or dangerous as to require immediate inspection to safeguard the animal, public health or safety. In such cases, the law enforcement officer may exercise such reasonable force as to gain access to the property for the purpose of inspecting same for compliance with the provisions of this ordinance, or any state law regarding animals.

Keeping animals in an unhealthy/unsanitary manner

- A. It is hereby declared a public nuisance, for any owner to keep any animal in a manner that is unsanitary or unhealthful. Where the law enforcement officer finds probable cause to believe that a situation is occurring where an owner is keeping any animal in an unsanitary or unhealthful manner, it may do any or all of the following;
 1. Secure a search warrant to inspect premises to determine if unsanitary or unhealthful situation exists.
 2. Order the owner in writing to immediately abate any unsanitary or unhealthful situation by;
 - a. Removing any and all diseased or dead animals for treatment or disposal, as appropriate.
 - b. Cleaning up and removing any and all urine, feces or other material of an unsanitary nature.

- c. Taking any and all additional steps necessary to ensure the complete abatement of the unsanitary and unhealthful situation.
3. In the event the owner fails to comply with the written order to abate for this section, the law enforcement officer may do any of the following;
 - a. Issue a citation or summons.
 - b. File a complaint charging the owner with a violation of this ordinance.
 - c. Institute legal action through the County Attorney for an injunctive and/or other appropriate relief to forthwith abate the public nuisance.

Public Nuisance

- A. No person shall own or harbor within the boundaries of Cass County a public nuisance as defined in this ordinance. Violators of this section shall be fined in accordance with the penalties section.

Cruelty to animals

- A. No person shall willfully;
 1. Torment, torture, abuse, cruelly kill or otherwise inflict cruelty upon an animal or bird.
 2. Fail to provide any domesticated animal or bird with proper food, drink, shelter or protection from weather.
 3. Confine or leave an animal in a vehicle or other enclosure without adequate ventilation.
 4. Abandon any diseased, maimed, hopelessly sick, infirm or disabled animal or bird any place in the county.

Penalties

- A. Any person who shall violate or assist in the violation of this ordinance shall be guilty of and be punished as follows;
 1. First offense shall be an infraction with a fine of fifty dollars, (\$50.00).
 2. Second offense or subsequent offenses within one year shall be classified as a Class B misdemeanor.

- B. For all violations of this Ordinance, fines shall not exceed one thousand dollars, (\$1,000.00).
- C. Each offense shall be considered a separate offense and subject to a fine.
- D. Each twenty-four (24) hours that a violation occurs will be considered a separate offense and can be cited as such.
- E. Violations of this Ordinance may result in immediate impoundment of the animal(s).
- F. Any animal not claimed by it's owner within five days, excluding the day of impound, will be given to Adopt-A-Pet, the Humane Society or disposed of.
- G. Any person who violates this Ordinance shall pay all expenses, including shelter, food, handling, veterinary care, court costs and testimony necessitated by these regulations.

Severability Clause

- A. Should any section, provision or part of this Ordinance be adjudged invalid or unconstitutional, such adjudication should not affect the validity of the Ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.
- B. With the passage of the Ordinance, the entire County will be covered by a uniform animal control ordinance which will apply within the boundaries of Cass County, except that this ordinance will not supercede any ordinance of any political subdivision without its consent.

APPROVED:

ss/Donna Schneider
Chair, Board of Commissioners
of the County of Cass

ATTEST:

ss/ Michael Montplaisir
Michael Montplaisir
County Auditor

First Reading:	6/15/98
Second Reading:	7/20/98
Final Passage:	7/20/98
Publication:	6/22/98

(SEAL)

HISTORICAL REFERENCE DATE: JULY 20, 1998

SUBJECT: ORDINANCE #1999-1 (JAIL SALES TAX)

ADOPTED DATE: JUNE 21, 1999

PAGE 1 OF 2

**IMPOSITION OF A SALES TAX
COUNTY JAIL CONSTRUCTION AND MAINTENANCE**

Definitions-All terms defined in Chapter 57-39.2, N.D.C.C., including all future amendments, are adopted by reference.

Sales tax imposed-Except as otherwise provided in this article, a tax of one-half of one percent (.5%) is imposed upon the gross receipts of retailers from all retail sales within the corporate limits of Cass County, North Dakota, on the following:

- A. Tangible personal property, consisting of goods, wares, or merchandise.
- B. The furnishing or service of gas, communication services, or steam other than steam used for processing agricultural products.
- C. Tickets or admissions to places of amusement or entertainment or athletic events, including amounts charged for participation in an amusement, entertainment, or athletic activity; but not including the playing of any machine for amusement or entertainment in response to the use of a coin.
- D. Magazines and other periodicals.
- E. The leasing or renting of a hotel or motel room or tourist court accommodations.
- F. The leasing or renting of tangible personal property, the transfer of title to which has not been subjected to a retail sales tax under this article.
- G. Sales of alcoholic beverages and tobacco products as defined in 57-39.2-03.2, N.D.C.C.

Exemptions-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 article. In addition, the following exemptions apply:

- A. Coin-operated vending sales of 99 cents or less

Maximum tax imposed-No single transaction involving one or more items is subject to a tax in excess of \$12.50.

Collection and administration-The tax commissioner and the county auditor for Cass County shall have the powers enumerated in the provisions of Chapter 57-39.2, N.D.C.C., relating to the collection and administration of the state sales tax, including all administrative rules adopted by the tax commissioner. The tax commissioner is authorized to establish rate tables integrating the tax imposed by this chapter with other state, county and city taxes.

Contract with state tax commissioner-The county auditor for Cass County, North Dakota, is hereby authorized to contract with the tax commissioner for the administration and collection of taxes imposed by this chapter. The county auditor has all powers granted the commissioner and, in the absence of a valid contract with the commissioner or failure of the commissioner to perform the delegated duties, shall perform these duties in place of the commissioner.

Corporate officer liability-Officers of any corporation required to remit taxes imposed by this article 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 article.

Dedication of tax proceeds-In accordance with Resolution 1999-4 the revenues raised and collected pursuant to this Ordinance, less administrative expenses charged by the state tax commissioner, are hereby dedicated and shall be utilized exclusively for the retirement of the general obligation debt, construction, maintenance, and operation of a county jail to be located in Cass County, North Dakota.

Term-The tax imposed by this Ordinance shall go into effect on October 1, 1999 and shall end on September 30, 2003, with the exception that the County Commission may, by majority vote of their members, direct the state tax commissioner to cease collecting the sales tax once the amount collected by the sales tax is sufficient to retire all general obligation debt incurred by the construction of the county jail, pay all construction costs associated with the county jail, and establish a special fund of \$6,000,000 to pay increased operation costs of the county jail and future additions to the county jail.

ATTEST:

APPROVED:

ss/Michael Montplaisir
Michael Montplaisir
County Auditor

ss/Roberta Quick
Chair, Board of Commissioners
of the County of Cass

(SEAL)

First Reading: May 17, 1999
Second Reading: June 21, 1999
Final Passage: June 21, 1999
Publication: June 1, 1999

HISTORICAL REFERENCE DATE: JUNE 21, 1999

SUBJECT: ORDINANCE #2004-1 AMENDED (VECTOR BUILDING PROJECT)

ADOPTED DATE: MAY 16, 2005

Page 1 of 4

**CONSTRUCTION AND FINANCING OF A VECTOR BUILDING
CASS COUNTY ORDINANCE #2004-1**

PURPOSE:

It is the purpose of this Ordinance to facilitate the construction and financing of a building to house the functions of the Vector Control activities for the County of Cass, North Dakota. It is also the purpose of this ordinance to provide for the construction and financing through a process and manner that is different from and supersedes that provided in North Dakota Century Code 11-11-16 and 11-11-18.

DEFINITIONS:

Vector Control - Vector Control means the program the county conducts to control all species of mosquitoes and flies.

HISTORY:

The Vector Control program was established in Cass County in 1988 pursuant to provisions in the North Dakota Century Code Chapter 23-24. The Vector Control District consists of all the land area of Cass County, including the area within all the incorporated cities of Cass County.

The program has been operating out of a building located on the Cass County Highway Department campus and is overseen by the County Engineer and the boards appointed by the Cass County Commission for the Vector Control District.

The County Commission has appropriated \$900,000 during its deliberations for the 2004 budget to plan and construct a new building for the Vector Control program. The anticipated source of funds for the \$900,000 is either a sale of bonds, lease program, or other financing method. Repayment of the financed amount will be covered by future tax revenues of the Vector and County funds.

AUTHORITY:

The project will be financed using a capital lease transaction with a duration of eight years. The project cost of \$1,000,000 will be prorated 80% to the Vector Board and 20% to the County Road Department. Of the \$1,000,000 cost, \$100,000 will be paid using current revenues and the remaining \$900,000 financed.

The County is operating under a Home Rule Charter approved by the voters of Cass County on November 1, 1994 with 57.75% positive vote. Paragraph 2 of Article 2, Home Rule Powers of County, reads in part:

“Control its finances and fiscal affairs; appropriate money for its purposes, and make payments of its debts and expenses; subject to the limitations of Article 9, levy and collect taxes, excises, fees and special assessments for benefits conferred, for its public and proprietary functions, activities, operations, undertakings, and improvements; contract debts, borrow money, issue bonds, warrants, and other evidences of indebtedness; establish charges for any county or other services to the extent authorized by state law, and establish debt and mill levy limitations subject to Article 9.”

Article 9 of the Home Rule Charter deals with revenue authority and Section 2 - Limitations, Subsection 1 reads in part:

“No ordinance or resolution may be adopted by the Board of County Commissioners levying property taxes in excess of 75 mills in total until referred by the Board of County Commissioners for approval by the electorate at any regular county election.”

The tax levied to retire the debt contracted for this building will come from a combination of Vector District levies allowed under the North Dakota Century Code to the extent available and taxes levied by the county within its 75 mill levy authority up to and including ½ of 1 mill for a period not to exceed 10 years. The current (2004) mill levy for the county is 65.00 mills, or 10.00 mills below its current authority. This process and manner of financing is different from and supersedes that provided in North Dakota Century Code 11-11-16 and 11-11-18.

BUILDING COMMITTEE:

A building committee was appointed by then Chairman of the Cass County Commission, Scott Wagner, and approved by the County Commission on December 15, 2003. The committee is made up of the following individuals and any other members as subsequently appointed by the County Commission:

Robyn Sorum, County Commissioner and Chair of the committee
Vern Bennett, County Commissioner
Keith Berndt, County Engineer and supervisor of the Vector program
Michael Montplaisir, County Auditor
Bonnie Johnson, County Coordinator

The building committee will be known as the Vector Building Committee (VBC) and will undertake the responsibility of researching the needs for office, laboratory, storage (chemicals, supplies, equipment, and vehicles), and shop space for the maintenance of Vector equipment. The tasks of the VBC include, but are not limited to, the following items:

Interview Vector Board members concerning the space needs and building requirements of their district.

Interview employees of the district concerning the building needs.

Solicit proposals, interview, and recommend to the County Commission an Architect for the building project.

Prepare plans and specifications and submit to the County Commission for approval prior to bidding the project.

Receive, review, and recommend bids for the building project to the County Commission, and Vector Control Board.

Review and approve change orders for the building project amounting to less than \$5,000 per change order or change orders in the aggregate that do not exceed 5% of the bid award. In change orders over \$5,000 individually or change orders in the aggregate that exceed 5%, the committee must seek approval from the County Commission.

Supervise the construction of the building project.

Conduct the final walk-through prior to accepting the building project.

Research and recommend a financing method for the project, not to exceed \$1,000,000 in total and not more than 10 years in length, keeping in mind the taxing authority of the Vector-and County levy limitations under the North Dakota Century Code and Cass County's Home Rule Charter.

TIMELINE:

The VBC is directed to start work on this project immediately upon adoption of this ordinance. The VBC is directed to report to the County Commission the status of this project through monthly written reports and/or appearances at a regularly scheduled Commission meeting. The VBC is directed to substantially complete the project during the calendar year 2005.

SEVERABILITY:

Should any section, provision or part of this Ordinance be adjudged invalid or unconstitutional, such adjudication should not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

APPROVED:

ss/Darrell Vanyo
Darrell Vanyo, Chairman
Board of Commissioners of the
County of Cass

ATTEST:

ss/Michael Montplaisir
Michael Montplaisir, County Auditor

First Reading: 04/18/2005
Second Reading: 05/16/2005
Final Passage: 05/16/2005
Publication: 04/25/2005
05/02/2005

(SEAL)

HISTORICAL REFERENCE DATE: MARCH 15, 2004
JULY 6, 2004

SUBJECT: AMENDED ORDINANCE #2004-2
(RECREATIONAL AQUATIC FACILITIES REGULATIONS)

ADOPTED DATE: AUGUST 3, 2015

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**REGULATIONS FOR OWNERS AND OPERATORS OF
RECREATIONAL AQUATIC FACILITIES**

Section 1. Definitions.

A. "Health Department": Fargo Cass Public Health Department

B. "Operator": The person designated by the owner as responsible to operate and maintain the pool in compliance with this ordinance.

C. "Person": Any individual, LLC, firm, partnership, association, corporation, company, society, government agency, club, or organization of any kind.

D. "Pool": Any structure, chamber, or tank containing an artificial body of water for swimming, diving, relaxation, or recreational use and also including special purpose pools and wading pools.

E. "Private residential pool": A pool connected with a single family residence or owner, occupied duplex, located on private property, and under the control of the homeowner. The use of which is limited to family members or the family's invited guests. A private residential pool is not a pool used as part of a business.

F. "Public pool": Any pool, other than a private residential pool or semi-public pool, intended to be used collectively by a number of persons and operated by any other person whether the person be an owner, lessee, operator, or concessionaire, and regardless of whether a fee for use is charged.

G. "Recreational aquatic facilities": Any water play areas used for bathing, swimming or barefooted activities to include, but not limited to: public pools, semi-public pools, wading pools, splash pads, spray grounds, spas, lazy river, special purpose pools, plunge pools, water slides, flumes, speed slides, wave pools, sand bottom pools, vortex pools and zero depth entry pools.

H. "Semi-public pool": A pool or spa on the premises of, or part of but not limited to, pools operated by a person in a park, school, licensed child care facility, group home, motel, camp, resort, apartment building, club, condominium, hotel, manufactured home park, political subdivision or similar establishments where the primary business of the establishment is not the operation of a pool or spa and where admission to the use of the pool or spa is included in the fee, or consideration paid or given for the primary use of the premises to such groups and their invited guests.

SUBJECT: AMENDED ORDINANCE #2004-2
(RECREATIONAL AQUATIC FACILITIES REGULATIONS)

ADOPTED DATE: AUGUST 3, 2015

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I. "Splash pad", also known as "spray pad": The specific area consisting of the play surface, spray features and drains, upon which the patrons stand and are sprayed with water.

J. "Spray grounds", also known as "recreational aquatic spray grounds": The buildings and appurtenances used in conjunction with a splash pad in which sprayed water is continually drained and collected in a treatment and recirculation system or drained into a sanitary sewer.

K. "Wading pool": Any pool with a maximum depth of twenty-four (24) inches.

Section 2. Regulation by health department.--The health department, and agents and employees thereof, shall have authority to regulate the public health and safety in Cass County concerning use, design, operation, and maintenance of recreational aquatic facilities. The health department shall have such authority to adopt regulations, rules, standards and practices. Such regulations, rules, standards, and practices shall be approved by the board of county commissioners, are hereby adopted by reference and fully incorporated herein, including any amendments hereinafter adopted, and shall be controlling within the jurisdiction of the health department.

Section 3. Health department approval of construction plans. --Before any construction, alteration, addition, remodeling, or other improvement to a recreational aquatic facility, the plans and specifications shall have been approved by the health department.

Section 4. Bathers with communicable diseases. --No person having any skin eruptions or abrasions, sore or infected eyes, infectious nasal or ear discharge, or any communicable disease shall be permitted to use recreational aquatic facility. Spitting, spouting water, or blowing the nose in the water of a recreational aquatic facility shall be strictly prohibited. The operator of a recreational aquatic facility shall post suitable placards embodying such personal regulation and instructions.

Section 5. Sanitation of premises. --The buildings, grounds, dressing rooms and all other areas of recreational aquatic facilities shall be kept clean and in a sanitary condition and maintained free from garbage, trash, and other refuse.

SUBJECT: AMENDED ORDINANCE #2004-2
(RECREATIONAL AQUATIC FACILITIES REGULATIONS)

ADOPTED DATE: AUGUST 3, 2015

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Section 6. Cleaning.

A. Pool.-- All visible dirt, scum and floating matter shall be removed daily and the pool cleansed regularly by the use of such disinfecting agents or cleansing materials as may be required by the health department to maintain good sanitary conditions.

B. Splash pads/Spray grounds.--Visible dirt, debris, and animal waste on the spray pad and appurtenances shall be removed daily or as often as necessary to maintain good sanitary conditions. Spray grounds and associated pads shall be thoroughly cleansed at least once each week in manner and by the use of such disinfecting agents or cleansing materials as may be required by the health department.

Section 7. Inspection by health department. --The health department may inspect, or cause to be inspected, all recreational aquatic facilities, including residential pools, within the county at such times as it may deem necessary to carry out the intent of this ordinance. The health department hereby authorized to enter upon any premises, private or public, to take such samples of water from such pools at such times as it may deem necessary and to require the owner, proprietor, or operator, to comply with rules and regulations pertaining to recreational aquatic facilities promulgated by the health department in accordance with this ordinance, and as approved by the board of county commissioners. In the event of the failure of compliance, after due notice with the rules and regulations and requirements of the health department or the requirements of this ordinance, the health department shall have the power to abate or cause a suspension of the use of such recreational aquatic facility or residential pool until such a time as the same is, in the opinion of the health department, no longer a menace or a hazard to health, safety or morals.

Section 8. Periodic inspection and testing by the health department. --All recreational aquatic facilities in use shall be sampled and tested at intervals to be determined by the health department. The allowable limits and frequency of such tests shall be as determined by the health department.

Section 9. Licensing and Fees. --A license shall be issued when investigation has determined that the recreational aquatic facility and its method of operation will conform to the requirements of this chapter. A license, once issued, is nontransferable. A license shall be valid only for the location, unless revoked for cause, for the time period indicated. The license shall be posted in a conspicuous place in the recreational aquatic facility. The

SUBJECT: AMENDED ORDINANCE #2004-2
(RECREATIONAL AQUATIC FACILITIES REGULATIONS)

ADOPTED DATE: AUGUST 3, 2015

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fee for the periodic tests required in Section 7 shall be established by resolution of the Fargo Cass Public Health Department. Any fees for periodic inspection and testing shall be the expense of the recreational aquatic facility.

Section 10. Revocation.--The public health department may revoke any license to operate or direct any recreational aquatic facility to close upon violation of this chapter.

When the public health department has revoked a recreational aquatic facility license, the person in charge:

- A. Shall immediately close the pool for use by anyone;
- B. Shall be notified in writing by the public health department that the recreational aquatic facility license is immediately revoked upon service of the notice and the suspension shall remain in effect until a hearing with the public health department occurs. If the public health department finds the operation to be in compliance with the requirements of this chapter, the recreational aquatic facility may reapply for a new license;
- C. May request a hearing by filing a written request for a hearing with the public health department within 10 days of receipt of the notice of revocation; and
- D. Shall be notified, if a written request for a hearing is not filed within 10 days that the revocation shall be sustained.

Any recreational aquatic facility owner whose license has been revoked may, at any time, make written application for a re-inspection for the purpose of re-applying for a license. The application shall include a statement, signed by the owner, that, in the owner's opinion, the conditions causing the revocation have been corrected.

A new license may be issued if the public health department determines that conditions which prompted the revocation no longer exist.

Section 11. Severability.--

A. With the passage of the ordinance, the entire county will be covered by a uniform recreational aquatic facility ordinance which will apply within the boundaries of Cass County, except that this ordinance will not supersede any ordinance of any political subdivision without its consent nor establish an ordinance in any incorporated political subdivision without its consent.

SUBJECT: AMENDED ORDINANCE #2004-2
(RECREATIONAL AQUATIC FACILITIES REGULATIONS)

ADOPTED DATE: AUGUST 3, 2015

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B. Should any section, provision or part of this ordinance be adjudged invalid or unconstitutional, such adjudication should not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

APPROVED:

ss/Chad M. Peterson
Chad M. Peterson, Chair
Board of Commissioners
County of Cass

ATTEST:

ss/Michael Montplaisir
Michael Montplaisir, County Auditor

First Reading: 07/06/2015
Second Reading: 08/03/2015
Final Passage: 08/03/2015
Publication: 07/13/2015

(SEAL)

HISTORICAL REFERENCE DATE: SEPTEMBER 7, 2004

SUBJECT: ORDINANCE #2004-3 (BODY ART REGULATION)

ADOPTED DATE: SEPTEMBER 7, 2004

Page 1 of 5

REGULATIONS FOR OWNERS AND OPERATORS OF BODY ART AND BODY ART ESTABLISHMENTS INCLUDING TATOOS AND BODY PIERCING

Section 1. Definitions. As used in this ordinance, unless the context otherwise indicates, the following definitions shall apply:

- A. "Body Art" means the practice of physical body adornment by permitted establishments and operators using, but not limited to, the following techniques: body piercing, tattooing, cosmetic tattooing, branding, and scarification. This definition does not include practices that are considered medical procedures by the state board of medical examiners, such as implants under the skin, which shall not be performed in a body art establishment. Nor does this definition include, for the purposes of this Article, piercing of the non-cartilaginous outer perimeter or lobe of the ear with pre-sterilized single-use stud-and-clasp ear-piercing systems.
- B. "Body Art Establishment" means any place or premise where the practices of body art, whether or not for profit, are performed, except where such practices are performed by a physician or surgeon who has a current license for the practice of medicine issued by the State of North Dakota pursuant to Chapter 43-17 of the North Dakota Century Code.
- C. "Body Piercing" means puncturing or penetration of the skin of a person with other pre-sterilized single-use needles and the insertion of pre-sterilized jewelry or other adornment thereto in the opening, except that puncturing the outer perimeter or lobe of the ear with a per-sterilized single-use stud-and-clasp-ear-piercing system shall not be included in this definition.
- D. "Department" means Fargo Cass Public Health Department, or its authorized representatives.
- E. "Ear Piercing" means the puncturing of the non-cartilaginous perimeter or lobe of the ear with a pre-sterilized single-use stud-and-clasp ear-piercing system following manufacturer's instructions.
- F. "Operator" means any person who controls, operates, manages, conducts, or practices body art activities at a body art establishment. The term includes an assistant or technician who performs body art activities and who works under the supervision, control, or authority of somebody else who is an operator.
- G. "Person" means an individual, any form of business or social organization, or any other non-governmental legal entity, including, but not limited to, corporations, partnerships, limited-liability companies, trusts, or unincorporated organizations.
- H. "Physician" means a person currently licensed by the state of North Dakota to practice medicine pursuant to the provisions of chapter 43-17 of the North Dakota Century Code.
- I. "Tattooing" means any method of placing ink or other pigment into or under the skin or mucosa by the aid of needles or any other instrument used to puncture the skin, resulting in permanent coloration of the skin or mucosa. This term includes all forms of cosmetic tattooing.
- J. "Mobile Body Art Establishment" means a body art establishment that operates at a fixed location for a period of time of not more than 14 consecutive days.

Section 2. Unlawful to operate body art establishment without permit--Exemptions.—It shall be unlawful to operate a body art establishment in Cass County, North Dakota, unless a permit is first obtained from the Fargo Cass Public Health Department. The provisions of this article do not apply to physicians or to individuals who pierce only the non-cartilaginous perimeter and lobe of the ear with a pre-sterilized single-use stud-and-clasp ear-piercing system; provided, however, that such individuals shall not be exempt from the applicable U.S. Food and Drug Administration requirements.

Section 3. Permit to operate body art establishment issued annually—Fee—Application form—Display of permit required—Health Department to enforce regulations.— Permits issued under the provisions of this Section shall be for periods of up to one year and all permits shall expire on December 31st of each year. Permits shall only be issued by the Fargo Cass Public Health Department after an inspection and approval of the proposed body art establishment by the Fargo Cass Public Health Officer or its designee. The fee, therefore, shall be as established by resolution of the Fargo Cass Public Health Department and applicants shall fill in and sign an application form furnished by the Fargo Cass Public Health Department along with a scale drawing and floor plan of the proposed body art establishment. The permit shall be non-transferable. The permit shall be displayed prominently in the body art establishment where it may be readily observed by clients.

The Fargo Cass Public Health Officer is authorized to promulgate regulations creating minimum standards for body art establishments pertaining to the facilities, preparation and care of the body art area, education and information for prospective clients, professional standards for the body art operators/technicians, sanitation and sterilization procedures, requirements for single use items, maintenance and retention of records of body art procedures, and requirements for posting of notices and information regarding body art, which regulations may be enforced by the Fargo Cass Public Health Officer. A copy of the regulations attached hereto as Appendix A shall be posted in all body art establishments in a prominent location so that they may be read by clients and by operators and technicians of a body art establishment.

Section 4. Inspections of permitted premises.—Any officer of the Fargo Cass Public Health Department may, at any time, enter upon any permitted premises for the purpose of inspection or to determine whether the permitted premises are in compliance with any and all ordinances of the county and regulations promulgated by the Fargo Cass Public Health Department. A copy of the inspection report must be furnished to the permit holder or operator of the body art establishment.

Section 5. Licenses--Termination, suspension, revocation.--All permits issued under the provisions of this article, unless otherwise specifically provided, shall terminate on December 31st following the date of issuance; provided, however, that any license issued under the provisions of this article may, under certain circumstances, be terminated, suspended or revoked by the Fargo Cass Public Health Department.

A. The Fargo Cass Public Health Department may, in its discretion, suspend or revoke for cause any permit issued under the provisions of this article. The grounds for suspension or revocation shall, among others, include the following:

1. The permittee has filed a petition for bankruptcy.
2. An individual permittee, one of the partners in a partnership permittee, or one of the officers in a corporation permittee, or any individual in active management of the permitted business is convicted of violating any of the provisions of this article.
3. The permittee has been convicted of a felony under the laws of the United States or under the laws of one of the several states.
4. The permittee has made any false statement in his application for a permit.
5. The permittee has violated one or more of the rules set by the Fargo Cass Public Health Department or has violated any of the provisions of this ordinance.

B. The grounds enumerated in subsection (A) of this section shall not be deemed to be exclusive and any permit issued under the provisions of this article may be suspended or revoked by the Fargo Cass Public Health Department for any other reason deemed by the Fargo Cass Public Health Department to be sufficient in order to promote and protect the health, safety, and welfare of the public. When any permit is suspended or revoked by the Fargo Cass Public Health Department pursuant to the provisions of this section, or when the permittee voluntarily ceases business, no portion of the permit fee previously paid shall be returned to the permittee or to anyone claiming under or through him.

C. No permit issued under the provisions of this article shall be suspended or revoked for cause by the Fargo Cass Public Health Department without a public hearing. In the event that the Fargo Cass Public Health Department intends to consider the suspension or revocation of any permit for cause, it shall direct the Fargo Cass Public Health Office to notify the permittee of its intention to consider the same. The

notice shall specify the time and place of the suspension or revocation hearing and shall be served upon the permittee or his managing agent in the same manner as provided by law for the service of a summons in a civil action. No suspension or revocation hearing shall be held before the expiration of 15 days after the date of the service of the notice upon the permittee.

If, upon such hearing, it appears to the Fargo Cass Public Health Department that sufficient cause exists for the suspension or revocation of a permit issued pursuant to the provisions of this article, the Fargo Cass Public Health Department shall make its order suspending or revoking the said permit.

Section 6. Unlawful practices.—In addition to such other prohibitions as are contained in this article:

- A. No person shall perform body art on any body part of a person under the age of 18 without the written consent of the parent or legal guardian of such minor and without said parent or legal guardian being present during such procedure.
- B. No person shall obtain or attempt to obtain any body art establishment permit by means of fraud, misrepresentation or concealment.
- C. No person shall perform body art procedures unless such procedures are performed in a body art establishment with a current permit.
- D. No person shall perform body art procedures unless they are at least 18 years of age.
- E. No person shall interfere with a health department officer in the performance of an inspection or in the performance of any other of his duties.
- F. Failure by the permittee to post regulations which are required to be posted pursuant to this article shall be unlawful.
- G. No person shall engage in the practice of doing body art while such individual is under the influence of alcohol, drugs or other stimulants or depressants.
- H. No person shall perform body art upon any person who is under the influence of alcohol, drugs or other stimulants or depressants, or any person of unsound mind.

Section 7. Penalty.--Every person, firm or corporation violating this article shall, upon conviction thereof, be punished by a fine not to exceed \$1000 or by imprisonment not to exceed 30 days, or by both such fine and imprisonment, in the discretion of the Court, the Court to have power to suspend said sentence and to revoke the suspension thereof. All fines shall be paid to the Cass County Treasurer.

Section 8. Effective Date.--This ordinance shall be in full force and effect from and after its passage, approval and publication.

Section 9. Severability.--

A. With the passage of the ordinance, the entire county will be covered by a uniform body art ordinance which will apply within the boundaries of Cass County, except that this ordinance will not supersede any ordinance of any political subdivision without its consent nor establish an ordinance in any incorporated political subdivision without its consent.

B. Should any section, provision or part of this ordinance be adjudged invalid or unconstitutional, such adjudication should not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

APPROVED:

ss/Robyn Sorum
Robyn Sorum, Chair
Board of Commissioners of the
County of Cass

ATTEST:

ss/Michael Montplaisir
Michael Montplaisir, County Auditor

First Reading: 08/02/2004
Second Reading: 09/07/2004
Final Passage: 09/07/2004
Publication: 08/16/2004

(SEAL)

HISTORICAL REFERENCE DATE: SEPTEMBER 7, 2004

APPENDIX A

The following regulations, promulgated by the Fargo Cass Public Health Department and approved by ordinance of the Board of County Commissioners of Cass County on the 7th day of September, 2004, as authorized by Cass County Home Rule Charter, must be posted in all body art establishments in a prominent location so that they may be read by clients and by operators of a body art establishment.

Section I. Definitions

The following terms used in these regulations shall be defined as follows:

- 1.1 **"AFTERCARE"** means written instructions given to the client, specific to the body art procedure(s) rendered, about caring for the body art and surrounding area. These instructions will include information about when to seek medical treatment, if necessary.
- 1.2 **"ANTISEPTIC"** means an agent that reduces disease-causing micro-organisms on human skin or mucosa.
- 1.3 **"BODY ART"** means the practice of physical body adornment by permitted establishments and operators using, but not limited to, the following techniques: body piercing, tattooing, cosmetic tattooing, branding, and scarification. This definition does not include practices that are considered medical procedures by the state board of medical examiners, such as implants under the skin, which shall not be performed in a body art establishment. Nor does this definition include, for the purposes of this Section, piercing of the non-cartilaginous outer perimeter or lobe of the ear with pre-sterilized single-use stud-and-clasp ear-piercing systems.
- 1.4 **"BODY ART ESTABLISHMENT"** means any place or premise where the practices of body art, whether or not for profit, are performed, except where such practices are performed by a physician or surgeon who has a current license for the practice of medicine issued by the State of North Dakota pursuant to Chapter 43-17 of the North Dakota Century Code.
- 1.5 **"BODY PIERCING"** means puncturing or penetration of the skin of a person with pre-sterilized single-use needles and the insertion of pre-sterilized jewelry or other adornment thereto in the opening, except that puncturing the outer perimeter or lobe of the ear with a pre-sterilized single-use stud-and-clasp-ear-piercing system shall not be included in this definition.
- 1.6 **"CONTAMINATED WASTE"** means any liquid or semi-liquid blood or other potentially infectious materials; contaminated items that would release blood or other potentially infectious materials in a liquid or semi-liquid state if compressed; items that are caked with dried blood or other potentially infectious materials and are capable of releasing these materials during handling; sharps and any wastes containing blood and other potentially infectious materials, as defined in 29 Code of Federal Regulations Part 1910.1030 (latest edition), known as "Occupational Exposure to Blood Borne Pathogens."

- 1.7 **“COSMETIC TATTOOING”** see **“TATTOOING”**.
- 1.8 **“DEPARTMENT”** mean Fargo Cass Public Health Department, or its authorized representatives.
- 1.9 **“DISINFECTION”** means the reduction of disease-causing micro-organisms on inanimate objects or surfaces, thereby rendering these objects safe for use or handling.
- 1.10 **“EAR PIERCING”** means the puncturing of the non-cartilaginous perimeter or lobe of the ear with a pre-sterilized single-use stud-and-clasp ear-piercing system following manufacturer’s instructions.
- 1.11 **“EQUIPMENT”** means all machinery, including fixtures, containers, vessels, tools, devices, implements, furniture, display and storage areas, sinks, and all other apparatus and appurtenances used in connection with the operation of a body art establishment.
- 1.12 **“HAND SINK”** means a lavatory equipped with hot and cold running water under pressure, used solely for washing hands, arms, or other portions of the body.
- 1.13 **“HOT WATER”** means water that attains and maintains a temperature of at least 100^o Fahrenheit.
- 1.14 **“INSTRUMENTS USED FOR BODY ART”** means hand pieces, needles, needle bars, and other instruments that may come in contact with a client’s body or may be exposed to bodily fluids during body art procedures.
- 1.15 **“INVASIVE”** means entry into the body either by incision or insertion of an instrument into or through the skin or mucosa, or by any other means intended to puncture, break, or compromise the skin or mucosa.
- 1.16 **“JEWELRY”** means any personal ornament inserted into a newly pierced area, which must be made of surgical implant-grade stainless steel; solid 14k or 18k white or yellow gold, niobium, titanium, or platinum; or a dense, low-porosity plastic, which is free of nicks, scratches, or irregular surfaces and has been properly sterilized prior to use.
- 1.17 **“LIQUID CHEMICAL GERMICIDE”** means a disinfectant or sanitizer registered with the U.S. Environmental Protection Agency or an approximately 1:100 dilution of household chlorine bleach made fresh daily and dispensed from a spray bottle (500-ppm, ¼ cup per gallon or 2 tablespoons per quart of tap water).
- 1.18 **“MOBILE BODY ART UNIT”** means a vehicle-mounted body art establishment designed to be readily movable.
- 1.19 **“OPERATOR”** means any person who controls, operates, manages, conducts, or practices body art activities at a body art establishment. The term includes an assistant or technician who performs body art activities and who works under the supervision, control or authority of somebody else who is an operator.
- 1.20 **“PERMIT”** means written approval issued by the county auditor to operate a body art establishment.
- 1.21 **“PERSON”** means an individual, any form of business or social organization or any other non-governmental legal entity, including but not limited to corporations, partnerships, limited-liability companies, trusts or unincorporated organizations.
- 1.22 **“PHYSICIAN”** means a person currently licensed by the State of North Dakota to practice medicine pursuant to the provisions of chapter 43-17 of the North Dakota Century Code.

- 1.23 **“PROCEDURE SURFACE”** means any surface of an inanimate object that contacts client’s unclothed body during a body art procedure, skin preparation of the area adjacent to and including the body art procedure, or any associated work area which may require sanitizing.
- 1.24 **“SANITIZATION PROCEDURE”** means a process of reducing the number of micro-organisms on surfaces and equipment to a safe level as judged by public health standards and which has been approved by the Department.
- 1.25 **“SHARPS”** means any objects (sterile or contaminated) that may purposefully or accidentally cut or penetrate the skin or mucosa, including, but not limited to, pre-sterilized, single-use needles: and scalpel blades.
- 1.26 **“SHARPS CONTAINER”** means puncture-resistant, leak-proof container that can be closed for handling, storage, transportation, and disposal and that is red in color and labeled with the International Biohazard Symbol.
- 1.27 **“SINGLE USE”** means products or items that are intended for one-time, one-person use and are disposed of after use on each client, including, but not limited to, cotton swabs or balls, tissues or paper products, paper or plastic cups, gauze and sanitary covering, razors, piercing needles, scalpel blades, stencil cups, and protective gloves.
- 1.28 **“STERILIZATION”** means a very powerful process resulting in the destruction of all forms of microbial life, including highly resistant bacterial spores.
- 1.29 **“TATTOOING”** means any method of placing ink or other pigment into or under the skin or mucosa by the aid of needles or any other instrument used to puncture the skin, resulting in permanent coloration of the skin or mucosa. This term includes all forms of cosmetic tattooing.
- 1.30 **“UNIVERSAL PRECAUTIONS”** means a set of guidelines and controls, published by the Centers for Disease Control and Prevention (CDC), as “Guidelines for Prevention of Transmission of Human Immunodeficiency Virus and Hepatitis B Virus to Health-Care and Public-Safety Workers” in Morbidity and Mortality Weekly Report) (MMWR), June 23, 1989, Vol. 38, No. S-6, and as “Recommendations for Preventing Transmission of Human Immunodeficiency Virus and Hepatitis B Virus to Patients During Exposure-Prone Invasive Procedures”, in NNWR, July 12, 1991, Vol.40, No. RR-8. This method of infection control requires the employer and the employee to assume that all human blood and specified human body fluids are infectious for HIV, HBV, and other blood pathogens. Precautions include hand washing; gloving; personal protective equipment; injury prevention; and proper handling and disposal of needles, other sharp instruments, and blood-and body fluid-contaminated products.

Section II. Premises Requirements. The following are the requirements for construction, materials and condition of a body art establishment:

- 2.1 All walls, floors, ceilings, and procedure surfaces of a body art establishment shall be smooth, free of open holes or cracks, light-colored, washable, and in good repair. Walls, floors, and ceilings shall be maintained in a clean condition. All procedure surfaces, including client chairs/benches, shall be of such construction as to be easily cleaned and

- sanitized after each client. All body art establishments shall be completely separated by solid partitions or by walls extending from floor to ceiling, from any room used for human habitation, any food establishment or room where food is prepared, any hair salon, any retail sales, or any other such activities that may cause potential contamination of work surfaces.
- 2.2 Effective measures shall be taken by the body art operator to protect against entrance into the establishment and against the breeding or presence on the premises of insects, vermin, and rodents. Insects, vermin, and rodents shall not be present in any part of the establishment, its appurtenances, or appertaining premises.
 - 2.3 There shall be adequate floor space for each operator in the establishment. Each establishment shall have an area that may be screened from public view for clients requesting privacy. Multiple body art stations shall be separated by dividers or partitions, at a minimum.
 - 2.4 The establishment shall be well-ventilated and provided with an artificial light source equivalent to at least 20 foot-candles at a height of 3 feet off the floor, except that at least 100 foot-candles shall be provided at the level where the body art procedure is being performed, and where instruments and sharps are assembled.
 - 2.5 No animals of any kind shall be allowed in a body art establishment except service animals used by persons with disabilities (e.g., seeing eye dogs). Fish aquariums shall be allowed in waiting rooms and nonprocedural areas.
 - 2.6 A separate, readily accessible hand sink with hot and cold running water, under pressure, preferably equipped with wrist-or foot-operated controls and supplied with liquid soap, and disposable paper towels shall be readily accessible within the body art establishment. One hand sink shall serve no more than three operators. In addition, there shall be a minimum of one lavatory, excluding any service sinks, and one toilet in a body art establishment.
 - 2.7 At least one covered waste receptacle shall be provided in each operator area and each toilet room. Receptacles in the operator area shall be emptied daily, and solid waste shall be removed from the premises at least weekly. All refuse containers shall be lidded, cleanable, and kept clean.
 - 2.8 All instruments and supplies shall be stored in clean, dry, and covered containers.
 - 2.9 Reusable cloth items shall be mechanically washed with detergent and dried after each use. The cloth items shall be stored in a dry, clean environment until used.

In addition to complying with all the requirements of this code, mobile body art vehicles and operators/technicians working from a mobile body art establishment shall also comply with all of the following requirements:

- 2.10 Mobile body art establishment means a body art establishment that operates at a fixed location for a period of time of not more than fourteen (14) consecutive days in conjunction with a single event or celebration. Mobile body art establishments must be permitted in Cass County and permits must be obtained at least fourteen (14) days prior to the event, and no body art procedures are to be performed before a license is issued.

- License holders are responsible for ensuring that all other local agency regulations are complied with, such as, but not limited to, zoning, and business license requirements.
- 2.11 Body art performed pursuant to this Section shall be done only from an enclosed vehicle such as a trailer or mobile home. No body art procedures shall be performed outside of the enclosed vehicle.
 - 2.12 The mobile body art establishment shall be maintained in a clean and sanitary condition at all times. Doors shall be self-closing and tight-fitting. Operable windows shall have tight-fitting screens.
 - 2.13 Mobile body art establishments must have approved sterilization equipment available in accordance with all requirements of Section VII, "Sanitation and Sterilization Procedures".
 - 2.14 The mobile body art establishment shall be used only for the purpose of performing body art procedures. No habitation or food preparation is permitted inside the vehicle unless the body art station is separated by walls, floor to ceiling, from culinary to domicile.
 - 2.15 The mobile body art establishment shall be equipped with an equipment-washing sink and a separate hand sink for the exclusive use of the operator/technician for hand washing and preparing the client for the body art procedures. The sinks shall be supplied with hot and cold running water under pressure to a mixing type faucet and liquid soap and paper towels in dispensers. An adequate supply of potable water shall be maintained for the mobile body art establishment at all times during operation. The source of water and storage (in gallons) of the tank(s) shall also be identified. Tuberculoidal single-use hand wipes, approved by the Department to augment the hand washing requirements of this section, must be available.
 - 2.16 All liquid wastes shall be stored in an adequate storage tank with a capacity of at least 15 percent greater than the capacity of the on-board potable water supply. Liquid wastes shall be disposed of at a site approved by the department.

Section III. Body Art Operator Requirements And Professional Standards. The following information shall be kept on file on the premises of a body art establishment and available for inspection by the Department:

- 3.1 Information about each employee of a body art establishment
 - 3.1.1. Employee's full name and exact duties;
 - 3.1.2. Date of birth;
 - 3.1.3. Gender;
 - 3.1.4. Home address;
 - 3.1.5. Home and work telephone numbers;
 - 3.1.6. Identification photos of all body art operators;
 - 3.1.7. Information about the body art establishment;
- 3.2.1. Establishment name;
- 3.2.2. Name and address of each person who has an ownership interest in the body art establishment;
- 3.2.3. A complete description of all body art procedures performed;

- 3.2.4. An inventory of all instruments and body jewelry, all sharps, and all inks used for any and all body art procedures, including names of manufacturers, lot numbers and dates of manufacture unless such information is not available on the packaging of such product, in which case such information as will otherwise identify the product must be inventoried, such as copies of invoices or orders;
- 3.2.5. A copy of these regulations.

Section IV. Preparation And Care Of The Body Art Area. A body art establishment shall maintain the body art area in conformance with the following practices:

- 4.1 Before a body art procedure is performed, the immediate skin area and the areas of skin surrounding where the body art procedure is to be placed shall be washed with soap and water or an approved surgical skin preparation, depending on the type of body art to be performed. If shaving is necessary, single-use disposable razors or safety razors with single-service blades shall be used. Blades shall be discarded after each use, and reusable holders shall be autoclaved after use. Following shaving, the skin and surrounding area shall be washed with soap and water. The washing pad shall be discarded after a single use.
- 4.2 In the event of blood flow, all products used to check the flow of blood or to absorb blood shall be single use and disposed of immediately after use in appropriate covered containers, unless the disposal products meet the definition of contaminated waste (see definition).

Section V. Education and Information Requirements. Body art establishments and all operators shall provide information and education to prospective clients and to gather information from them as follows:

- 5.1 All clients requesting body art shall be given educational information about body art procedures by the body art establishment both verbally and in writing prior to the commencement of any such procedure. Written educational information shall be approved by the Department. Verbal and written instructions, approved by the Department, for the aftercare of the body art procedure site shall be provided to each client by the operator upon completion of the procedure. The written instructions shall advise the client to consult a physician at the first sign of infection and shall contain the name, address, and phone number of the establishment. These documents shall be signed and dated by both parties, with a copy given to the client and the operator retaining the original with all other required records. In addition, all establishments shall prominently display a Disclosure Statement, provided by the Department, which advises the public of the risks and possible consequences of body art services. The facility permit

holder shall also post in public view the name, address and phone number of the local/state department that has jurisdiction over this program and the procedure for filing a complaint. The Disclosure Statement and the Notice for Filing a Complaint shall be included in the establishment permit application packet.

- 5.2 So that the operator can properly evaluate the client's personal history before receiving a body art procedure and not violate the client's rights or confidential medical information, the operator shall ask for the information as follows:

In order for proper healing of your body art procedure, we ask that you disclose if you have or have had any of the following conditions which would require written approval from a licensed physician before any body art will be performed.

- i. Diabetes;
- ii. History of hemophilia (bleeding);
- iii. History of skin diseases, skin lesions, or skin sensitivities to soaps, disinfectant, etc.;
- iv. History of allergies or adverse reactions to pigments, dyes, or other skin sensitivities;
- v. History of epilepsy, seizures, or fainting;
- vi. Use of medications other than routine antibiotics, allergy medication or birth control pills;
- vii. Hepatitis;
- viii. HIV positive;
- ix. High blood pressure, heart disease;
- x. Pregnancy;
- xi. Contagious diseases;
- xii. Immune system disorders;
- xiii. Serious physical or mental health problems.

- 5.3 The operator should ask the client to sign a release form confirming that the above information was obtained or that the operator attempted to be obtained. The client should be asked to disclose any other information that would aid the operator in evaluating the client's body art healing process.

- 5.4 Nothing in these regulations shall be construed to require the operator to perform a body art procedure upon a client.

Section VI. Body Art Operator Professional Standards. Body art operators shall comply with the following practices:

- 6.1 No person shall perform body art on a person who the operator knows is under the influence of alcohol or drugs, or has reason to believe may be otherwise legally incapacitated or incompetent.
- 6.2 Body art operators must be at least 18 years of age.
- 6.3 Smoking, eating and drinking is prohibited in the body art procedure area.

- 6.4 An operator shall refuse service to any person who, in the opinion of the operator, is under the influence of alcohol or drugs or whom the operator has reasonable grounds to believe is legally incapacitated.
- 6.5 The operator shall maintain a high degree of personal cleanliness, conform to hygienic practices, and wear clean clothes when performing body art procedures. Before performing a body art procedure, the operator must thoroughly wash his or her hands in hot running water with liquid soap, rinse hands and dry them with disposable paper towels. This shall be done as often as necessary to remove contaminants.
- 6.6 The operator shall be vaccinated against the Hepatitis B virus.
- 6.7 The operator shall be certified in CPR.
- 6.8 In performing body art procedures, the operator shall wear disposable medical gloves. Gloves must be changed if they become contaminated by contact with any non-clean surfaces or objects or by contact with a third person. The gloves shall be discarded, at a minimum, after the completion of each procedure on an individual client, and hands shall be washed before the next set of gloves is donned. Under no circumstances shall a single pair of gloves be used on more than one person. The use of disposable medical gloves does not preclude or substitute for hand washing procedures as part of a good personal hygiene program.
- 6.9 If, while performing a body art procedure, the operator's glove is pierced, torn, or otherwise contaminated, the procedure delineated in subparagraph shall be repeated immediately. The contaminated gloves shall be immediately discarded, and the hands washed thoroughly (see 6.8 above) before a fresh pair of gloves is applied. Any item or instrument used for body art that is contaminated during the procedure shall be discarded and replaced immediately with a new disposable item or a new sterilized instrument or item before the procedure resumes.
- 6.10 Contaminated waste, as defined in this code, that may release liquid blood or body fluids when compressed or may release dried blood or body fluids when handled must be placed in an approved "red" bag marked with the International Biohazard Symbol. It must then be disposed of by a waste hauler approved by the department or, at a minimum, in compliance with 29 CFR Part 1910.1030, "Occupational Exposure to Blood Borne Pathogens". Sharps ready for disposal shall be disposed of in approved sharps containers. Contaminated waste that does not release liquid blood or body fluids when compressed or does not release dried blood or body fluids when handled may be placed in a covered receptacle and disposed of through normal, approved disposal methods. Storage of contaminated waste on site shall not exceed the period specified by the Department or more than a maximum of 30 days, as specified in 29 CFR Part 1910.1030, whichever is less.

- 6.11 No person shall perform any body art procedure upon a person under the age of 18 years without the presence, written consent, and proper identification of a parent, legal custodial parent, or legal guardian. Nothing in this section is intended to require an operator to perform any body art procedure on a person under 18 years of age with parental or guardian consent.
- 6.12 Any skin or mucosa surface to receive a body art procedure shall be free of rash or any visible infection.
- 6.13 The skin of the operator shall be free of rash or infection. Unless an impermeable cover such as a bandage, finger cot, and medical glove protects the lesion, no person or operator affected with boils, infected wounds, open sores, abrasions, weeping dermatological lesions or acute respiratory infection shall work in any area of a body art establishment in any capacity in which there is a likelihood that that person could contaminate body art equipment, supplies, or working surfaces with body substances or pathogenic organisms.
- 6.14 All infections, complications, or diseases resulting from any body art procedure that become known to the operator shall be reported to the Department by the operator within 24 hours.
- 6.15 Under no circumstances shall ear piercing studs and clasps used anywhere on the body other than the non-cartilaginous perimeter and lobe of the ear.

Section VII. Sanitation And Sterilization Procedures. All body art establishments and operators shall comply with the following sanitation and sterilization procedures:

- 7.1 All non-single-use, non-disposable instruments used for body art shall be cleaned thoroughly after each use by scrubbing with an appropriate soap or disinfectant solution and hot water or by following the manufacturer's instructions, to remove blood and tissue residue, and shall be placed in an ultrasonic unit also operated in accordance with manufacturer's instructions.
- 7.2 After being cleaned, all non-disposable instruments used for body art shall be packed individually in peel-packs and subsequently sterilized (see 7.3). All peel-packs shall contain either a sterilizer indicator or internal temperature indicator. Peel-packs must be dated with an expiration date not to exceed six (6) months.
- 7.3 All cleaned, non-disposable instruments used for body art shall be sterilized in a steam autoclave or dry-heat sterilizer (if approved by the Department). The sterilizer shall be used, cleaned, and maintained according to manufacturer's instructions. A copy of the manufacturer's recommended procedures for the operation of the sterilization unit must be available for inspection by the Department. Sterile equipment may not be used if the package has been breached or after the expiration date without first repackaging and re-sterilizing. Sterilizers shall be located away from work stations or areas frequented by the public. If the body art establishment uses only single-use, disposable instruments and products, and uses sterile supplies, an autoclave shall not be required.

- 7.4 Each holder of a permit to operate a body art establishment shall demonstrate that the sterilizer used is capable of attaining sterilization by weekly spore destruction tests. These tests shall be verified through an independent laboratory. The permit shall not be issued or renewed until documentation of the sterilizer's ability to destroy spores is received by the Department. These test records shall be retained by the operator for a period of three (3) years and made available to the Department upon request.
- 7.5 All reusable needles used in tattooing and cosmetic tattooing shall be cleaned and sterilized prior to use and stored in peel-packs. After sterilization, the instrument used for tattooing/body piercing shall be stored in a dry, clean cabinet or other tightly covered container reserved for the storage of such instruments.
- 7.6 All instruments used for tattooing/body piercing shall remain stored in sterile packages until just prior to the performance of a body art procedure. When assembling instruments used for body art procedures, the operator shall wear disposable medical gloves and use medically recognized techniques to ensure that the instruments and gloves are not contaminated.
- 7.7 All inks, dyes, pigments, needles, and equipment shall be specifically manufactured for performing body art procedures and shall be used according to manufacturer's instructions. The mixing of inks, dyes, or pigments or their dilution with sterile water is acceptable. Immediately before a tattoo is applied, the quantity of the dye to be used shall be transferred from the dye bottle and placed into single-use sterile paper cups or plastic cups. Upon completion of the tattoo, these single cups or caps and their contents shall be discarded.

Section VIII. Requirements For Single Use Items. Single-use items shall not be used on more than one client for any reason. After use, all single-use needles, razors and other sharps shall be immediately disposed of in approved sharps containers. All products applied to the skin, including body art stencils, shall be single use and disposable. If the Department approves, acetate stencils shall be allowed for reuse if sanitization procedures (see definition in subpart 1.23 of Section I above) are performed between uses. Petroleum jellies, soaps, and other products used in the application of stencils shall be dispensed and applied on the area to be tattooed with sterile gauze or in a manner to prevent contamination of the original container and its content. The gauze shall be used only once and then discarded.

Section IX. Maintenance and Retention of Client Records. Each body art establishment shall maintain and retain records of all body art procedures administered, which records must include the following

- 9.1 Name, date of birth, and address of the client
- 9.2 Date of procedure
- 9.3 Time of day of procedure

- 9.4 Identification of the materials used (jewelry, inks, etc.)
- 9.5 Location on the client's body of the body art procedure(s) performed
- 9.6 Full name of the operator who performed the body art
- 9.7 Signature of the client; and
- 9.8 If the client is a minor, signature of client's parent or legal guardian

The body art establishment shall keep such records confidential. All client records shall be retained for a minimum of three (3) years. All client records shall be confidential, except that they shall be made available to the Department upon request by the Department.

Section X. Notice Required to Be Posted. In addition to these regulations, the public notices entitled "Tattooing Disclosure Statement" and "Body Piercing Disclosure Statement," both of which have been approved by the Department, shall be posted in a prominent location in the body art establishment where they may be read by clients. A copy of each such public notice is attached hereto and incorporated herein by reference.

PUBLIC NOTICE

TATTOOING DISCLOSURE STATEMENT

- FARGO CASS PUBLIC HEALTH DEPARTMENT DOES NOT ENDORSE OR RECOMMEND TATTOOING IN ANY FORM.
- FARGO CASS PUBLIC HEALTH DEPARTMENT PERMITS SIGNIFY SANITATION OF EQUIPMENT AND PROCEDURES ONLY.

As with any invasive procedure, tattooing may involve possible health risks. Tattooing could result in:

- Pain, bleeding, swelling, infection, allergic reaction, scarring of the tattooing area and nerve damage.

The Tattooing Operator must:

- Properly cleanse the tattooing site before tattooing
- Use sterilized equipment
- Use sterile tattooing techniques, and
- Inform the client of proper aftercare of the tattooing area.

For comments and/or complaints - contact Fargo Cass Public Health Department, (701) 241-1360 or send written comments to: 401 3rd Ave N Fargo, ND 58102

PUBLIC NOTICE

BODY PIERCING DISCLOSURE STATEMENT

- FARGO CASS PUBLIC HEALTH DEPARTMENT DOES NOT ENDORSE OR RECOMMEND BODY PIERCING IN ANY FORM.
- FARGO CASS PUBLIC HEALTH DEPARTMENT PERMITS SIGNIFY SANITATION OF EQUIPMENT AND PROCEDURES ONLY.

As with any invasive procedure, body piercing may involve possible health risks. Body Piercing could result in:

- Pain, bleeding, swelling, infection, scarring of the pierced area and nerve damage.

The Piercing Operator must:

- Properly cleanse the piercing site before piercing
- Use sterilized equipment
- Use sterile piercing techniques, and
- Inform the client of proper aftercare of the pierced area.

For comments and/or complaints - contact Fargo Cass Public Health Department, (701) 241-1360 or send written comments to: 401 3rd Ave N Fargo, ND 58102

PERSONAL HISTORY

Please answer the following questions to the best of your ability.

*Have you ever had hepatitis? Yes___ No___

*Have you ever tested HIV positive? Yes___ No___

*Do you have any allergies? Yes___ No___

*Are you a diabetic? Yes___ No___

*Do you have high blood pressure/heart disease? Yes___ No___

*Do you have epilepsy, seizures, fainting, or dizziness? Yes___ No___

*Are you a hemophiliac, have a bleeding disorder, or family history of bleeding?
Yes___ No___

*Do you have a history of skin diseases, easy scarring, easy bruising,
open sores, skin sensitivities? Yes___ No___

*Are you taking any prescription medication other than routine antibiotics, allergy
medication, or birth control pills Yes___ No___

*FEMALES: Are you pregnant? Yes___ No___

*Do you currently have a contagious disease i.e., Tuberculosis, Mononucleosis,
Pneumonia, or Sexually Transmitted Disease? Yes___ No___

*Do you now have, or have you ever had problems with your immune system?
Yes___ No___

*Do you have any serious physical or mental health problems? Yes___ No___

Have you been hospitalized in the past 12 months? Yes___ No___
Explain:

Are you under the influence of drugs or alcohol? Yes___ No___

By my signature below, I certify that I understand and have answered the above questions truthfully and to the best of my knowledge.

Signature_____ Date_____

Print name_____ Date of birth_____

Address_____ Phone no._____

City_____ State_____ Zip_____ SS#_____

Artist_____ Design/procedure_____

Location of procedure_____

Answering yes to one or more of the above questions may suggest the need to consult a licensed physician as per subparagraphs 5.1 and 5.2 of the Regulations for Body Art Establishments and Operators.

HEPATITIS B IMMUNIZATION RECORD

Name of Facility _____

Address _____

Name of Owner _____

Name of operator _____

Hire Date _____ Date of Birth _____ S/S# _____

Hepatitis B Immunization Record:

Date 1st shot _____ Shot given by _____ Facility _____

Date 2nd shot _____ Shot given by _____ Facility _____

Date 3rd shot _____ Shot given by _____ Facility _____

The Hepatitis B documentation must be kept on file at the Establishment and a copy given to the regulatory authority. A photocopy of the operator's CPR certificate should also appear on this form.

UNIVERSAL PRECAUTIONS

The UNIVERSAL PRECAUTIONS, published by the Centers for Disease Control (CDC), are a set of guidelines which health workers (including PSWs) should employ *consistently with all patients/clients*, in order to prevent parenteral, mucous membrane, and non-intact skin exposure to blood borne pathogens.

The following Universal Precautions have been abstracted for their specific relevance to PSWs.

1. Needle stick injuries:

Take care to prevent injuries when using needles, scalpels, and other sharp instruments or devices: a) when handling sharp instruments after procedures; b) when cleaning used instruments; c) when disposing of used needles.

*Do not recap used needles by hand; do not bend, break, or otherwise manipulate used needles by hand

*Locate these containers as close to the area as is practical.

2. Gloves and other protective barriers:

Use protective barriers to prevent exposure to blood/body fluids to which Universal Precautions apply. The types of protective barriers used should be appropriate for the procedures being performed and the type of exposure anticipated.

3. Hand Washing:

Immediately and thoroughly wash hands and other skin surfaces contaminated with blood/body fluids containing visible blood or other body fluids to which Universal Precautions apply.

4. Health Problems:

Health care workers who have weeping dermatitis or draining should refrain from all direct patient/client care and from handling patient-care equipment until the condition has cleared.

5. Pregnancy:

Pregnant health care workers are not known to be at greater risk of contracting HIV infection than non-pregnant health care workers. However, they should be especially familiar with, and strictly adhere to, precautions to minimize this risk.

Excerpted from, "CDC Update: Universal Precautions for prevention of transmission of Human Immunodeficiency Virus, Hepatitis B Virus, and Other Blood Borne Pathogens in Health-Care Settings." *Morbidity and Mortality Weekly Report*, June 24, 1988; 37 (24): 377-78

FARGO CASS PUBLIC HEALTH DEPARTMENT
401 3rd Ave N Fargo, ND 58102

BODY ART LICENSE APPLICATION

(Please Type or Print)

NAME OF ESTABLISHMENT

ESTABLISHMENT ADDRESS

OWNER/OPERATOR

MAILING ADDRESS/PHONE NUMBER

Partners and/or members of corporation:

Name

Address

List others as needed:

Name

Address

Annual License Fee \$200.00

Mobile License Fee \$100.00

Fees are **payable prior to January 1st** of each year and are **effective through December 31st**.
\$25.00 Late Fee

Date_____

Signature_____

Title_____

(Please do not write below this line)

The foregoing application is hereby approved and it is recommended that a license be issued, subject to the following provisions:

Approved by _____ Date _____
Health Officer or Representative

Receipt Date _____ Check No. _____

SUBJECT: ORDINANCE #2005-1 (CASS COUNTY COMPREHENSIVE PLAN)

ADOPTED DATE: MARCH 21, 2005

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AN ORDINANCE TO ESTABLISH GOALS, OBJECTIVES AND POLICY GUIDELINES TO
THE CASS COUNTY COMPREHENSIVE PLAN

The purpose of this ordinance is to address the goals and issues faced by Cass County. The product of this ordinance will help shape the growth of the county through the creation of policies used to make planning decisions. The following definitions should be used for each goal, objective, and policy guideline:

- Goal: Long-term end toward which programs or activities are directed. Goals are general and include no date of completion.
- Objective: A specific, measurable, intermediate end that is achievable, sometimes measurable, and marks progress towards a goal. Objectives are action-orientated statements demonstrating the means to achieve a goal.
- Policy Guideline: General principles creating the course of action or way in which programs and activities are coordinated to achieve an identified goal or objective, supporting the action of the objectives.

Goal One

To achieve orderly, balanced, and sensible development.

Objective A. Promote compact and orderly development.

- Policy 1. Direct new development to areas already experiencing development.
- Policy 2. Encourage infill development and redevelopment where appropriate.
- Policy 3. Discourage non-farm development in farming areas.
- Policy 4. Direct large urban type developments to locate in close proximity to the urban areas.
- Policy 5. Prevent premature development.
- Policy 6. Periodically update the county's subdivision ordinances to compliment the local municipalities' ordinances and not encourage sprawl.

Objective B. Prevent incompatible land uses from locating in close proximity to one another.

- Policy 1. Protect valuable farmland from premature development.
- Policy 2. Create a distinct separation between urban and non urban development.
- Policy 3. Prevent large urban type development from locating in rural areas.
- Policy 4. Require new development to compliment the surrounding land use.

Objective C. Promote residential development which will more easily convert to an urban environment.

- Policy 1. Encourage development whose lots will not become economically infeasible if annexed into a municipality.
- Policy 2. Plan subdivisions so logical re-subdividing is possible, if necessary.
- Policy 3. Plan subdivisions so the street network and accesses can be upgraded to meet the needs of an urban environment.
- Policy 4. Require orderly annexation agreements in new subdivisions surrounding incorporated areas.

Objective D. Ensure new development will protect the short and long term health, safety, and general welfare of county's citizens from flooding.

- Policy 1. Prevent development from occurring in flood prone areas.
- Policy 2. Prevent development with the potential need for flood buyouts, flood mitigation, and temporary flood protection.
- Policy 3. Prevent development having limited access during times of high water.
- Policy 4. Deter development which adversely impacts the flooding potential in the county.
- Policy 5. Require new developments near potential flood areas to submit a flood protection plan outlining the risk of flooding and necessary solutions to protect the lives and investments of the county's citizens.

Objective E. Ensure new development will protect the short and long term health, safety, and general welfare of county's citizens from the soil stability problems prone to the county's soils.

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- Policy 1. Prevent development which will compound the naturally occurring problems with the county's soil stability.
 - Policy 2. Deter development with the potential to place financial strain on the county and its citizens as result of soil stability issues.
 - Policy 3. Deter development and land uses that will adversely impact or accelerate soil stability.
 - Policy 4. Deter the man-made land uses which intensify the naturally occurring soil stability problems.
 - Policy 5. Develop regulations preventing development from occurring in areas prone to stability problems, preventing the land uses accelerating the inherent problem, and protecting the river front vegetation helping to stabilize the soils.

Objective F. Properly address the impact of new development on the current and existing drainage systems.

- Policy 1. Require new developments to submit a drainage plan to study the needs of the new development drainage system, its impact on the existing drainage system, and any other information required by the water resource board.
- Policy 2. Require the financial burden of any construction, upgrades, or repairs to the current drainage system needed as result of new development to be placed on the developer and those most benefiting from these required changes.
- Policy 3. Ensure new development drainage systems will provide the needed short and long term service for the county's citizens.
- Policy 4. Ensure new development will not adversely impact current drainage systems.
- Policy 5. Ensure drainage plan will meet the needs of the size, scope, and type of development, preventing those plans only meeting the short terms of a development.
- Policy 6. Prevent development with drainage systems built so as to create current or future financial strain for the county and its citizens to fund the costs to upgrade a deficient drainage system.

Goal Two

To provide the citizens of Cass County with essential public facilities, services, and infrastructure.

Objective A. Ensure new development provides the necessary level of quality services for the county's citizens.

- Policy 1. Require levels of services appropriate for the scale of the development.
- Policy 2. Develop and require minimum levels of service for roads, water, sewer, drainage, storm water drainage, and all other related services and infrastructure.
- Policy 3. Require developers to submit infrastructure plans outlining the time schedule for the installation or upgrade of all necessary services, including the acceptance and approval of such infrastructure plans by the appropriate utility company or entity.
- Policy 4. Require services to meet both the current and future needs of the citizens.
- Policy 5. Restrict the use of services only providing short term benefits to the citizens.
- Policy 6. Require developers to install, or post a financial guarantee for the installation of, all necessary facilities, services, and infrastructure prior to the approval of subdivisions.

Objective B. Prevent new developments from creating an economic strain on the county and the future residents of new developments.

- Policy 1. Require those benefiting the most from services to pay the cost for installation, upgrading, and repairing of such services.
- Policy 2. Prevent development only addressing the short term service, facility, and infrastructure needs of the county's citizens. Services requiring the citizens or government agencies to fund and upgrade service, facility, or infrastructure to meet the actual needs of the citizens.
- Policy 3. Prevent developments creating financial burden and disruption for citizens when development becomes annexed and requires installation of urban services and removal of exiting infrastructure.

- Policy 4. Promote compact development so facilities and services can be provided economically.

Goal Three

To provide an efficient, safe, environmentally sensitive, and cost effective county transportation system to effectively meet citizen's current and future needs for personal mobility and movement of goods.

Objective A. Prevent new development from placing an economic strain on the county to provide a safe and quality road network.

- Policy 1. Require those benefiting the most from roads to pay the cost for installation, upgrading, and repairing of subdivision roads and the public roads providing access to the development.

- Policy 2. Prevent development which will have an adverse effect on the public road network.

Objective B. Require new development's roads to meet the transportation and safety needs of the county's citizens during the initial construction of the subdivisions.

- Policy 1. Require new development to provide roads meeting both the current and future needs of the county's citizens.

- Policy 2. Prevent development requiring the new land owners and residents of subdivisions from having to fund, plan, and organize upgrades to the subdivisions roads to meet their transportation needs or requirements after lots have been sold and homes built.

- Policy 3. Require new developments submit and fund a transportation plan to study the transportation and safety needs of the development and the surrounding area.

- Policy 4. Require developers to pay for and install any necessary street, traffic signs, or lighting features.

Objective C. Encourage development creating pedestrian friendly design.

- Policy 1. Require the safety improvements needed for safe pedestrian interaction with the road network.

- Policy 2. Design roads so they compliment the neighborhood environment.

Policy 3. Promote development providing walking and bike paths within the subdivision and connecting to existing or future walking or bike paths.

Policy 4. Promote development using the corridor along the rivers as public greenway to allow for a future recreational trail system.

Objective D. Plan new developments so they more easily convert to a future urban transportation environment

Policy 1. Preserve and establish right-of-way (ROW) that dedicates and dedds the land for the future arterial corridors found along the section and quarter section lines.

Policy 2. Direct development's road network and accesses so they can more easily transition to an urban road network.

Policy 3. Restrict the access points along the future arterial roads and ensure proper location of permitted accesses.

Objective E. Encourage the use of the existing public transit in rural Cass County by all residents of rural Cass County.

Policy 1. Ensure adequate local, state, and federal funding for transit service in rural Cass County by reviewing the existing needs and demands of rural residents on a regular basis.

Policy 2. Work with the Cass County Rural Transit, Metro Area Transit, FM Metro COG, and ND DOT to promote the development of formal and informal "park-n-ride" facilities at key intersections in rural Cass County for use by metro bound commuters.

Policy 3. Work with Cass County Rural Transit, Metro Area Transit, FM Metro COG to promote the development and use of Rideshare and Carpooling Programs in Cass County for the use by metro bound commuters.

Goal Four

To use and preserve natural resources in an environmentally sound manner.

Objective A. Preserve adequate quantity and quality of ground and surface water supplies.

Policy 1. Require new developments to provide adequate quantity and quality of potable water for the citizen's current and future needs.

- Policy 2. Promote development providing potable water sources which most efficiently use the resource.
- Policy 3. Deter development only meeting the citizen's current or short-term water needs.
- Policy 4. Deter development which potentially can create financial burden on citizens for costly upgrades to a deficient water supply.
- Policy 5. Deter development using water sources which would need to be upgraded to meet the urban standards of a municipality upon annexation.
- Policy 6. Encourage development using ground water resources in the most efficient ways with the greatest long term benefits to the county's citizens and long-range water conservation.

Objective B. Protect the natural vegetation along rivers for its ability to help stabilize river banks.

- Policy 1. Create a conservation easement protecting the natural and important vegetation along the rivers.
- Policy 2. Work with the proper agencies to help educate the public about the benefits of certain vegetation along rivers.
- Policy 3. Create guidelines to help riverfront owners identify the important vegetation.

Objective C. Protect the county's wetlands.

- Policy 1. Identify the county's wetland areas and use this information during the planning process.
- Policy 2. Require new development to comply with all local, county, state, and federal laws, regulations, guidelines, and ordinances relating to wetlands.

Objective D. Protect the county's surface water resources.

- Policy 1. Require new development to prevent any harm, damage, or other adverse impact on the county's lakes, rivers, or streams.
- Policy 2. Deter developments transferring sedimentation and pollution in the county's surface water systems.

- Policy 3. Require new developments to meet the standards established by the EPA for storm water pollution protection.

Objective E. Prevent the introduction of sewage and other harmful agents into the county.

- Policy 1. Encourage the use of centralized sewage systems.
- Policy 2. Continue working with Fargo Cass Public Health to review, design, and inspect new developments sewage systems.
- Policy 3. Encourage sewage systems meeting the needs for the scope and type of development.
- Policy 4. Require development sewage systems to meet the long term needs of the county's citizens.
- Policy 5. Deter developments using sewage systems with limited life spans necessitating expensive replacement or upgrades.

Goal Five

To preserve and maintain Cass County's rural heritage.

Objective A. Protect the county's valuable farmland and agricultural traditions.

- Policy 1. Identify Cass County's agriculturally productive lands and use this information during the planning process.
- Policy 2. Discourage non-farm development in farming areas.
- Policy 3. Prevent premature large scale urban type development from occurring in the rural portions of the county.
- Policy 4. Direct new development to areas already experiencing development.
- Policy 5. Create a distinct separation between urban and non urban areas.
- Policy 6. Encourage infill development and redevelopment where appropriate.
- Policy 7. Direct large urban type developments to locate in close proximity to the urban areas.

Objective B. Protect the rural atmosphere present in the county.

- Policy 1. Limit development occurring away from the urban fringes to be small in size and scope so as to reduce its impact on the rural atmosphere and existing land uses.
- Policy 2. Promote development complimenting the existing land uses, development, and farming lifestyle.
- Policy 3. Encourage infill and redevelopment for large scale developments.
- Policy 4. Create a distinct separation between the large scale urban type development and the existing rural farms and homes.
- Policy 5. Deter large and premature development in the rural areas of the county.
- Policy 6. Support the establishment and use of farm programs and farm protection programs.
- Policy 7. Direct non-farm developments to areas where development already exists.
- Policy 8. Promote agriculture and its benefit for the entire county.
- Policy 9. Educate the public about the value of the county's soils, farms, and farmland and the consequences of its conversion to non-farm uses.

Goal Six

To ensure and maintain public participation in the decision-making influencing the future of Cass County and its citizens.

Objective A. Maintain open lines of communication between the county and all other local entities.

- Policy 1. Distribute planning agendas to the relevant entities.
- Policy 2. The county planner should attend city commission and planning meetings when necessary.
- Policy 3. The county planner should attend the joint township and city meetings.

Policy 4. The county planner should attend relevant local planning lectures and conferences.

Policy 5. Encourage review and comments by local entities relating to county planning issues.

Objective B. Provide public awareness of planning goals, objectives, and issues.

Policy 1. Provide the media with copies of all agendas and special meetings.

Policy 2. Hold public meetings for input on current issues and goals.

Policy 3. Invite public input on regular and special planning issues.

Policy 4. Consider and utilize citizen suggestion when making public decisions.

Policy 5. Require new developments to distribute plans and information to surrounding landowners of proposed developments.

Policy 6. Use planning commission to advise the county on issues of growth and development.

Approved:

ss/Darrell Vanyo
Darrell Vanyo, Chairman
Board of Commissioners of the
County of Cass

ATTEST:

ss/Michael Montplaisir
Michael Montplaisir, County Auditor

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(SEAL)

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SUBJECT: ORDINANCE #2005-2 AMENDED (OVER DIMENSION VEHICLE REGULATIONS)

ADOPTED DATE: FEBRUARY 19, 2008

PAGE 1 OF 23

A POLICY TO REGULATE VEHICLE DIMENSIONS AND WEIGHTS ON CASS COUNTY HIGHWAYS

1-01. Purpose

This policy is made pursuant to North Dakota Century Code Chapter 39-12 and the Cass County, North Dakota Home Rule Charter. The policy classifies public highways under the jurisdiction of the county commission as to the weight and load of vehicles.

1-02. Special permits for vehicles of excessive size and weight issued - Contents - Fees

The County Highway Department, or Sheriff, upon application and payment of the appropriate charges and for good cause shown, may issue a special written permit authorizing the applicant to operate or move a vehicle, mobile home, or modular unit of a size or weight exceeding the maximum specified by this policy upon a highway under the jurisdiction of the county. Every such permit may designate the route to be traversed, and may contain any other restrictions or conditions deemed necessary by the body granting such permit. Every such permit must be carried in the vehicle to which it refers and must be opened to inspection by any peace officer or agent in Cass County, North Dakota. It is a violation of the provisions of this policy for any person to violate any of the terms or conditions of such special permit. The county highway department may adopt rules governing the movement of oversize and overweight vehicles.

An appropriate charge may be made for each permit collected hereunder by the county and must be deposited in the county for use in the operating expenses of the county highway department. Official or publicly owned vehicles may not be required to pay charges for permits.

1-03. Commissioners may limit use of vehicles on highways

Whenever any highway will be seriously damaged or destroyed by reason of deterioration, rain, snow, or other climatic conditions unless the use of vehicles is prohibited or the weight of the vehicle thereon is limited, the commissioners or employees authorized by them by ordinance or resolution, may prohibit the operation of vehicles upon such highway or may impose restrictions as to the weight of vehicles. The commissioners or employees who are making such order or enacting any such ordinance or resolution shall erect or cause to be erected and maintained signs designating the provisions of the order, ordinance, or resolution. Such signs must be erected and maintained at each end of that portion of any highway affected thereby, and such order, ordinance, or resolution is not effective until such signs are erected and maintained. The operation of trucks or other commercial vehicles or limitations as to the weight thereof on designated highways may be prohibited or limited in the same manner.

County commission order does not constitute a violation of the statutes relative to limitations on sizes and weights.

1-04. Width, height, and length of vehicles

A. Legal Width

- 1) Eight feet six inches on all highways
- 2) Exceptions
 - a. Construction and building contractors' equipment and vehicles used to move such equipment which does not exceed 10 feet in width when being moved by contractors or resident carriers.
 - b. Implements of husbandry being moved by resident farmers, ranchers, dealers, or manufacturers between sunrise and sunset. Night time travel is allowed provided the implements are properly lighted.

B. Legal Height

- 1) Fourteen feet, whether loaded or unloaded, unless routes of travel include structures such as bridges and underpasses that are not 14 feet in height. Adequate clearance of all structures must be verified prior to moving any vehicle or equipment under any bridge or underpass.
- 2) Exceptions.
Implements of husbandry may not exceed 15 feet six inches in height when being moved by resident farmers, ranchers, dealers, or manufacturers between sunrise and sunset. Night time travel is allowed provided the implements are properly lighted.

C. Legal Length

- 1) A single unit vehicle with two or more axles, including the load thereon, shall not exceed a length of 50 feet.
- 2) A combination of two, three, or four units, including the load thereon, may not exceed 110 feet in length when traveling on county highways.
- 3) The length of a trailer or semi-trailer, including the load thereon, may not exceed 53 feet.
- 4) Towing converter dollies.
 - a. Converter dollies that are used to convert semi-trailers to trailers are considered trailers if they meet all lighting requirements and are equipped with brakes and safety chains.
 - b. No more than one converter dolly can be towed behind a truck-tractor, semi-trailer, and trailer; and no more than two converter dollies can be towed behind a truck-tractor and semi-trailer.

1-05 Legal weight limitations

A. Gross vehicle weight on the Cass County Highway System.

The gross vehicle weight of any vehicle or combination of vehicles is determined by the following weight formula of

$$W = 500 * (LN/N-1 + 12N + 36)$$

where W equals maximum weight in pounds carried on any group of two or more axles; L equals distance in feet between the extremes of any group of two or more consecutive axles; and N equals number of axles in the group under consideration except that two consecutive sets of tandem axles may carry a gross load of 34,000 pounds each, providing the overall distance between the first and last axles of the consecutive sets of tandem axles is at least 36 feet. The maximum gross vehicle weight on the county highway system is 105,500 pounds.

B. Axle weight on the Cass County Highway System.

- 1) No single axle shall carry a gross weight in excess of 20,000 pounds. Axles spaced 40 inches or less apart are considered one axle. Axles spaced eight feet apart or over are considered as individual axles. (The gross weight of two individual axles may not exceed 40,000 pounds.) Spacing between axles shall be measured from axle center to axle center.
- 2) Axles spaced over 40 inches apart and less than eight feet apart shall not carry a gross weight in excess of 17,000 pounds per axle. The gross weight of three or more axles in a grouping may not exceed 48,000.
- 3) During the spring season or on otherwise posted highways reductions in the above axle weights may be specified. Axle weights may also be reduced by the bridge load limitations posted at individual bridges.

C. Wheel weight.

The weight in pounds on any one wheel shall not exceed one-half the allowable axle weight. Dual tires are considered one wheel.

D. Tire weight.

The weight per inch width of tire shall not exceed 550 pounds. The width of tire for solid tires shall be the rim width; for pneumatic tires, the manufacturer's width. Metric tire sizes are converted to inches by dividing millimeters by 25.4

E. Permits for non-divisible loads.

The gross weight limitations do not apply to equipment the commissioners or highway department approve for exemption. For every vehicle approved for exemption, the county highway department shall issue a nontransferable permit. The county highway department or sheriff's department may charge a fee for the permit.

F. Permits for 10 percent winter exception. The county highway department or sheriff may issue permits authorizing a specific motor vehicle to exceed the weight limitations stated in subsections A and B by ten percent. The permits may not provide for a gross weight in excess of one hundred five thousand five hundred pounds [47,854.00 kilograms]. The permits may provide for the general movement of products during the period from December first to March seventh. The county highway department or sheriff will charge a fee of \$20 for a single movement permit or \$50 for a seasonal permit.

ROAD RESTRICTION REDUCTION IN WEIGHTS

When restrictions on county highways are imposed in accordance with state law and Cass County ordinance, the weight classifications as listed below will be used.

Class	Single Axle	Tandem Axle	3 or More Axle Groupings	Gross Vehicle Weight
8-Ton	16,000 lbs	32,000 lbs	14,000 lbs per axle not to exceed 42,000 lbs gross weight on divisible loads	105,500 lbs
7-Ton	14,000 lbs	28,000 lbs	12,000 lbs per axle not to exceed 36,000 lbs gross weight on divisible loads	105,500 lbs
6-Ton	12,000 lbs	24,000 lbs	10,000 lbs per axle not to exceed 30,000 lbs gross weight on divisible loads	80,000 lbs
5-Ton	10,000 lbs	20,000 lbs	10,000 lbs per axle not to exceed 30,000 lbs gross weight on divisible loads	80,000 lbs No Overweight Movement Allowed

1-06. Limitations on extending of load beyond side of motor vehicle.

No motor vehicle carrying any load beyond the lines of the left fenders of such vehicle nor extending more than twelve inches [30.48 centimeters] beyond the line of the fenders on the right side of such vehicle may be operated on the highways, except as permitted by section 04. The county highway department or peace officer shall have authority to revoke permits when such holder violates or abuses the privilege or conditions of permit.

1-07. Peace officers may weigh vehicle to determine load - decreasing gross weight of vehicle

Every peace officer, including members of the state highway patrol, having reason to believe that the weight of a vehicle and the load carried thereon is unlawful, may weigh such vehicle and load or have the same weighed either by means of portable or stationary scales, and for that purpose the officer may require the vehicle to be driven to the nearest scales. Such officer may require the driver of such vehicle immediately to unload such portion of the load as may be necessary to decrease the gross weight to the maximum allowed by the provisions of this policy.

1-08. Penalty for violation of chapter

Any person violating any of the provisions of sections 04, 05, or 06 must be assessed a fee of one hundred dollars. Any person violating any other provision of this chapter, for which a specific penalty is not provided, must be assessed a fee of fifty dollars. These fees are in addition to the applicable charges for extraordinary road use listed in section 16 of this policy.

1-09. Impounding overweight vehicle

Any vehicle found to have been moved or used upon any highway, street, or road in this state at a weight exceeding the limitations as specified in any order, ordinance, or resolution issued under this policy may be impounded by any peace officer and taken to a warehouse or garage for storage.

1-10. Impounding receipt - Information

A receipt must be given by the officer impounding the vehicle, to the driver or person in charge of such vehicle. Such receipt must identify, as nearly as possible, the owner of the vehicle and cargo, the driver or person in charge of such vehicle, the cargo, the place the vehicle is to be stored during impoundment, the weight of the loaded vehicle and the name and address of the impounding officer. Information as to the owner of the vehicle and cargo must be obtained from the driver or person in charge of the vehicle.

1-11. Impounding notice - Perishables

The impounding officer shall notify the owner or owners, if they can be found, by wire or telephone, of the impoundment and the charges involved. If the cargo consists of perishables, the impounding officer shall use reasonable diligence in assisting the operator or owner in finding suitable storage facilities for such perishables, but all risk of loss or damage to such perishables must be upon the owner, operator, or lessee of such vehicle.

1-12. Civil complaint.

The state's attorney shall, if no settlement is made under section 13, immediately prepare and file a civil complaint on behalf of the authority having jurisdiction of the road whereon the violation occurred, for the purpose of recovering charges for the extraordinary use of the highways, streets, or roads of this county.

1-13. Voluntary settlement of extraordinary road use fee charges

Before the complaint is issued pursuant to section 12, the owner, or the owner's driver or agent, may voluntarily pay the amount of the extraordinary road use fee, or may provide proof of surety coverage to ensure payment of the extraordinary road use fee, provided under section 16, plus any towing or storage costs. Any settlement, whether made by the owner, or the owner's driver or agent, must be presumed to be of a voluntary nature. A peace officer or a peace officer's designee is authorized to receive the settlement payment on behalf of the authority having jurisdiction of the road whereon the violation occurred. The extraordinary road use fees must be remitted to the county treasurer.

1-14. Mailing complaint

A copy of the complaint must be served upon the driver or person in charge of the vehicle and a copy must be sent by registered or certified mail to the owner of the vehicle, if the address of such owner is known.

1-15. Cash bond - Holding

Unless a cash bond is furnished in an amount sufficient to cover the charges for extraordinary use of highways, streets, and roads, as provided in section 16, together with the costs which may be collectible under any subsequent settlement made pursuant to section 13, said vehicle must be held until a trial of the case can be had before the district court.

1-16. Trial - Charges

At the trial of the action, the court shall hear testimony concerning the facts and if it is found that such vehicle or vehicles were moved upon the highways, streets, or roads of this county at a weight in excess of the limitations imposed under the provisions of section 03 or as limited by the provisions of section 05, charges for the extraordinary use of the highways, streets, or roads must be assessed as follows:

1. The storage charges and costs of the action must be assessed; and
2. An additional charge must be assessed as follows:

1 to	1,000 pounds [.45 to 453.59 kilograms]	of excess weight = \$20
1,001 to	2,000 pounds [454.05 to 907.18 kilograms]	of excess weight = \$40
2,001 to	3,000 pounds [907.64 to 1360.78 kilograms]	of excess weight = \$60
3,001 to	4,000 pounds [1361.23 to 1814.37 kilograms]	of excess weight = \$140
4,001 to	5,000 pounds [1814.82 to 2267.96 kilograms]	of excess weight = \$220
5,001 to	6,000 pounds [2268.41 to 2721.55 kilograms]	of excess weight = \$305
6,001 to	7,000 pounds [2722.01 to 3175.14 kilograms]	of excess weight = \$380
7,001 to	8,000 pounds [3175.60 to 3628.74 kilograms]	of excess weight = \$495
8,001 to	9,000 pounds [3629.19 to 4082.33 kilograms]	of excess weight = \$575
9,001 to	10,000 pounds [4082.78 to 4535.92 kilograms]	of excess weight = \$655
10,001 to	11,000 pounds [4536.37 to 4989.51 kilograms]	of excess weight = \$1,100

11,001 to 12,000 pounds	[4989.97 to 5443.10 kilograms]	of excess weight = \$1,200
12,001 to 13,000 pounds	[5443.56 to 5896.70 kilograms]	of excess weight = \$1,300
13,001 to 14,000 pounds	[5897.15 to 6350.29 kilograms]	of excess weight = \$1,680
14,001 to 15,000 pounds	[6350.74 to 6803.88 kilograms]	of excess weight = \$1,800
15,001 to 16,000 pounds	[6804.33 to 7257.47 kilograms]	of excess weight = \$1,920
16,001 to 17,000 pounds	[7257.93 to 7711.06 kilograms]	of excess weight = \$2,550
17,001 to 18,000 pounds	[7711.52 to 8164.66 kilograms]	of excess weight = \$2,700
18,001 to 19,000 pounds	[8165.11 to 8618.25 kilograms]	of excess weight = \$2,850
19,001 to 20,000 pounds	[8618.70 to 9071.84 kilograms]	of excess weight = \$3,000
20,001 to 21,000 pounds	[9072.29 to 9525.43 kilograms]	of excess weight = \$4,200
21,001 to 22,000 pounds	[9525.89 to 9979.02 kilograms]	of excess weight = \$4,400
22,001 to 23,000 pounds	[9979.48 to 10432.62 kilograms]	of excess weight = \$4,600
23,001 to 24,000 pounds	[10433.07 to 10886.21 kilograms]	of excess weight = \$4,800
24,001 to 25,000 pounds	[10886.66 to 11339.80 kilograms]	of excess weight = \$5,000
25,001 to 26,000 pounds	[11340.25 to 11793.40 kilograms]	of excess weight = \$5,200
26,001 to 27,000 pounds	[11793.86 to 12246.99 kilograms]	of excess weight = \$5,400
27,001 to 28,000 pounds	[12247.45 to 12700.59 kilograms]	of excess weight = \$5,600
28,001 to 29,000 pounds	[12701.04 to 13154.18 kilograms]	of excess weight = \$5,800
29,001 to 30,000 pounds	[13154.63 to 13607.77 kilograms]	of excess weight = \$6,000

An additional charge of \$200 for every 1,000-pound [453.59-kilogram] increase over 30,000 pounds [13607.77 kilograms] consistent with the above formula.

1-17. Payment of charges - Confiscation - Sale

If the charges and costs as provided in section 16 are not paid within a reasonable time from a cash bond previously posted or other cash payment, the judge shall order the vehicle confiscated and sold by the sheriff of the county at a public sale to the highest bidder and the proceeds applied to the payment of the charges and costs assessed under the provisions of sections 11 through 22.

1-18. Payment - Effect

The payment of charges may not be construed as a payment for the future use of highways, streets, or roads by vehicles carrying excess loads.

1-19. Proceeds of sale - Continuing appropriation

The proceeds of sale must be applied first to the payment of the costs of the proceedings, including attorneys and witness fees and costs, and next to the payment of the charges assessed. Such charges must be remitted to the county treasury to be credited to the county highway fund. The balance of the proceeds of any sale after the payment of costs and charges must be paid over by the sheriff to the person entitled thereto as determined by the court, or must be deposited with the clerk of court for such payment.

1-20. Penalty

Any driver of a vehicle who refuses to stop and submit the vehicle and load to a weighing when directed to do so by any police officer or any agent of this state having police powers relating to motor vehicles is guilty of a class B misdemeanor.

1-21. Permissible loads - Exceptions

When any motor truck, truck tractor, or trailer is operated upon the public highways of this county carrying a load in excess of the maximum prescribed under the provisions of sections 03 and 05 or other maximum weight limitations prescribed by law, the load must be reduced or shifted to within such maximum limitations before being permitted to operate on any public highway of this state; provided, however, that any such vehicle carrying a load of livestock is exempt from the limitations prescribed in section 05, relating to the carrying capacity of any wheel, tire, axle, or group of axles when excessive weight is caused by a shifting of the weight of the livestock. All material unloaded as required by this section must be cared for by the owner or operator of such vehicle at the risk of such owner or operator.

1-22. Governor's or County Commission order authorizing excess limits

The Governor of this state or the County Commission may authorize, by order of general application, permit and prescribe definite excess limitations as to size and weight for the operation of motor vehicles in emergencies and to meet unusual conditions for the general welfare of the public. The operation of such vehicles, in accordance with the Governor's or County Commission's order, does not constitute a violation of the statutes relative to limitations on sizes and weights.

SECTION 2 - PERMITS FOR OVERSIZE AND OVERWEIGHT VEHICLES

Cass County will issue permits, when good cause is shown, for the movement of oversize and/or overweight vehicles and loads. Oversize vehicles are those vehicles exceeding the legal width, height, length, and weight maximums listed below. The procedures contained in this document outline the requirements and methods for issuing permits for oversize and overweight vehicles.

PERMIT PROCEDURES:

2-01. Permits must be in possession prior to starting any movement. The County has the authority to revoke permits when the holder violates or abuses the privilege or conditions of the permits.

2-02. General travel restrictions.

- a. Permits shall not be issued for over dimensional movements between sunset and sunrise, unless approved by the County Engineer or Sheriff.
- b. Permits shall not authorize movements when inclement weather prevails, highways are slippery, or when visibility is poor.

- c. Permits do not authorize travel on shoulders of road.
- d. Permits shall apply to movement of one vehicle or one vehicle combination only.
- e. All permits shall require a minimum distance of 1,000 feet between vehicles in a convoy of two or more vehicles.

2-03. General safety requirements.

- a. All over dimensional vehicles and loads shall have minimum 18 inch by 18 inch red or bright orange flags displayed on the traffic side front and rear.
- b. When the overall length of an over dimensional movement exceeds 110 feet in length, there shall be at least an 18 inch by 84 inch OVERSIZE LOAD sign on the rear. The lettering shall be black on yellow background. Letters shall be at least 10 inches high with 1.41 inch brush stroke. When the movement is over length only, exceeding 110 feet in overall length, a LONG LOAD sign that is a minimum 12 inches by 60 inches in size may be used in lieu of the OVERSIZE LOAD sign. The lettering shall be black on yellow background. The letters shall be at least 8 inches high with 1-inch brush stroke. The sign shall be covered or removed when the movement is not over dimensional.
- c. All motor vehicles when transporting loads must be loaded and secured to prevent the shifting or falling of the load. Loads such as a hydraulic backhoe or crane must be secured to prevent the accidental lifting of the bucket or boom.
- d. Towing vehicle must have two mirrors to reflect a rear view of 200 feet to the driver.
- e. All commercial oversize vehicles must be equipped in accordance with the requirements and specifications of Parts 393 and 396 of 49CFR.

2-04. Escort requirements.

- a. All movements exceeding 14 feet 6 inches in width, 18 feet in height, and 120 feet in overall length are required to have official escort or approved pilot cars (see Pilot Car Policy). In lieu of the pilot car requirement for movements not exceeding 16 feet in width, the over width vehicle itself, or vehicle towing or hauling an over width load, may be equipped with a lighted rotating or flashing amber light or lights that are visible from front and rear for a minimum 500 feet. On four-lane divided highways, there are no pilot car requirements for movements not exceeding 16 feet in width. Movements exceeding 18 feet in width will be required to have an official escort unless exempted by the County Engineer or his/her designee.

- b. Exceeding 16 feet in overall width.
 - 1) One pilot car is required to precede each movement at a distance of 300 to 700 feet and one pilot car is required to follow each movement at a distance of 300 to 700 feet on two-lane highways.
 - 2) One pilot car is required to follow each movement at a distance of 300 to 700 feet on four-lane divided highways.
- c. Pilot car requirements.
 - 1) The vehicle must be a passenger vehicle or two-axle truck only and must be operated as a single unit only.
 - 2) The vehicle must have on the highest part a sign that is minimum 12 inches in height and 60 inches in length with the words OVERSIZE LOAD on it. The sign shall be yellow with black lettering. The lettering shall not be less than 8 inches high and 1-inch brush strokes. In addition, flashing amber lights shall be mounted on both ends of the sign. In place of the two alternating lights, there can be one centrally mounted revolving amber light on the top of the sign. There shall be radio communication between the pilot car(s) and the vehicle being escorted.

2-05. General size limitations.

- a. Construction and building contractors' equipment and vehicles used to move such equipment are exempt from width limitations not to exceed 10 feet in width when being moved by contractors or resident carriers. House movers' vehicles are considered construction equipment.
- b. All movements exceeding 18 feet in height must have written authority from utility companies to travel under overhead wires. All vertical clearances shall be the responsibility of the permittee.
- c. Towed vehicles, such as rock crushers or conveyors, are subject to permits if the length of the towed vehicle exceeds 60 feet.
- d. Road construction may limit over width movements to 12 feet in width, or less, on some highways.

2-06. General conditions for all overweight movements.

- a. No permit shall be issued for an overweight vehicle unless the vehicle is registered for the gross weight which the vehicle can legally carry without a permit, nor issued for loads that can be reasonably made to conform to legal limits. Overweight permits will be issued for hauling one piece of equipment only. A dozer with blade attached is considered one piece. If the blade is detached, it cannot be hauled on the same load.

- b. Overweight permits are not valid for movement on flexible pavements when the atmospheric temperature is 85° F or above.

2-07. Additional conditions for all overweight movements.

- a. Loads would have to be broken down as follows if requested routes of travel cannot be approved by the County Engineer or Sheriff.
 - 1) Blades and rippers must be removed from dozer and hauled separately.
 - 2) All scrapers must be split and hauled separately.
 - 3) Counterweights must be removed from cranes and hauled separately.
 - 4) Self-propelled truck cranes shall be allowed a maximum of 550 lbs. per inch width of tire without an additional overweight fee, up to a maximum gross vehicle weight of 150,000 lbs, anything over 150,000 lbs. gross vehicle weight will be charged rates listed
Weights in excess of 550 lbs. per inch width of tire shall be assessed a fee in accordance with the fee schedule for each additional weight per axle configuration on self-propelled truck cranes.
 - 5) During spring weight restrictions, all truck cranes shall follow the standard over dimensional policies.
- b. All movements are subject to County Engineer or Sheriff approval.

2-08. Additional conditions for movement of overweight self-propelled earthmoving equipment such as scrapers, rubber-tired dozers, and loaders.

- a. The maximum permissible axle weight when roading earthmoving equipment is 36,000 pounds per axle except as authorized by the County Engineer.
- b. County Engineer or Sheriff may authorize permits when the axle weights exceed 36,000 pounds.
- c. Earth moving equipment is not allowed to be loaded with material when roading.
- d. Maximum speed for movement is 20 mph and a pilot car is required to follow for this purpose.
- e. All general travel restrictions and requirements of this permit policy apply to self-propelled earthmoving equipment movements.

2-09. Government and emergency vehicles.

- a. Governmental road maintenance equipment, North Dakota National Guard equipment, and emergency vehicles will be permitted on individual specifications or where emergencies necessitate.

2-10. Liability of permittee.

- a. The applicant or permittee, as a condition for obtaining an oversize and/or overweight permit, shall assume all responsibility for accidents, damage, or injury to any persons or damage to public or private property caused by the movement of any oversize and/or overweight vehicle or load covered by the permit while on Cass County highways.
- b. The applicant or permittee agrees to indemnify and hold harmless the Cass County, its officers and employees from any and all claims resulting directly or indirectly from the movement of an oversize and/or overweight vehicle or load on any county highway .

2-11. Special mobile equipment.

- a. For the purpose of this policy, special mobile equipment shall mean every non-registered, overweight, self-propelled vehicle that is only incidentally operated or moved over a highway.
- b. Special mobile equipment shall include the following vehicles:
 - 1) Workover rigs
 - 2) Truck cranes
 - 3) Self-propelled scrapers
 - 4) Rubber-tired dozers
 - 5) Rubber tired loaders

2-12. Application Procedure

- a. Permits can be obtained from the County Engineer or Sheriff.
 - 1) Applications may be made in person, via mail, fax or on line.
 - 2) The applicant must read and sign the reverse side of the receipt/permit acknowledging the movement restrictions and requirements.
 - 3) Permits will be in written form and must be in possession prior to starting movement on County Highways.

- 4) Information required for obtaining permits:
 - a) Company name and address
 - b) Description of power unit: year, make, capacity, serial number, license number and state, tire sizes, and number of axles
 - c) Description of towed unit: type unit, make, tire sizes, and number of axles
 - d) Overall dimensions of vehicle and load
 - e) Axle weights and gross weight of vehicles and load if overweight is requested
 - f) Point of origin and destination and desired route to be traveled.

2-13. Permit fees as per the overweight fee schedule.

CASS COUNTY NORTH DAKOTA OVERDEMEENSION PERMIT FEE SCHEDULE

OVER HEIGHT, OVER WIDTH, OR OVER LENGTH PERMITS

	30 day	
Trip permit		Season (ends 12/31 of each year)
\$20	\$40	\$200

FOR OVERWEIGHT PERMITS, ADD THE ABOVE FEE TO THE AXLE WEIGHT FEE
 AXLE WEIGHT FEE IS THE TOTAL OF ALL AXLE WEIGHT FEES FROM CHARTS

GVW	Unrestricted		8-Ton		7-Ton		6-Ton		
	Trip	30 day	Trip	30 day	Trip	30 day	Trip	30 day	
66000									
68000									
70000									
72000									
74000									
76000									
78000									
80000									
82000							\$5	\$10	NA
84000							\$10	\$20	NA
86000							\$15	\$30	NA
88000							\$20	\$40	NA
90000							\$25	\$50	NA
92000							\$30	\$60	NA
94000							\$35	\$70	NA
96000							\$40	\$80	NA
98000							\$45	\$90	NA
100000							\$50	\$100	NA
102000							\$55	\$110	NA

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GVW	Unrestricted			8-Ton			7-Ton			6-Ton		
	Trip	30 day	Season	Trip	30 day	Season	Trip	30 day	Season	Trip	30 day	Season
104000										\$60	\$120	NA
106000							\$5	\$10	NA	\$65	\$130	NA
108000							\$10	\$20	NA	\$70	\$140	NA
110000							\$15	\$30	NA	\$75	\$150	NA
112000				\$5	\$10	NA	\$20	\$40	NA	\$80	\$160	NA
114000				\$10	\$20	NA	\$25	\$50	NA	\$85	\$170	NA
116000				\$15	\$30	NA	\$30	\$60	NA	\$90	\$180	NA
118000				\$20	\$40	NA	\$35	\$70	NA	\$95	\$190	NA
120000				\$25	\$50	NA	\$40	\$80	NA	\$100	\$200	NA
122000				\$30	\$60	NA	\$45	\$90	NA	\$105	\$210	NA
124000				\$35	\$70	NA	\$50	\$100	NA	\$110	\$220	NA
126000				\$40	\$80	NA	\$55	\$110	NA	\$115	\$230	NA
128000				\$45	\$90	NA	\$60	\$120	NA	\$120	\$240	NA
130000				\$50	\$100	NA	\$65	\$130	NA	\$125	\$250	NA
132000				\$55	\$110	NA	\$70	\$140	NA	\$130	\$260	NA
134000				\$60	\$120	NA	\$75	\$150	NA	\$135	\$270	NA
136000				\$65	\$130	NA	\$80	\$160	NA	\$140	\$280	NA
138000				\$70	\$140	NA	\$85	\$170	NA	\$145	\$290	NA
140000				\$75	\$150	NA	\$90	\$180	NA	\$150	\$300	NA
142000				\$80	\$160	NA	\$95	\$190	NA	\$155	\$310	NA
144000				\$85	\$170	NA	\$100	\$200	NA	\$160	\$320	NA
146000				\$90	\$180	NA	\$105	\$210	NA	\$165	\$330	NA
148000				\$95	\$190	NA	\$110	\$220	NA	\$170	\$340	NA
150000				\$100	\$200	NA	\$115	\$230	NA	\$175	\$350	NA
152000				\$105	\$210	NA	\$120	\$240	NA	\$180	\$360	NA
154000				\$110	\$220	NA	\$125	\$250	NA	\$185	\$370	NA
156000				\$115	\$230	NA	\$130	\$260	NA	\$190	\$380	NA
158000				\$120	\$240	NA	\$135	\$270	NA	\$195	\$390	NA
160000				\$125	\$250	NA	\$140	\$280	NA	\$200	\$400	NA
162000				\$130	\$260	NA	\$145	\$290	NA	\$205	\$410	NA
164000				\$135	\$270	NA	\$150	\$300	NA	\$210	\$420	NA
166000				\$140	\$280	NA	\$155	\$310	NA	\$215	\$430	NA
168000				\$145	\$290	NA	\$160	\$320	NA	\$220	\$440	NA
170000				\$150	\$300	NA	\$165	\$330	NA	\$225	\$450	NA
172000				\$155	\$310	NA	\$170	\$340	NA	\$230	\$460	NA
174000				\$160	\$320	NA	\$175	\$350	NA	\$235	\$470	NA
176000				\$165	\$330	NA	\$180	\$360	NA	\$240	\$480	NA
178000				\$170	\$340	NA	\$185	\$370	NA	\$245	\$490	NA
180000				\$175	\$350	NA	\$190	\$380	NA	\$250	\$500	NA
182000				\$180	\$360	NA	\$195	\$390	NA	\$255	\$510	NA
184000				\$185	\$370	NA	\$200	\$400	NA	\$260	\$520	NA
186000				\$190	\$380	NA	\$205	\$410	NA	\$265	\$530	NA
188000				\$195	\$390	NA	\$210	\$420	NA	\$270	\$540	NA
190000				\$200	\$400	NA	\$215	\$430	NA	\$275	\$550	NA
192000				\$205	\$410	NA	\$220	\$440	NA	\$280	\$560	NA

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GWV	Unrestricted			8-Ton			7-Ton			6-Ton		
	Trip	30 day	Season	Trip	30 day	Season	Trip	30 day	Season	Trip	30 day	Season
194000				\$210	\$420	NA	\$225	\$450	NA	\$285	\$570	NA
196000				\$215	\$430	NA	\$230	\$460	NA	\$290	\$580	NA
198000				\$220	\$440	NA	\$235	\$470	NA	\$295	\$590	NA
200000				\$225	\$450	NA	\$240	\$480	NA	\$300	\$600	NA
202000				\$230	\$460	NA	\$250	\$500	NA	\$310	\$620	NA
204000				\$240	\$480	NA	\$260	\$520	NA	\$320	\$640	NA
206000				\$250	\$500	NA	\$270	\$540	NA	\$330	\$660	NA
208000				\$260	\$520	NA	\$280	\$560	NA	\$340	\$680	NA
210000				\$270	\$540	NA	\$290	\$580	NA	\$350	\$700	NA
212000				\$280	\$560	NA	\$300	\$600	NA	\$360	\$720	NA
214000				\$290	\$580	NA	\$310	\$620	NA	\$370	\$740	NA
216000				\$300	\$600	NA	\$320	\$640	NA	\$380	\$760	NA
218000				\$310	\$620	NA	\$330	\$660	NA	\$390	\$780	NA
220000				\$320	\$640	NA	\$340	\$680	NA	\$400	\$800	NA
222000				\$330	\$660	NA	\$350	\$700	NA	\$410	\$820	NA
224000				\$340	\$680	NA	\$360	\$720	NA	\$420	\$840	NA
226000				\$350	\$700	NA	\$370	\$740	NA	\$430	\$860	NA
228000				\$360	\$720	NA	\$380	\$760	NA	\$440	\$880	NA
230000				\$370	\$740	NA	\$390	\$780	NA	\$450	\$900	NA
232000				\$380	\$760	NA	\$400	\$800	NA	\$460	\$920	NA
234000				\$390	\$780	NA	\$410	\$820	NA	\$470	\$940	NA
236000				\$400	\$800	NA	\$420	\$840	NA	\$480	\$960	NA
238000				\$410	\$820	NA	\$430	\$860	NA	\$490	\$980	NA
240000				\$420	\$840	NA	\$440	\$880	NA	\$500	\$1,000	NA
242000				\$430	\$860	NA	\$450	\$900	NA	\$510	\$1,020	NA
244000				\$440	\$880	NA	\$460	\$920	NA	\$520	\$1,040	NA
246000				\$450	\$900	NA	\$470	\$940	NA	\$530	\$1,060	NA
248000				\$460	\$920	NA	\$480	\$960	NA	\$540	\$1,080	NA
250000				\$470	\$940	NA	\$490	\$980	NA	\$550	\$1,100	NA

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Single Axle Weights	Unrestricted			8-Ton			7-Ton			6-Ton		
	Trip	30 day	Season	Trip	30 day	Season	Trip	30 day	Season	Trip	30 day	Season
13000										\$5	\$10	NA
14000										\$10	\$20	NA
15000							\$5	\$10	NA	\$15	\$30	NA
16000							\$10	\$20	NA	\$20	\$40	NA
17000				\$5	\$10	NA	\$15	\$30	NA	\$25	\$50	NA
18000				\$10	\$20	NA	\$20	\$40	NA	\$30	\$60	NA
19000				\$15	\$30	NA	\$25	\$50	NA	\$35	\$70	NA
20000				\$20	\$40	NA	\$30	\$60	NA	\$40	\$80	NA
21000	\$5	\$10	\$50	\$25	\$50	NA	\$35	\$70	NA	\$45	\$90	NA
22000	\$10	\$20	\$100	\$30	\$60	NA	\$40	\$80	NA	\$50	\$100	NA
23000	\$15	\$30	\$150	\$35	\$70	NA	\$45	\$90	NA	\$55	\$110	NA
24000	\$20	\$40	\$200	\$40	\$80	NA	\$50	\$100	NA	\$60	\$120	NA
25000	\$25	\$50	\$250	\$45	\$90	NA	\$55	\$110	NA	\$65	\$130	NA
26000	\$30	\$60	\$300	\$50	\$100	NA	\$60	\$120	NA	\$70	\$140	NA
27000	\$35	\$70	\$350	\$55	\$110	NA	\$65	\$130	NA	\$75	\$150	NA
28000	\$40	\$80	\$400	\$60	\$120	NA	\$70	\$140	NA	\$80	\$160	NA
29000	\$45	\$90	\$450	\$65	\$130	NA	\$75	\$150	NA	\$85	\$170	NA
Max 30,000	\$50	\$100	\$500	\$70	\$140	NA	\$80	\$160	NA	\$90	\$180	NA

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Tandem Axle Weights	Unrestricted 30			8-Ton 30			7-Ton			6-Ton		
	Trip	day	Season	Trip	day	Season	Trip	30 day	Season	Trip	30 day	Season
25000										\$5	\$10	NA
26000										\$10	\$20	NA
27000										\$15	\$30	NA
28000										\$20	\$40	NA
29000							\$5	\$10	NA	\$25	\$50	NA
30000							\$10	\$20	NA	\$30	\$60	NA
31000							\$15	\$30	NA	\$35	\$70	NA
32000							\$20	\$40	NA	\$40	\$80	NA
33000				\$5	\$10	NA	\$25	\$50	NA	\$45	\$90	NA
34000				\$10	\$20	NA	\$30	\$60	NA	\$50	\$100	NA
35000	\$5	\$10	\$50	\$15	\$30	NA	\$35	\$70	NA	\$55	\$110	NA
36000	\$10	\$20	\$100	\$20	\$40	NA	\$40	\$80	NA	\$60	\$120	NA
37000	\$15	\$30	\$150	\$25	\$50	NA	\$45	\$90	NA	\$65	\$130	NA
38000	\$20	\$40	\$200	\$30	\$60	NA	\$50	\$100	NA	\$70	\$140	NA
39000	\$25	\$50	\$250	\$35	\$70	NA	\$55	\$110	NA	\$75	\$150	NA
40000	\$30	\$60	\$300	\$40	\$80	NA	\$60	\$120	NA	\$80	\$160	NA
41000	\$35	\$70	\$350	\$45	\$90	NA	\$65	\$130	NA	\$85	\$170	NA
42000	\$40	\$80	\$400	\$50	\$100	NA	\$70	\$140	NA	\$90	\$180	NA
43000	\$45	\$90	\$450	\$55	\$110	NA	\$75	\$150	NA	\$95	\$190	NA
44000	\$50	\$100	\$500	\$60	\$120	NA	\$80	\$160	NA	\$100	\$200	NA
45000	\$55	\$110	\$550	\$65	\$130	NA	\$85	\$170	NA	\$105	\$210	NA
46000	\$60	\$120	\$600	\$70	\$140	NA	\$90	\$180	NA	\$110	\$220	NA
47000	\$65	\$130	\$650	\$75	\$150	NA	\$95	\$190	NA	\$115	\$230	NA
48000	\$70	\$140	\$700	\$80	\$160	NA	\$100	\$200	NA	\$120	\$240	NA
49000	\$75	\$150	\$750	\$85	\$170	NA	\$105	\$210	NA	\$125	\$250	NA
Max 50,000	\$80	\$160	\$800	\$90	\$180	NA	\$110	\$220	NA	\$130	\$260	NA

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Triple Axle Weights	Unrestricted			8-Ton			7-Ton			6-Ton		
	Trip	30 day	Season	Trip	30 day	Season	Trip	30 day	Season	Trip	30 day	Season
31000										\$5	\$10	NA
32000										\$10	\$20	NA
33000										\$15	\$30	NA
34000										\$20	\$40	NA
35000										\$25	\$50	NA
36000										\$30	\$60	NA
37000							\$5	\$10	NA	\$35	\$70	NA
38000							\$10	\$20	NA	\$40	\$80	NA
39000							\$15	\$30	NA	\$45	\$90	NA
40000							\$20	\$40	NA	\$50	\$100	NA
41000							\$25	\$50	NA	\$55	\$110	NA
42000							\$30	\$60	NA	\$60	\$120	NA
43000				\$5	\$10	NA	\$35	\$70	NA	\$65	\$130	NA
44000				\$10	\$20	NA	\$40	\$80	NA	\$70	\$140	NA
45000				\$15	\$30	NA	\$45	\$90	NA	\$75	\$150	NA
46000				\$20	\$40	NA	\$50	\$100	NA	\$80	\$160	NA
47000				\$25	\$50	NA	\$55	\$110	NA	\$85	\$170	NA
48000				\$30	\$60	NA	\$60	\$120	NA	\$90	\$180	NA
49000	\$5	\$10	\$50	\$35	\$70	NA	\$65	\$130	NA	\$95	\$190	NA
50000	\$10	\$20	\$100	\$40	\$80	NA	\$70	\$140	NA	\$100	\$200	NA
51000	\$15	\$30	\$150	\$45	\$90	NA	\$75	\$150	NA	\$105	\$210	NA
52000	\$20	\$40	\$200	\$50	\$100	NA	\$80	\$160	NA	\$110	\$220	NA
53000	\$25	\$50	\$250	\$55	\$110	NA	\$85	\$170	NA	\$115	\$230	NA
54000	\$30	\$60	\$300	\$60	\$120	NA	\$90	\$180	NA	\$120	\$240	NA
55000	\$35	\$70	\$350	\$65	\$130	NA	\$95	\$190	NA	\$125	\$250	NA
56000	\$40	\$80	\$400	\$70	\$140	NA	\$100	\$200	NA	\$130	\$260	NA
57000	\$45	\$90	\$450	\$75	\$150	NA	\$105	\$210	NA	\$135	\$270	NA
58000	\$50	\$100	\$500	\$80	\$160	NA	\$110	\$220	NA	\$140	\$280	NA
59000	\$55	\$110	\$550	\$85	\$170	NA	\$115	\$230	NA	\$145	\$290	NA
60000	\$60	\$120	\$600	\$90	\$180	NA	\$120	\$240	NA	\$150	\$300	NA

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Quadruple Axle Weights	Unrestricted 30			8-Ton 30			7-Ton			6-Ton			
	Trip	day	Season	Trip	day	Season	Trip	30 day	Season	Trip	30 day	Season	
41000										\$5	\$10	NA	
42000										\$10	\$20	NA	
43000										\$15	\$30	NA	
44000										\$20	\$40	NA	
45000										\$25	\$50	NA	
46000										\$30	\$60	NA	
47000										\$35	\$70	NA	
48000										\$40	\$80	NA	
49000								\$5	\$10	NA	\$45	\$90	NA
50000								\$10	\$20	NA	\$50	\$100	NA
51000								\$15	\$30	NA	\$55	\$110	NA
52000								\$20	\$40	NA	\$60	\$120	NA
53000								\$25	\$50	NA	\$65	\$130	NA
54000								\$30	\$60	NA	\$70	\$140	NA
55000								\$35	\$70	NA	\$75	\$150	NA
56000								\$40	\$80	NA	\$80	\$160	NA
57000				\$5	\$10	NA		\$45	\$90	NA	\$85	\$170	NA
58000				\$10	\$20	NA		\$50	\$100	NA	\$90	\$180	NA
59000				\$15	\$30	NA		\$55	\$110	NA	\$95	\$190	NA
60000				\$20	\$40	NA		\$60	\$120	NA	\$100	\$200	NA
61000	\$5	\$10	\$50	\$25	\$50	NA		\$65	\$130	NA	\$105	\$210	NA
62000	\$10	\$20	\$100	\$30	\$60	NA		\$70	\$140	NA	\$110	\$220	NA
63000	\$15	\$30	\$150	\$35	\$70	NA		\$75	\$150	NA	\$115	\$230	NA
64000	\$20	\$40	\$200	\$40	\$80	NA		\$80	\$160	NA	\$120	\$240	NA
65000	\$25	\$50	\$250	\$45	\$90	NA		\$85	\$170	NA	\$125	\$250	NA
66000	\$30	\$60	\$300	\$50	\$100	NA		\$90	\$180	NA	\$130	\$260	NA
67000	\$35	\$70	\$350	\$55	\$110	NA		\$95	\$190	NA	\$135	\$270	NA
68000	\$40	\$80	\$400	\$60	\$120	NA		\$100	\$200	NA	\$140	\$280	NA

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5 Axle Grouping Weights	Unrestricted			8-Ton			7-Ton			6-Ton		
	Trip	30 day	Season	Trip	30 day	Season	Trip	30 day	Season	Trip	30 day	Season
51000										\$5	\$10	NA
52000										\$10	\$20	NA
53000										\$15	\$30	NA
54000										\$20	\$40	NA
55000										\$25	\$50	NA
56000										\$30	\$60	NA
57000										\$35	\$70	NA
58000										\$40	\$80	NA
59000										\$45	\$90	NA
60000										\$50	\$100	NA
61000							\$5	\$10	NA	\$55	\$110	NA
62000							\$10	\$20	NA	\$60	\$120	NA
63000							\$15	\$30	NA	\$65	\$130	NA
64000							\$20	\$40	NA	\$70	\$140	NA
65000							\$25	\$50	NA	\$75	\$150	NA
66000							\$30	\$60	NA	\$80	\$160	NA
67000							\$35	\$70	NA	\$85	\$170	NA
68000							\$40	\$80	NA	\$90	\$180	NA
69000							\$45	\$90	NA	\$95	\$190	NA
70000							\$50	\$100	NA	\$100	\$200	NA
71000				\$5	\$10	NA	\$55	\$110	NA	\$105	\$210	NA
72000				\$10	\$20	NA	\$60	\$120	NA	\$110	\$220	NA
73000				\$15	\$30	NA	\$65	\$130	NA	\$115	\$230	NA
74000				\$20	\$40	NA	\$70	\$140	NA	\$120	\$240	NA
75000				\$25	\$50	NA	\$75	\$150	NA	\$125	\$250	NA
76000	\$5	\$10	\$50	\$30	\$60	NA	\$80	\$160	NA	\$130	\$260	NA
77000	\$10	\$20	\$100	\$35	\$70	NA	\$85	\$170	NA	\$135	\$270	NA
78000	\$15	\$30	\$150	\$40	\$80	NA	\$90	\$180	NA	\$140	\$280	NA
79000	\$20	\$40	\$200	\$45	\$90	NA	\$95	\$190	NA	\$145	\$290	NA
80000	\$25	\$50	\$250	\$50	\$100	NA	\$100	\$200	NA	\$150	\$300	NA
81000	\$30	\$60	\$300	\$55	\$110	NA	\$105	\$210	NA	\$155	\$310	NA
82000	\$35	\$70	\$350	\$60	\$120	NA	\$110	\$220	NA	\$160	\$320	NA
83000	\$40	\$80	\$400	\$65	\$130	NA	\$115	\$230	NA	\$165	\$330	NA
84000	\$45	\$90	\$450	\$70	\$140	NA	\$120	\$240	NA	\$170	\$340	NA
85000	\$50	\$100	\$500	\$75	\$150	NA	\$125	\$250	NA	\$175	\$350	NA

SELF-PROPELLED EARTH MOVING EQUIPMENT												
Single Axle Weights	Unrestricted			8-Ton			7-Ton			6-Ton		
	Trip	30 day	Season	Trip	30 day	Season	Trip	30 day	Season	Trip	30 day	Season
28000										\$5	NA	NA
29000										\$10	NA	NA
30000							\$5	NA	NA	\$15	NA	NA
31000							\$10	NA	NA	\$20	NA	NA
32000							\$15	NA	NA	\$25	NA	NA
33000							\$20	NA	NA	\$30	NA	NA
34000							\$25	NA	NA	\$35	NA	NA
35000				\$5	NA	NA	\$30	NA	NA	\$40	NA	NA
36000				\$10	NA	NA	\$35	NA	NA	\$45	NA	NA
37000	\$5	NA	NA	\$15	NA	NA	\$40	NA	NA	\$50	NA	NA
38000	\$10	NA	NA	\$20	NA	NA	\$45	NA	NA	\$55	NA	NA
39000	\$15	NA	NA	\$25	NA	NA	\$50	NA	NA	\$60	NA	NA
40000	\$20	NA	NA	\$30	NA	NA	\$55	NA	NA	\$65	NA	NA
41000	\$25	NA	NA	\$35	NA	NA	\$60	NA	NA	\$70	NA	NA
42000	\$30	NA	NA	\$40	NA	NA	\$65	NA	NA	\$75	NA	NA
43000	\$35	NA	NA	\$45	NA	NA	\$70	NA	NA	\$80	NA	NA
44000	\$40	NA	NA	\$50	NA	NA	\$75	NA	NA	\$85	NA	NA
45000	\$45	NA	NA	\$55	NA	NA	\$80	NA	NA	\$90	NA	NA
46000	\$50	NA	NA	\$60	NA	NA	\$85	NA	NA	\$95	NA	NA
47000	\$55	NA	NA	\$65	NA	NA	\$90	NA	NA	\$100	NA	NA
48000	\$60	NA	NA	\$70	NA	NA	\$95	NA	NA	\$105	NA	NA
49000	\$65	NA	NA	\$75	NA	NA	\$100	NA	NA	\$110	NA	NA
50000	\$70	NA	NA	\$80	NA	NA	\$105	NA	NA	\$115	NA	NA
51000	\$75	NA	NA	\$85	NA	NA	\$110	NA	NA	\$120	NA	NA
52000	\$80	NA	NA	\$90	NA	NA	\$115	NA	NA	\$125	NA	NA
53000	\$85	NA	NA	\$95	NA	NA	\$120	NA	NA	\$130	NA	NA
54000	\$90	NA	NA	\$100	NA	NA	\$125	NA	NA	\$135	NA	NA
55000	\$95	NA	NA	\$105	NA	NA	\$130	NA	NA	\$140	NA	NA

SELF-PROPELLED TRUCK CRANES

Self-propelled truck cranes shall be allowed a maximum of 550 lbs. per inch width of tire without additional overweight fee, up to a maximum gross vehicle weight of 150,000 lbs. Anything over 150,000 lbs. gross vehicle weight will be charged at \$5/1,000 lbs. for single trip, \$10/1,000 lbs. for 30 day permit, or \$50/1,000 lbs. for seasonal permit.

Weights in excess of 550 lbs. per inch of tire shall be assessed a \$5/1000 lbs. for single trip, \$10/1000 lbs. for 30 day permit, or \$50/1000 lbs. for seasonal permit of additional weight per axle configuration.

2-14. Pilot Car Policy

Purpose: To establish a policy in the interest of public highway safety to show when pilot cars are required and what the requirements of the pilot car are when moving oversize and overweight loads.

Policy Statement: Cass County will require pilot cars as part of the permit conditions for the movement of vehicles and loads of extraordinary size and weight on the county highway system.

Procedure:

A. The following factors determine when pilot cars are required:

1. Over-width movements
 - a. All movements exceeding 14 feet 6 inches in overall width, but not exceeding 16 feet in overall width, shall have one pilot car precede the movement at a distance of 300 to 700 feet on two-lane highways. In lieu of the pilot car requirement, the over-width vehicle itself, or vehicle towing or hauling an over-width load, may be equipped with a lighted rotating or flashing amber light or lights that are visible from front and rear for a minimum of 500 feet.
 - b. All movements exceeding 16 feet in overall width shall have one pilot car precede the movement at a distance of 300 to 700 feet and shall have one pilot car follow the movement at a distance of 300 to 700 feet on two-lane highways.
2. Over-length movements
 - a. All movements exceeding 120 feet in overall length shall have one pilot car follow the movement at a distance of 300 to 700 feet.
3. Over-height movements
 - a. All movements exceeding 18 feet in overall height shall have one pilot car precede the movement at a distance of 300 to 700 feet.
4. Over-weight movements
 - a. All movements of self-propelled earthmoving equipment that are roaded shall have one pilot car follow the movement at a distance of 300 to 700 feet on all streets because of a maximum speed limit of 20 miles per hour.
 - b. The county engineer may require one or two pilot cars on other over-weight movements that exceed the normal permissible weights.

B. Other factors determining when pilot cars are required:

1. Combinations of 1, 2, 3, or 4 above may require one or more pilot cars as determined by the county engineer.

C. Pilot Car Requirements

1. All vehicles used as pilot cars must meet the following requirements:
 - a. Vehicle must be a passenger vehicle or 2-axle truck only
 - b. Vehicle must meet requirements of Title 39 NDCC
 - c. Driver of the pilot car must have a valid driver's license and be 18 years of age or older.
 - d. The vehicle must have, on the highest part, a sign that is minimum 12 inches in height and 60 inches in length with the words OVERSIZE LOAD on it. The sign shall be yellow with black lettering. The lettering shall not be less than 8 inches high and 1-inch brush strokes. In addition, flashing amber lights shall be mounted on both ends of the sign. In place of the two alternating lights, there can be one centrally mounted revolving amber light on the top of the sign.
 - e. There shall be radio communication between the pilot car(s) and the vehicle being escorted.
 - f. When not being used for an escort, all warning signs and lights must be completely covered or removed from the pilot car(s).
2. When operating in convoy, additional pilot cars will not be required provided that each unit in convoy keep at least 1,000 feet apart so as not to hamper passing traffic.
3. Radio communication will not be required when escorting self-propelled earthmoving equipment.

APPROVED:

ss/Ken Pawluk
Ken Pawluk, Chairman
Board of Commissioners of the
County of Cass

ATTEST:

ss/Michael Montplaisir
Michael Montplaisir, County Auditor

First Reading: January 22, 2008
Second Reading: February 19, 2008
Final Passage: February 19, 2008
Publication: January 28, 2008

SUBJECT: ORDINANCE #2005-3 AMENDED (OPEN BURNING RESTRICTION)

ADOPTED DATE: JUNE 15, 2023

PAGE 1 OF 4

CASS COUNTY
OPEN BURNING
RESTRICTION
AMENDED ORDINANCE #2005-3

Section 1

GENERAL PROVISIONS

- 1.1 The purpose of this Ordinance is to promote and enhance the public health, safety, comfort, and the general welfare of Cass County, North Dakota; and to provide for a countywide restriction of open fires when local fire officials in Cass County determine conditions to be unsafe for open fires.
- 1.2 In the interpretation and application of this Ordinance, all provisions shall be liberally construed in favor of the governing body and deemed neither to limit, supersede, or contravene any other North Dakota state statute or regulation regarding open burning, including, but not limited to, Chapter 23-29 (Solid Waste Management and Land Protection Act) and 37-17.1 (North Dakota Disaster Act) of the North Dakota Century Code and Chapter 33-15-04 (Open Burning Restrictions) of the North Dakota Administrative Code.

Section 2

DEFINITIONS

- 2.1 Unless specifically defined below, words or phrases used in this Ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this Ordinance its most reasonable application.
- 2.2 An "open burning restriction" means no person shall initiate, cause, conduct, or permit open fires.
- 2.3 An "open fire" means those types of permissible burning specifically authorized under Subsection 1 of Section 33-15-04-02 of the North Dakota Administrative Code; except for (1) fires in open containers not less than 15 feet from a structure and (2) ceremonial fires with a total fuel area of 3 feet or less in diameter and 2 feet or less in height.

SUBJECT: ORDINANCE #2005-3 AMENDED (OPEN BURNING RESTRICTION)

ADOPTED DATE: JUNE 15, 2023

PAGE 2 OF 4

- 2.4 “Willfully” means a person engages in the conduct intentionally, knowingly, or recklessly. A person engages in conduct:
- A. “Intentionally” if, when he engages in the conduct, it is his purpose to do so.
 - B. “Knowingly” if, when he engages in the conduct, he knows or has a firm belief, unaccompanied by substantial doubt, that he is doing so, whether or not it is his purpose to do so.
 - C. “Recklessly” if he engages in the conduct in conscious and clearly unjustifiable disregard of a substantial likelihood of the existence of the relevant facts or risks, such disregard involving a gross deviation from acceptable standards of conduct, except that, as provided in Section 12.1-04-02 of the North Dakota Century Code, awareness of the risk is not required where its absence is due to self-induced intoxication.

Negligent conduct does not constitute willful conduct for the purpose of this Ordinance.

Section 3

AUTHORIZATION FOR OPEN BURN RESTRICTION

- 3.1 The Chair of the Commission may declare a restriction on open burning for a period not to exceed seven (7) days.
- 3.2 Open burning restrictions may be continued or renewed for a period in excess of seven days with the consent of the Commission.
- 3.3 Any order or proclamation declaring an open burning restriction must be given prompt and general publicity and must be filed with the county auditor.
- 3.4 In determining whether to declare a restriction on open burning the Chair of the Commission and the Commissioners should consider the following factors:
 - A. The Rangeland Fire Danger Index issued by the National Weather Service.
 - B. Red Flag Warnings issued by the National Weather Service.
 - C. The fire response capabilities of local fire departments.
 - D. Information provided by the North Dakota Fire Service and the State Fire Marshall’s Office.
 - E. Information provided by the County Emergency Manager.

SUBJECT: ORDINANCE #2005-3 AMENDED (OPEN BURNING RESTRICTION)

ADOPTED DATE: JUNE 15, 2023

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- F. Information provided by local fire department officials.
 - G. Information provided by local law enforcement officials.
 - H. The public health, safety, comfort and general welfare of the county.
- 3.5 Open burning restrictions should be rescinded when fire danger conditions have improved or when previously diminished fire response capabilities have been restored.

Section 4

NOTIFICATION OF OPEN FIRES

- 4.1 A person shall notify the Red River Regional Dispatch Center prior to initiating, causing, conducting, or permitting open fires in Cass County.

Section 5

PENALTIES

- 5.1 A willful violation of this ordinance shall be a Class B Misdemeanor.

Section 6

SEVERABILITY CLAUSE

- 6.1 Should any section, provision or part of this Ordinance be adjudged invalid or unconstitutional, such adjudication should not affect the validity of the Ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SUBJECT: ORDINANCE #2005-3 AMENDED (OPEN BURNING RESTRICTION)

ADOPTED DATE: JUNE 15, 2023

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APPROVED:

ss/Chad M. Peterson
Chad M. Peterson, Chairman
Board of Commissioners of the
County of Cass

ATTEST:

ss/Brandy Madrigga
Brandy Madrigga
County Finance Director

First reading: 05/05/2023
Second reading: 06/15/2023
Final Passage: 06/15/2023
Publication: 05/17/2023

(SEAL)

HISTORICAL REFERENCE DATE: JULY 18, 2005
JUNE 17, 2013

SUBJECT: ORDINANCE #2005-4 (CASS COUNTY JAIL ADDITION PROJECT)

ADOPTED DATE: AUGUST 1, 2005

Page 1 of 4

**CONSTRUCTION AND FINANCING OF AN ADDITION TO THE COUNTY JAIL
CASS COUNTY ORDINANCE #2005-4**

PURPOSE:

It is the purpose of this Ordinance to facilitate the construction and financing of an addition to the Cass County Jail that is currently owned and operated by the County of Cass, North Dakota. It is also the purpose of this ordinance to provide for the construction and financing through a process and manner that is different from and supersedes that provided in North Dakota Century Code 11-11-16 and 11-11-18.

DEFINITIONS:

Cass County Jail - building located at 450 34th Street South in Fargo built in 2000-2002.

Cass County Jail Addition - Proposed addition to the Cass County Jail consisting of two 48-bed pods to be used for prisoner boarding.

HISTORY:

The Cass County Jail was built over a two-year period starting in 2000 and was financed by a ½ of 1 percent sales tax authorized by the voters of Cass County. The jail was originally built as a 250-bed facility housing maximum, minimum, and worker release inmates. The jail houses both male and female inmates. The Cass County jail was constructed using a “pod” system where each pod contains one to four housing units, based on inmate classification. The administrative, food service, laundry and mechanical areas of the jail were designed to accommodate up to 550 inmates through the addition of six pods. This proposed addition of two pods is the first addition to the original jail. The ½ of 1 percent sales tax was intended to provide funds for the first addition; at this time the Jail Fund has approximately \$5.2 million dollars.

AUTHORITY:

The county is operating under a Home Rule Charter approved by the voters of Cass County on November 1, 1994 with 57.75% positive vote. Paragraph 2 of Article 2, Home Rule Powers of County, reads in part:

“Control its finances and fiscal affairs; appropriate money for its purposes, and make payments of its debts and expenses; subject to the limitations of Article 9, levy and collect taxes, excises, fees and special assessments for benefits conferred, for its public and proprietary functions, activities, operations, undertakings, and improvements; contract debts, borrow money, issue bonds, warrants, and other evidences of indebtedness; establish charges for any county or other services to the extent authorized by state law, and establish debt and mill levy limitations subject to Article 9.”

Article 9 of the Home Rule Charter deals with revenue authority, and Section 2 - Limitations, Subsection 1, reads in part:

“No ordinance or resolution may be adopted by the Board of County Commissioners levying property taxes in excess of 75 mills in total until referred by the Board of County Commissioners for approval by the electorate at any regular county election.”

The funds for this project consist of the balance of the Jail Construction Fund that was established with the sales tax revenue from the ½ of 1 percent sales tax that funded the original jail. With this ordinance, the county commission is establishing a budget for the Cass County jail addition project of up to \$5.5 million, to come from the jail sales tax fund. This process and manner of financing is different from and supersedes that provided in North Dakota Century Code 11-11-16 and 11-11-18.

BUILDING COMMITTEE:

A building committee was appointed by the Chairman of the Cass County Commission, on July 5, 2005. The committee is made up of the following individuals and any other members as subsequently appointed by the County Commission:

Vern Bennett, County Commissioner
Bonnie Johnson, County Coordinator
Glenn Ellingsberg, Captain, County Sheriff's Department
Don Rudnick, Cass County Sheriff
Michael Montplaisir, Cass County Auditor

The building committee will be known as the Jail Building Committee (JBC) and will undertake the responsibility of researching the changes needed to the existing jail and design of the additional pods. The tasks of the JBC include, but are not limited to, the following items:

Prepare plans and specifications and submit to the County Commission for approval prior to bidding the project.

Receive, review, and recommend bids for the building project to the County Commission.

Review and approve change orders for the building project amounting to less than \$5,000 per change order or change orders in the aggregate that do not exceed 5% of the bid award. In change orders over \$5,000 individually, the committee must seek approval from the County Commission.

Conduct the final walk-through prior to accepting the building project.

TIMELINE:

The Jail Building Committee is directed to start work on this project immediately upon adoption of this ordinance. The JBC is directed to report to the County Commission the status of this project through monthly written reports and/or appearances at a regularly scheduled commission meeting.

SEVERABILITY:

Should any section, provision or part of this Ordinance be adjudged invalid or unconstitutional, such adjudication should not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

APPROVED:

ss/Darrell Vanyo
Darrell Vanyo, Chairman
Board of Commissioners of the
County of Cass

ATTEST:

ss/Michael Montplaisir
Michael Montplaisir, County Auditor

First Reading: 07/05/2005
Second Reading: 08/01/2005
Final Passage: 08/01/2005
Publication: 07/11/2005

(SEAL)

HISTORICAL REFERENCE DATE: August 1, 2005

SUBJECT: ORDINANCE #2005-5 (ALCOHOLIC BEVERAGE SALE AND CONSUMPTION)

ADOPTED DATE: SEPTEMBER 19, 2005

Page 1 of 1

CASS COUNTY GOVERNMENT
ORDINANCE #2005-5

AN ORDINANCE TO EXTEND THE POSSIBLE CLOSING TIME FOR ALCOHOLIC
BEVERAGE SALE AND CONSUMPTION WITHIN CASS COUNTY

WHEREAS, N.D.C.C. §5-02-01 requires any person engaging in the retail sale of alcoholic beverages to secure an appropriate license from the Attorney General and a local license from the local governing body; and

WHEREAS, N.D.C.C. §5-02-09 provides that the local governing body may by ordinance or resolution regulate or restrict the operation of licensees including, among other things, the setting of hours; and

WHEREAS, In the 2005 legislative session, the North Dakota Legislature modified N.D.C.C. §5-02-05 to, among other things, extend the possible closing time from 1:00 a.m. until 2:00 a.m.

NOW, THEREFORE, Be it resolved by the Cass County Board of Commissioners that those licensees engaged in the retail sale of alcoholic beverages and subject to the requirements of N.D.C.C. Chapter 5-02, and located outside the corporate limits of any city but within Cass County, may engage in the sale of alcoholic beverages until 2:00 a.m. Monday through Sunday, except on those certain days prohibited by law.

APPROVED:

ss/Darrell Vanyo
Darrell Vanyo, Chairman
Board of Commissioners of the
County of Cass

ATTEST:

ss/Michael Montplaisir
Michael Montplaisir
County Auditor

First Reading: 08/15/2005
Second Reading: 09/19/200
Final Passage: 09/19/2005
Publication: 08/29/2005

(SEAL)

HISTORICAL REFERENCE DATE: SEPTEMBER 19, 2005

SUBJECT: ORDINANCE #2006-1 AMENDED (CASS COUNTY SUBDIVISION ORDINANCE)

ADOPTED DATE: SEPTEMBER 19, 2022

PAGE 1 OF 1

AN ORDINANCE REGULATING SUBDIVISIONS IN CASS COUNTY:

WHEREAS, The County of Cass has a Home Rule Charter, enacted in 1994 pursuant to North Dakota Century Code Chapter 11-09.1; and

WHEREAS, within the Home Rule Charter Article 2, the electors granted the Cass County Board of Commissioners authority to provide for public health, safety and welfare, and to provide for zoning, planning and subdivision of public or private property within the county limits but outside the zoning authority of any city or organized township; and

WHEREAS, the Board of County Commissioners is responsible for the regulation of subdivision within the zoning authority of the organized townships, and the organized townships are responsible for the regulation of zoning, as generally recognized under the "Planning Function of Cass County," adopted May 3, 1993.

NOW, THEREFORE, be it ordained by the Board of Commissioners of the County of Cass that the Cass County Subdivision Ordinance, which is attached and incorporated by reference, is hereby enacted this 6th day of March, 2006, and amended this 19th day of September, 2022.

APPROVED:

ss/Rick Steen
Rick Steen, Chairman
Board of Commissioners
County of Cass

ATTEST:

ss/Brandy Madrigga
Brandy Madrigga
Cass County Finance Director

(SEAL)

First Reading: 08/15/2022
Second Reading: 09/19/2022
Final Passage: 09/19/2022
Publication: 08/17/2022

HISTORICAL REFERENCE DATE: MARCH 6, 2006
MARCH 5, 2012
JUNE 6, 2016
JULY 18, 2018
JULY 1, 2019
NOVEMBER 18, 2019

SUBJECT: ORDINANCE #2007-1 AMENDED (CASS COUNTY HIGHWAY ACCESS)

ADOPTED DATE: AUGUST 3, 2015

PAGE 1 OF 2

AN ORDINANCE REGULATING ACCESS ONTO HIGHWAYS IN CASS COUNTY:

WHEREAS, The County of Cass has a Home Rule Charter, enacted in 1994 pursuant to North Dakota Century Code Section 11-09.1; and

WHEREAS, within the Home Rule Charter Article 2, the electors granted the Cass County Board of Commissioners authority to provide for the adoption, amendment, repeal, initiation, referral, enforcement, and penalties for violation of ordinances, resolutions, and regulations to carry out its governmental and proprietary powers and to provide for public health, safety and welfare; and

WHEREAS, within the Home Rule Charter Article 2, the electors granted the Cass County Board of Commissioners authority to lay out or vacate public grounds, and provide for the construction, use, operation, designation, and regulation of a county road system; and

WHEREAS, N.D.C.C. §24-01-30 provides county highway authorities the power to establish controlled-access facilities for public use wherever such authority or authorities are of the opinion that traffic conditions, present or future, will justify such special facilities. Said highway authorities of the county, in addition to the specific powers granted by law, also have and may exercise, relative to controlled-access facilities, any and all additional authority now or hereafter vested in them relative to highways or streets within their respective jurisdictions. Said units may regulate, restrict, or prohibit use of such controlled-access facilities by the various classes of vehicles or traffic in a manner consistent with the definition of a controlled-access facility; and

WHEREAS, the primary function of County Highways is to carry large volumes of through traffic and a secondary and subservient function is to provide access to abutting property; and

WHEREAS, the absence of reasonable controls and regulations for access results in a reduction of roadway capacity and safety. Unregulated access substantially increases delay and congestion to the motoring public using the County Highway system; and

WHEREAS, conflicts between vehicles using a County Highway and vehicles entering and exiting via access facilities are minimized through the application of appropriate design standards. Therefore, the application of controlled-access will promote consistent driver expectations resulting in maximum operational efficiencies and safety, and protect the public investment in County Highways.

SUBJECT: ORDINANCE #2007-1 AMENDED (CASS COUNTY HIGHWAY ACCESS)

ADOPTED DATE: AUGUST 3, 2015

PAGE 2 OF 2

NOW, THEREFORE, be it ordained by the Board of Commissioners of the County of Cass that the Cass County Highway Access Ordinance, which is attached and incorporated by reference, is hereby enacted this 2nd day of April, 2007.

APPROVED:

ss/Chad M. Peterson
Chad M. Peterson, Chairman
Board of Commissioners of the
County of Cass

ATTEST:

ss/Michael Montplaisir
Michael Montplaisir, County Auditor

(SEAL)

First Reading: 07/06/2015
Second Reading: 08/03/2015
Final Passage: 08/03/2015
Publication: 07/13/2015

HISTORICAL REFERENCE DATE: APRIL 2, 2007

SUBJECT: ORDINANCE #2009-1 (COURTHOUSE WEST ADDITION)

ADOPTED DATE: OCTOBER 19, 2009

Page 1 of 3

**CONSTRUCTION AND FINANCING OF THE WEST ADDITION TO THE CASS COUNTY
COURTHOUSE
CASS COUNTY ORDINANCE #2009-1**

PURPOSE:

It is the purpose of this Ordinance to facilitate the construction and financing of an addition to the Cass County Courthouse at 211 9th Street South in Fargo, North Dakota. It is also the purpose of this ordinance to provide for the construction and financing through a process and manner that is different from and supersedes that provided in North Dakota Century Code 11-11-16, 11-11-18 and 21-03-07.

DEFINITIONS:

Cass County Courthouse - the Cass County Courthouse is a building located at 211 9th Street South in Fargo, North Dakota that houses the administrative offices of Cass County, the state office of Clerk of District Court, and the state offices and courtrooms of the East Central Judicial District.

HISTORY:

Over the past ten (10) years the county has spent considerable funds and time in studying the space needs of county departments and the East Central Judicial District Court and has determined that a need for additional space for county administrative offices and meeting rooms, improved mechanical and maintenance facilities, improved prisoner holding facilities and secure corridors for movement of prisoners between the holding facility and the courtrooms, and additional offices and courtrooms for the East Central Judicial District Court. Cass County Government also seeks to improve the Information Technology infrastructure of the Courthouse.

The County Commission will during its deliberations for the 2011 budget dedicate sufficient mills against the taxable valuation of the county for a period of up to twelve years for the purpose of retiring debt incurred to plan and construct an addition to the Cass County Courthouse.

AUTHORITY:

The County is operating under a Home Rule Charter approved by the voters of Cass County on November 1, 1994 with 57.75% positive vote. Paragraph 2 of Article 2, Home Rule Powers of County, reads in part:

“Control its finances and fiscal affairs; appropriate money for its purposes, and make payments of its debts and expenses; subject to the limitations of Article 9, levy and collect taxes, excises, fees and special assessments for benefits conferred, for its public and proprietary functions, activities, operations, undertakings, and improvements; contract debts, borrow money, issue bonds, warrants, and other evidences of indebtedness; establish charges for any county or other services to the extent authorized by state law, and establish debt and mill levy limitations subject to Article 9.”

SUBJECT: ORDINANCE #2009-1 (COURTHOUSE WEST ADDITION)

ADOPTED DATE: OCTOBER 19, 2009

Page 2 of 3

Article 9 of the Home Rule Charter deals with revenue authority and Section 2 - Limitations, Subsection 1 reads in part:

“No ordinance or resolution may be adopted by the Board of County Commissioners levying property taxes in excess of 75 mills in total until referred by the Board of County Commissioners for approval by the electorate at any regular county election.”

The tax levied to retire the debt contracted for these buildings will be dedicated by the County Commission within its 75 mill levy authority for up to and including two mills for a period not exceeding twelve years for the addition to the County Courthouse. The current (2008) mill levy for the county is 61.00 mills, or 14.00 mills below its current authority. This process and manner of financing is different from and supersedes that provided in North Dakota Century Code 11-11-16, 11-11-18 and 21-03-07.

BUILDING COMMITTEE:

A building committee was appointed by then Chairman of the Cass County Commission, Scott Wagner, and approved by the County Commission on December 15, 2003. The committee is made up of the following individuals and any other members as subsequently appointed by the County Commission:

Scott Wagner, County Commissioner and Chairman of the committee
Darrel Vanyo, County Commissioner
Michael Montplaisir, County Auditor
Bonnie Johnson, County Administrator
Judge Douglas R. Herman, East Central Judicial District

The building committee will be known as the Building Committee and will undertake the responsibility of supervising the construction of the addition to the Cass County Courthouse. The tasks of the Building Committee include, but are not limited to, the following items:

Prepare plans and specifications and submit to the County Commission for approval prior to bidding the project.

Receive, review, and recommend bids for the building project to the County Commission.

Review and approve change orders for the building project amounting to less than \$5,000 per change order or change orders in the aggregate that do not exceed 5% of the bid award. In change orders over \$5,000 individually or change orders in the aggregate that exceed 5%, the committee must seek approval from the County Commission.

Supervise the construction of the building project.

Conduct the final walk-through prior to accepting the building project.

SUBJECT: ORDINANCE #2009-1 (COURTHOUSE WEST ADDITION)

ADOPTED DATE: OCTOBER 19, 2009

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Research and recommend a financing method for the project not to exceed \$14,700,000 in total (including \$5,800,000 from the Building Fund) nor more than twelve years in length for the addition to the Courthouse, keeping in mind the taxing authority and County levy limitations under the North Dakota Century Code and Cass County's Home Rule Charter.

TIMELINE:

The Building Committee is directed to start work on this project immediately upon adoption of this ordinance. The Building Committee is directed to report to the County Commission the status of this project through monthly written reports and/or appearances at a regularly scheduled Commission meeting. The Building Committee is directed to substantially complete the addition to the Courthouse during the calendar year 2011.

SEVERABILITY:

Should any section, provision or part of this Ordinance be adjudged invalid or unconstitutional, such adjudication should not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

APPROVED:

ss/Robyn Sorum
Robyn Sorum, Chairwoman
Board of Commissioners of the
County of Cass

ATTEST:

ss/Michael Montplaisir
Michael Montplaisir, County Auditor

First Reading: September 21, 2009
Second Reading: October 19, 2009
Final Passage: October 19, 2009
Publication: September 28, 2009

(SEAL)

HISTORICAL REFERENCE DATE: OCTOBER 19, 2009

SUBJECT: ORDINANCE #2009-2 (INITIATING AND REFERRING ORDINANCES)

ADOPTED DATE: OCTOBER 19, 2009

Page 1 of 6

**INITIATING AND REFERRING ORDINANCES IN CASS COUNTY
CASS COUNTY ORDINANCE #2009-2**

1) PURPOSE:

It is the purpose of this Ordinance to facilitate the implementation of the Initiative and Referendum provision of Article 4 of the Home Rule Charter (HRC) approved by the voters of Cass County on November 1, 1994 which reads as follows:

Article 4
Initiative and Referendum

The powers of initiative and referendum are reserved to the electors of Cass County. The applicable provisions of state law will govern the exercise of the powers of initiative and referendum under this charter. The number of signatures required to exercise these powers is at least equal in number to fifteen per cent of the number of electors voting in the county for the office of governor in the last general election.

2) HISTORY:

The HRC was adopted by the voters of Cass County on November 1, 1994 and does not elaborate in Article 4 as to which state laws will govern the exercise of the powers of initiative and referendum. There are no applicable state laws on initiative and referrals for county governments in state law, however there are state laws governing initiative and referrals for state measures and for ordinances in municipal (city) government. This ordinance will define the procedures for initiating and referring ordinances to the voters of Cass County. Since county government is more closely related to municipal government than state government the ordinance was developed using North Dakota Century Code chapter 40-12 with some provisions taken from Title 16.1 of the NDCC - Elections.

3) DEFINITIONS:

Initiate: to propose (a measure) by initiative procedure: *to initiate an ordinance*

Refer: to submit (a matter in dispute) to an authority for arbitration, decision, or examination.

- a) **PETITION PROCESS - PETITION - ORDINANCE:** "Petition Process" refers to both the initiative and referendum procedure. "Petition" refers to the document which is drafted to initiate or refer an "ordinance" and upon which signatures are gathered. The terms "petition" and "ordinance" are often used interchangeably; thus you will hear terms like "initiated ordinance" and "initiated petition" or "referral petition" and "referred ordinance." After a "petition" to initiate or refer an "ordinance" has qualified for placement on the ballot, it is almost always exclusively referred to as an "ordinance." You will then hear terms like "ordinance number one," and "ordinance number two."

SUBJECT: ORDINANCE #2009-2 (INITIATING AND REFERRING ORDINANCES)

ADOPTED DATE: OCTOBER 19, 2009

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b) THE TWO POSSIBLE USES OF THE PETITION PROCESS ARE:

- i. **STATUTORY INITIATIVE:** Statutory Initiative refers to the use of the petition process to amend or enact a new county ordinance.
- ii. **REFERRED ORDINANCE - REFERRAL INITIATIVE - REFERRAL DRIVE:** These three terms are used interchangeably and refer to the use of the petition process to "refer to a vote of the people" ordinances passed by the County Commission.

4) SUBMISSION OF PROPOSED ORDINANCE BY PETITION:

A proposed ordinance may be submitted to the Cass County Commission by a petition signed by qualified electors thereof equal in number to at least fifteen percent of the number of electors voting in the county for the office of governor in the last general election. The petition must be filed in the county auditor's office, and must contain a request that the ordinance set out in the petition be submitted to a vote of the qualified electors of the county.

5) SUBMISSION OF PETITION TO REFER AN ORDINANCE:

An ordinance which has been adopted by Cass County may be referred to the qualified electors of the county by a petition protesting against such ordinance. Such petition shall be signed by qualified electors thereof equal in number to at least fifteen percent of the number of electors voting in the county for the office of governor in the last general election and shall be presented to the county commission within thirty days and before four p.m. on the thirtieth day after the ordinance described in the petition was adopted by the county commission. If a petition is mailed to the county commission, it shall be in the possession of such body before four p.m. on the thirtieth day after the ordinance was adopted. Unless the ordinance protested against was passed by a four-fifths vote of the members of the county commission for the immediate preservation of the public peace, health, and safety and contains a statement of its urgency, it shall be suspended upon the filing of the petition. The county commission shall reconsider the ordinance described therein, and if it is not entirely repealed, the governing body shall submit it to the vote of the qualified electors of the county at the next regular primary or general election.

6) GATHERING SIGNATURES:

Only qualified electors of the county may sign petitions provided for in this ordinance. The petition must state the purpose of the petition and in the case of initiated ordinances must contain the ordinance. Each petition, in addition to the names of the petitioners, must contain the name of the street upon, and the number of the house in which each petitioner resides and a contact phone number for the signer. The petitions must be signed in the presence of the circulator who must be a qualified elector of the county; it must also be accompanied by the affidavit of the circulator stating that the signers were qualified electors of the county at the time of signing, and the number of signers upon the petition at the time when the affidavit was made.

Petitions filed must be accompanied by a notarized affidavit attesting to the fact that to the best of that person's knowledge, the petitions contain at least the required number of signatures.

SUBJECT: ORDINANCE #2009-2 (INITIATING AND REFERRING ORDINANCES)

ADOPTED DATE: OCTOBER 19, 2009

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7) REVIEW OF SIGNATURES:

Within thirty days after the filing of a petition to initiate or refer an ordinance, the county auditor shall examine the petition and ascertain from the voters' register whether or not the petition is signed by the requisite number of qualified electors. The county auditor shall conduct a representative random sampling of the signatures contained in the petitions by the use of questionnaires, postcards, telephone calls, personal interviews, or other accepted information gathering techniques or combination thereof. The county commission shall allow such extra help for the examination of the petition as it deems necessary. The county auditor shall attach to the petition the county auditor's certificate showing the result of the examination and if the petition is insufficient, the county auditor shall state in the county auditor's certificate the reasons therefore. If the county auditor's certificate shows the petition to be insufficient, it may be amended within ten days from the date of the certificate, however, if the petition is deemed insufficient due to an inadequate number of signatures, additional signatures may not be gathered at this time. Within ten days after any such amendment, the county auditor shall make an examination of the amended petition, and if the county auditor's certificate attached thereto shall show the amended petition to be insufficient, it shall be returned to the person filing the same without prejudice to the filing of a new petition to the same effect. If the petition is sufficient, the county auditor shall submit it to the county commission without delay.

8) TIMELINE FOR ELECTIONS:

Initiated or Referred Ordinances will be scheduled on the next Primary or General Election if the petitions with enough valid signatures are filed by 4:00 PM one hundred ten days prior to the election. Petitions filed after the 4:00 PM deadline before a Primary or General Election will be scheduled for the next following Primary or General Election.

9) FORM OF BALLOTS TO BE USED IN VOTING ON INITIATED OR REFERRED ORDINANCE:

The ballot to be used in voting upon an initiated ordinance shall be in substantially the following form:

Shall an initiated ordinance as published in the official county newspaper on _____ relating to _____ (stating the nature of the proposed ordinance) be adopted:

Yes []

No []

The ballot to be used in voting upon a referred ordinance shall be in substantially the following form:

Shall ordinance No. _____ as published in the official county newspaper on _____ relating to _____ (stating the nature of the proposed ordinance) approved by the board of county commissioners be approved?

Yes []

No []

SUBJECT: ORDINANCE #2009-2 (INITIATING AND REFERRING ORDINANCES)

ADOPTED DATE: OCTOBER 19, 2009

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10) PUBLICATION OF PROPOSED OR REFERRED ORDINANCE OR PROPOSITION BEFORE ELECTION:

The county auditor shall publish any ordinance or proposition once each week for two consecutive weeks before the election in the official county newspaper.

11) ADOPTION OF PROPOSED ORDINANCE—EFFECT—REPEAL OR AMENDMENT OF INITIATED ORDINANCE:

If a majority of the qualified electors voting on an initiated ordinance vote in favor thereof, it shall become a valid and binding ordinance of the county. Any ordinance proposed by a petition and adopted by a vote of the people cannot be repealed or amended except by a vote of the people. Initiated ordinances become effective on the first day of the month following the election in which the ordinance was passed.

12) REFERRED MEASURE—SUBMISSION—RESULT OF ELECTION:

A referred ordinance shall not go into effect or become operative unless a majority of the qualified electors voting on the same shall vote in favor thereof. If the referred ordinance was not suspended by the filing of the referendum petition, it no longer shall be effective if it is disapproved by a majority vote of the qualified electors voting on the same. If the referred measure is approved it becomes effective immediately.

13) FINANCIAL REPORTING:

Any person or ordinance committee who is soliciting or accepting contributions for the purpose of aiding or opposing the circulation or passage of an initiative or referendum petition or ordinance placed upon a countywide ballot by action of the county commission or through petition by the electorate, shall file a detailed statement identifying contributors who made contributions in excess of \$100 in the aggregate during the reporting period and a detailed listing of all expenditures made in excess of \$100 in the aggregate. The statement must include the name, mailing address, contact telephone number, amount of each reportable contribution or expenditure and the date each reportable contribution was received or expenditure made.

The statement required of a person or ordinance committee must be filed with the Cass County Auditor no later than the twelfth day prior to the date of the election in which the ordinance appears or would have appeared on the ballot complete from the beginning of that calendar year through the twentieth day prior to the date of the election. A complete statement for the entire calendar year must be filed no later than the thirty-first day of January of the following year. Even if a person required to report according to this section has not received any contributions or expenditures during the reporting period, the person shall file a statement as required by this chapter. The statement must show the following: the gross total of all contributions received and expenditures made in excess of \$100; the gross total of all contributions received and expenditures made of one hundred dollars, or less; and the cash on hand in the filer's account at the start and close of the reporting period. Forms for reporting are available from the County Auditor's office.

SUBJECT: ORDINANCE #2009-2 (INITIATING AND REFERRING ORDINANCES)

ADOPTED DATE: OCTOBER 19, 2009

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If any person or ordinance committee described above receives any contribution in excess of five hundred dollars in the twenty-day period before any election from any individual contributor, that person or ordinance committee shall make and file a supplemental statement in the same form as required by above stating the name and street address of the contributor and the amount of the contribution, and file the statement with the county auditor within forty-eight hours of the receipt of the contribution.

If a substantial irregularity is evident or reasonably alleged, the Cass County Auditor may arrange an audit of any statement filed as required above be performed by a certified public accountant of the filer's choice, subject to approval by the county auditor. If an audit of a statement arranged by the county auditor under this subsection reveals a violation of these financial reporting requirements, the candidate, political party, or political committee filing the statement shall pay a fine to the county auditor equal to five percent of the aggregate of contributions and expenditures found to be in violation or an amount sufficient to pay the cost of the audit, whichever is greater. If an audit of a statement arranged by the county auditor under this subsection does not reveal a violation of this ordinance, the cost of the audit must be paid for by the county.

14)PENALTIES

In addition to any other civil or criminal penalties that might be provided by law, any person who willfully violates or attempts to violate the provisions of this ordinance shall be punished as follows: (the term "willfully", as used herein, shall be defined as in North Dakota Century Code 12.1-02-02)

- a. A violation or attempt to violate the financial reporting provisions of this ordinance shall be punished as an infraction and subject to the maximum penalties provided for infractions in North Dakota Century Code §12.1-32-01.
- b. A violation or attempt to violate the provision requiring that the circulator must be a qualified elector, that the circulator must be present when the petition is signed, or that the circulator attest that the signers are qualified electors of the county at the time of signing, shall be punished as follows:
 - a. A first offense shall be a Class B misdemeanor and subject to the maximum penalties provided for such in North Dakota Century Code §12.1-32-01; and
 - b. A second or subsequent offenses committed within a 2-year period shall be a Class A misdemeanor and subject to the maximum penalties provided for such in North Dakota Century Code §12.1-32-01.
- c. A person who signs a petition when not qualified to do so, or signs a name other than that person's own name to a petition, shall be punished as follows:
 - a. A first offense shall be a Class B misdemeanor and subject to the maximum penalties provided for such in North Dakota Century Code §12.1-32-01; and
 - b. A second or subsequent offenses committed within a 2-year period shall be a Class A misdemeanor and subject to the maximum penalties provided for such in North Dakota Century Code §12.1-32-01.

SUBJECT: ORDINANCE #2009-2 (INITIATING AND REFERRING ORDINANCES)

ADOPTED DATE: OCTOBER 19, 2009

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15)SEVERABILITY:

Should any section, provision or part of this Ordinance be adjudged invalid or unconstitutional, such adjudication should not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

APPROVED:

ss/Robyn Sorum

Robyn Sorum, Chairwoman

Cass County Board of Commissioners

ATTEST:

ss/Michael Montplaisir

Michael Montplaisir, County Auditor

First Reading:	September 21, 2009
Second Reading:	October 19, 2009
Final Passage:	October 19, 2009
Publication:	September 28, 2009

(SEAL)

HISTORICAL REFERENCE DATE: OCTOBER 19, 2009

SUBJECT: ORDINANCE #2010-1 (CASS COUNTY BUILDING LEVIES)

ADOPTED DATE: MAY 3, 2010
2

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**AN ORDINANCE AUTHORIZING THE ISSUANCE OF \$8,900,000
OF CASS COUNTY LIMITED TAX BONDS FOR THE
FINANCING OF THE COURTHOUSE ADDITION**

WHEREAS, by Ordinance # 2009-1, the Cass County Commission has determined it necessary to construct an addition to the west side of the Cass County Courthouse located at 211 9th Street South in Fargo, North Dakota (the "Project"); and

WHEREAS, the Cass County Commission is authorized under Paragraph 2 of Article 2 of the Cass County Home Rule Charter to issue bonds to finance the construction of the Project; and

WHEREAS, the Cass County Commission has determined that the principal and interest on the bonds shall be payable from property taxes levied within the County's 75 mill limitation set forth in Section 2 of Article 9 of the Cass County Home Rule Charter;

NOW THEREFORE, THE CASS COUNTY COMMISSION HEREBY ORDAINS:

Section 1. Authorization of Limited Tax Bonds. The County hereby authorizes the issuance of its Limited Tax Bonds in an aggregate principal amount not to exceed \$8,900,000 (the "Bonds") pursuant to and in accordance with the Cass County Home Rule Charter for the purpose of financing the Project. The Bonds may be sold at private negotiated sale or competitive sale as determined by the Cass County Commission.

Section 2. Source of Payment for the Bonds. The Bonds shall be a direct, limited obligation of the County, and unless paid from other sources, shall be payable from ad valorem taxes levied within the County's 75 mill levy authority upon all taxable property in the County. Notwithstanding any limitation in Ordinance 2009-1 to the contrary, the County shall levy ad valorem taxes, within the 75 mill limitation, and so much thereof as is necessary is hereby pledged to prompt payment of the principle of, premium, if any, and the interest on the Bonds.

SUBJECT: ORDINANCE #2010-1 (CASS COUNTY BUILDING LEVIES)

ADOPTED DATE: MAY 3, 2010
2

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Section 3. Further Action. The Cass County Commission shall adopt a resolution or resolutions providing for the issuance and sale of the Bonds and specifying the terms of the Bonds. The appropriate officers of the County are hereby authorized and directed to take all such action, execute, deliver, file and record all such documents, publish all notices and otherwise carry out the intent of the Cass County Commission in the enactment of this Ordinance and the issuance of the Bonds.

APPROVED:

ss/Darrell Vanyo

Darrell Vanyo, Chairman

Board of Commissioners of the County of Cass

ATTEST:

ss/Michael Montplaisir

Michael Montplaisir, County Auditor

First Reading: April 5, 2010
Second Reading: May 3, 2010
Final Passage: May 3, 2010
Publication: April 12, 2010

(SEAL)

HISTORICAL REFERENCE DATE: MAY 3, 2010

SUBJECT: ORDINANCE #2010-2 AMENDED (FLOOD CONTROL SALES TAX)

ADOPTED DATE: DECEMBER 19, 2016

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AMENDED ORDINANCE NO. #2010-2

AN ORDINANCE TO ESTABLISH AND REGULATE A COUNTY SALES
TAX UNDER THE HOME RULE CHARTER OF THE COUNTY OF CASS.

BE IT ORDAINED BY THE COUNTY COMMISSION OF THE COUNTY OF CASS,
CASS COUNTY, NORTH DAKOTA:

SALES TAX

Definitions.

All terms defined in chapters 11-09.1, 57-39.2, 57-39.4, 57-39.5, 57-39.6, and 57-40.2 of the North Dakota Century Code (N.D.C.C.), including any future amendments, are adopted by reference. All references to the N.D.C.C. include amendments adopted by the North Dakota Legislative Assembly.

Collection and Administration.

Where not in conflict with the provisions of this Ordinance, the provisions of N.D.C.C. chapters 11-09.1, 57-39.2, 57-39.4, 57-39.5, 57-39.6, and 57-40.2, and all administrative rules adopted by the Tax Commissioner, pertaining to the collection and administration of the retail sales, use, and gross receipts tax, including provisions for liability, refund, penalty, interest or credit, govern the administration by the North Dakota Office of State Tax Commissioner (hereinafter "Tax Commissioner") of the taxes imposed by this Ordinance.

Sales Tax Imposed.

Subject to the provisions of N.D.C.C. § 11-09.1-05, and except as otherwise provided by this Ordinance, or the sales and use tax laws of the State of North Dakota, a tax of one half 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, within the corporate limits of the county of Cass, North Dakota.

Use Tax Imposed.

Subject to the provisions of N.D.C.C. § 11-09.1-05, and except as otherwise provided in this Ordinance, or the sales and use tax laws of the State of North Dakota, an excise tax is imposed upon the storage, use, or consumption within the corporate limits of the county of

SUBJECT: ORDINANCE #2010-2 AMENDED (FLOOD CONTROL SALES TAX)

ADOPTED DATE: DECEMBER 19, 2016

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Cass County, North Dakota of tangible personal property purchased at retail for storage, use, or consumption in this county, at the rate of one half of one percent of the purchase price of the property. An excise tax is imposed on the storage, use, or consumption within the corporate limits of the county of Cass, North Dakota of tangible personal property not originally purchased for storage, use, or consumption in this county at the rate of one half of one percent of the fair market value of the property at the time it was brought into this county.

With respect to the purchase price of tangible personal property used by a contractor or subcontractor to fulfill a contract as defined in N.D.C.C. §57-40.2-03.3, the tax imposed by this section applies only to bids submitted on or after the effective date of this Ordinance.

Gross Receipts of Alcoholic Beverages.

Subject to the provisions of N.D.C.C. § 11-09.1-05, and except as otherwise provided in this Ordinance, a gross receipts tax of one half of one percent is imposed upon all gross receipts from the sale of alcoholic beverages within the county. A person who receives alcoholic beverages for storage, use, or consumption in this state is subject to tax on storage, use, or consumption of those alcoholic beverages at the rate of one half of one percent.

Gross Receipts of New Farm Machinery and New Farm Irrigation Equipment.

Subject to the provisions of N.D.C.C. § 11-09.1-05, and except as otherwise provided in this Ordinance, a gross receipts tax of one half of one percent is imposed upon all gross receipts from the sale of new farm machinery and new farm irrigation equipment within the county. A person who receives new farm machinery or new farm irrigation equipment for storage, use, or consumption in this state is subject to tax on storage, use, or consumption of that machinery and/or equipment at the rate of one half of one percent.

Exemptions.

This Ordinance does not provide for any additional exemptions from imposition and computation of the county sales tax other than those provided by state law.

Maximum Tax Imposed.

Any patron or user paying a tax imposed by this Ordinance in excess of twelve dollars and fifty cents upon any single transaction of one or more items may obtain a refund of the excess tax payment by filing a request for refund upon the forms provided by the Tax Commissioner.

SUBJECT: ORDINANCE #2010-2 AMENDED (FLOOD CONTROL SALES TAX)

ADOPTED DATE: DECEMBER 19, 2016

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Contract with Tax Commissioner.

The Cass County Auditor is hereby authorized to contract with the Tax Commissioner for administration and collection of taxes imposed by this Ordinance. The County Auditor has all powers granted to the Tax Commissioner and in the absence of a valid contract with the Tax Commissioner or failure of the Tax Commissioner to perform the delegated duties, shall perform these duties in place of the Tax Commissioner.

Dedication of Tax Proceeds.

1. The proceeds of the sales, use, and gross receipts taxes, which are imposed pursuant to the Cass County Home Rule Charter, shall be solely utilized for the purposes outlined in Resolution No. 2016-20. The proceeds may be used for the engineering, land purchase, construction, and maintenance of a Red River Diversion and other flood control measures or the payment of special assessments or debt incurred for a Red River Diversion and other flood control measures as authorized by the Cass County Commission.
2. Until expenditures are made pursuant to Resolution No. 2016-20, the tax receipts shall be placed and segregated in a separate fund maintained by Cass County Government. The fund balance of the fund shall be invested as part of the pool of county investments and the prorata share of interest credited to the tax fund. The interest earned off the tax shall be used for the same purposes as the tax funds under Resolution No. 2016-20. In the event that expenditures of the tax funds generate income or other gains, the cash proceeds of such income or other gains shall be deposited in the tax fund and shall be used for the purposes outlined in Resolution No. 2016-20.
3. The funds in the Sales Tax Flood Fund in excess of what is needed to match the City of Fargo for the diversion project will be governed by Commission Policy No. 13.72 as passed by the County Commission on August 2, 2010, which includes the following:

County sales tax funds expended within incorporated cities: The County Commission may consider requests for flood risk reduction and recovery funding from cities within Cass County. The city will be responsible for planning and engineering costs associated with the project. Plans and specifications should be prepared by a professional engineer registered within the State of North Dakota. The city should also be able to demonstrate that other revenue sources for the project have been actively sought out. The preferred funding split is that City funds match the County sales tax proceeds on a 1:1 basis. Other funding splits may be considered by the Commission on a case by case basis to allow consideration to be given to unique circumstances and the ability of the City to pay 50% of the local cost share.

SUBJECT: ORDINANCE #2010-2 AMENDED (FLOOD CONTROL SALES TAX)

ADOPTED DATE: DECEMBER 19, 2016

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County sales tax funds expended outside of incorporated cities: The County Commission may also consider flood risk reduction and recovery projects recommended by the County Engineer or requested by townships, neighborhood groups, or individuals for areas within and outside of the diversion perimeter. Special assessments may be considered as a local match to County sales tax funds. Funds may be expended for projects that provide benefit to Cass County residents but are physically constructed outside of the County boundaries such as retention projects. Funds may also be spent to assist property owners downstream from the diversion channel in offsetting diversion project impacts.

Effective Date.

This Ordinance shall take effect after its passage, approval, and publication, but not prior to January 1, 2017.

Termination Date.

The sales, use, and gross receipts tax shall run through December 31, 2084 and shall be rescinded when all of the costs, obligations and debt for said project have been paid in full and satisfied, whichever event occurs first as provided in Resolution No. 2016-20.

APPROVED:

ss/Chad M. Peterson
Chad M. Peterson, Chairman
Board of Commissioners
Cass County, North Dakota

ATTEST:

ss/Michael Montplaisir
Michael Montplaisir, County Auditor

(SEAL)

First Reading: November 21, 2016
Publication: November 28, 2016
Second Reading: December 19, 2016
Final Passage: December 19, 2016

HISTORICAL REFERENCE DATE: DECEMBER 20, 2010

SUBJECT: ORDINANCE #2012-1 (EMERGENCY AND FLOOD MITIGATION TAX)

ADOPTED DATE: FEBRUARY 21, 2012

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ORDINANCE NO. 2012-1

**AN ORDINANCE TO ESTABLISH AND REGULATE A COUNTY PROPERTY TAX FOR
EMERGENCIES CAUSED BY NATURAL DISASTERS AND TO PROVIDE FUNDS
FOR FLOOD MITIGATION PROJECTS UNDER THE HOME RULE CHARTER
OF CASS COUNTY, NORTH DAKOTA**

BE IT ORDAINED BY THE COUNTY COMMISSION
OF CASS COUNTY, NORTH DAKOTA:

EMERGENCY AND FLOOD MITIGATION PROPERTY TAX

PURPOSE:

The purpose of this Ordinance is to facilitate the accumulation of funds to be used for purposes caused by the destruction or impairment of any county property necessary for the conduct of the affairs of the county, emergencies caused by nature, or for the engineering, land and structure purchase, construction, operation, and maintenance of flood control measures. It is also the purpose of this ordinance to provide for the financing of emergency expenditures and flood control measures through a process and manner that is different from and supersedes that provided in North Dakota Century Code 57-15-28 and 57-15-06.7(22).

HISTORY:

Recent history of the county shows the area is hard hit by flooding that frequently causes extreme measures to be taken to protect and repair county infrastructure to the extent that in 2009, 2010, and 2011 the county, state, and federal governments passed disaster declarations. The combination of emergency procedures before and during the events and repairs following the events over the past three years has resulted in substantial expenditures. The county has depleted their emergency fund because of the costs for emergency procedures and needs to build up funds to handle future emergencies and to provide dollars to fund mitigation projects to reduce the need for emergency procedures and the resulting damage from future floods.

SUBJECT: ORDINANCE #2012-1 (EMERGENCY AND FLOOD MITIGATION TAX)

ADOPTED DATE: FEBRUARY 21, 2012

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AUTHORITY:

The county is operating under a Home Rule Charter approved by the voters of Cass County on November 1, 1994 with 57.75% positive votes. Paragraph 2 of Article 2, Home Rule, Powers of County, reads in part that the County has the power to:

“Control its finances and fiscal affairs; appropriate money for its purposes, and make payment of its debts and expenses; subject to the limitation of Article 9, levy and collect taxes, excises, fees, and special assessments for benefits conferred, for its public and proprietary functions, activities, operations, undertakings, and improvements; contract debts, borrow money, issue bonds, warrants, and other evidences of indebtedness; establish charges for any county or other services to the extent authorized by state law, and establish debt and mill levy limitations subject to Article 9.”

Article 9 of the Home Rule Charter deals with revenue authority and Section 2 Limitations, Subsection 1, reads in part:

“No ordinance or resolution may be adopted by the Board of County Commissioners levying property taxes in excess of 75 mills in total until referred by the Board of County Commissioners for approval by the electorate at any regular county election.”

The tax levied to fund the “Emergency and Flood Mitigation Fund” will be set by the Cass County Commission annually as they prepare their annual budget and will fall within the 75 mill levy authority in Article 9 of the Home Rule Charter. The county commission will determine the mitigation projects and reserve required in the Emergency and Flood Mitigation Fund levy during their annual budget process. The process for levying taxes, the allowable expenditures, and the reserve balance is different from and supersedes that provided in North Dakota Century Code 57-15-28 and 57-15-06.7(22).

DEDICATION OF TAX PROCEEDS:

1. The proceeds of the tax levy for the Emergency and Flood Mitigation Fund, which is imposed pursuant to the Cass County Home Rule Charter, shall be solely utilized for purposes caused by the destruction or impairment of any county property necessary for the conduct of the affairs of the county, emergencies caused by nature, or for the engineering, land and structure purchase, construction, operation, and maintenance of flood control measures, including the matching of dollars provided by other grant sources.

SUBJECT: ORDINANCE #2012-1 (EMERGENCY AND FLOOD MITIGATION TAX)

ADOPTED DATE: FEBRUARY 21, 2012

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2. Emergency and Flood Mitigation funds expended within incorporated cities: The County Commission may consider requests for flood risk reduction and recovery funding from cities within Cass County. The city will be responsible for planning and engineering costs associated with the project. Plans and specifications should be prepared by a professional engineer registered within the State of North Dakota. The city should also be able to demonstrate that other revenue sources for the project have been actively sought out. The preferred funding split is that City funds match the County tax proceeds on a 1:1 basis. Other funding splits may be considered by the Commission on a case by case basis to allow consideration to be given to unique circumstances and the ability of the City to pay 50% of the local cost share.

County sales tax funds expended outside of incorporated cities: The County Commission may also consider flood risk reduction and recovery projects recommended by the County Engineer or requested by townships, neighborhood groups, or individuals for areas within and outside of the diversion perimeter. Special assessments may be considered as a local match to County tax funds. Funds may be expended for projects that provide benefit to Cass County residents but are physically constructed outside of the County boundaries such as retention projects. Funds may also be spent to assist property owners upstream and downstream from the diversion channel in offsetting diversion project impacts.

EFFECTIVE DATE:

This Ordinance shall take effect after its passage, approval, and publication.

SEVERABILITY:

Should any section, provision or part of the ordinance be adjudged invalid or unconstitutional, such adjudication should not affect the validity of the ordinance as to the remainder or any section, provision or part thereof not adjudged invalid or unconstitutional.

SUBJECT: ORDINANCE #2012-1 (EMERGENCY AND FLOOD MITIGATION TAX)

ADOPTED DATE: FEBRUARY 21, 2012

PAGE 4 OF 4

APPROVED:

ss/Scott Wagner
Scott Wagner, Chairman
Board of Commissioners of the
County of Cass

ATTEST:

ss/Michael Montplaisir
Michael Montplaisir
Cass County Auditor

(SEAL)

First Reading: January 17, 2012
Second Reading: February 21, 2012
Final Passage: February 21, 2012
Publication: January 23, 2012

HISTORICAL REFERENCE DATE: FEBRUARY 21, 2012

SUBJECT: ORDINANCE #2014-1 (AUTHORIZE SHERIFF TO POLICE PUBLIC EVENTS)

ADOPTED DATE: DECEMBER 1, 2014

PAGE 1 OF 2

**ORDINANCE NO. 2014-1
AN ORDINANCE TO AUTHORIZE THE SHERIFF TO POLICE PUBLIC EVENTS**

Purpose

The purpose of this Ordinance is to promote the safe enjoyment of public events throughout the county by authorizing the sheriff to police such events. This Ordinance supplements statutory authority granted to the Sheriff, such as in N.D.C.C. §53-02-08.

Definitions

“Car race” means a competition that is (1) used to determine which vehicle is fastest in covering a set course, and (2) held open to the public at a location having a capacity of at least one hundred people.

“Car show” means any public exhibition of vehicles at a location having a capacity of at least one hundred people.

“Person” means a natural person, firm, association, corporation, or limited liability company.

“Rodeo” means any sporting event that is (1) comprised of contests designed to test the skill of participants and involving horses, livestock, or both, and (2) held open to the public at a location having a capacity of at least one hundred people.

“Vehicle” includes every device in, upon or by which any person or property may be transported or drawn upon a public highway, except devices moved by human power or used exclusively upon stationary rails or tracks.

General Provisions

The Sheriff in Cass County, and the chief peace officer of the city where the car race, car show or rodeo is being held within that city, may police the car race, car show or rodeo so that law and order are there maintained. The sheriff or the chief peace officer shall determine the number, if any, of deputy sheriffs, special officers, or licensed private security officers needed to police the car race, car show or rodeo properly. The person conducting the car race, car show or rodeo, before the car race, car show or rodeo is held, shall pay to the sheriff, peace officer, or licensed private security provider the expense of any deputy sheriff, special officer, or licensed private security officer required for the proper policing of the car race, car show or rodeo. No car race, car show or rodeo may be permitted to proceed unless the officer or officers are present and the fees are paid.

SUBJECT: ORDINANCE #2014-1 (AUTHORIZE SHERIFF TO POLICE PUBLIC EVENTS)

ADOPTED DATE: DECEMBER 1, 2014

PAGE 2 OF 2

The holding of a car race, car show or rodeo without giving notice of the car race, car show or rodeo to the sheriff or the peace officer of the city, and without making provisions for policing the car race, car show or rodeo, is unlawful. No person, directly or indirectly interested or concerned in the giving, holding, or conducting of a car race, car show or rodeo, or connected with the person conducting the same, is eligible to appointment under this section as a special officer.

Penalty

Any person holding a car race, car show or rodeo without giving notice of the public event to the sheriff, or without making provision for the necessary policing determined by the sheriff, is guilty of a class B misdemeanor.

APPROVED:

ss/Chad Peterson
Chad Peterson, Chairman
Board of Commissioners
Cass County, North Dakota

ATTEST:

ss/Michael Montplaisir
Michael Montplaisir
Cass County Auditor

(SEAL)

First Reading: October 20, 2014
Second Reading: November 17, 2014
Third Reading: December 1, 2014
Final Passage: December 1, 2014
Publication: October 27, 2014

HISTORICAL REFERENCE DATE: OCTOBER 20, 2014

SUBJECT: ORDINANCE #2014-2 EMERGENCY SERVICES COMMUNICATIONS
(9-1-1) FEE

ADOPTED DATE: DECEMBER 15, 2014

PAGE 1 OF 3

ORDINANCE NO. 2014-2

AN ORDINANCE TO ESTABLISH AND REGULATE A COUNTY WIDE 911 FEE ON
"ASSESSED COMMUNICATIONS SERVICES" (telephone exchange access service,
wireless service, active prepaid wireless service, and voice over internet protocol service)

UNDER THE HOME RULE CHARTER OF CASS COUNTY, NORTH DAKOTA

BE IT ORDAINED BY THE COUNTY COMMISSION OF CASS COUNTY, NORTH
DAKOTA:

911 FEE ON COMMUNICATIONS SERVICES

PURPOSE:

The purpose of this Ordinance is to facilitate the accumulation of funds to be used for operation and upgrade of a 911 Operations Center in Cass County (currently the Red River Regional Dispatch Center) including necessary system wide upgrades and communication line fees.

HISTORY:

The City of Fargo, the City of West Fargo, and Cass County has separately implemented 911 Fees with the City of Fargo and Cass County currently having a fee of \$1.00 per communication line and the City of West Fargo currently having a fee of \$1.50 per communication line. All three entities subsidize the operation of the 911 system with varying amounts of property tax dollars or other revenue sources.

AUTHORITY:

The county is operating under a Home Rule Charter approved by the voters of Cass County on November 1, 1994 with 57.75% positive votes. Paragraph 2 of Article 2, Home Rule, Powers of County, reads in part that the County has the power to:

"Control its finances and fiscal affairs; appropriate money for its purposes, and make payment of its debts and expenses; subject to the limitation of Article 9, levy and collect taxes, excises, fees, and special assessments for benefits conferred, for its public and proprietary functions, activities, operations, undertakings, and improvements; contract debts, borrow money, issue bonds, warrants, and other evidences of indebtedness; establish charges for any county or other services to the extent authorized by state law, and establish debt and mill levy limitations subject to Article 9."

SUBJECT: ORDINANCE #2014-2 EMERGENCY SERVICES COMMUNICATIONS
(9-1-1) FEE

ADOPTED DATE: DECEMBER 15, 2014

PAGE 2 OF 3

Article 2 also authorizes the county to:

“Provide for the adoption, amendment, repeal, initiation, referral, enforcement, and penalties for violation of ordinances, resolutions, and regulations to carry out its governmental and proprietary powers and to provide for public health, safety and welfare.”

The voters of Cass County have also authorized the county to levy a 911 fee in an election held on November 4, 2014, in response to following ballot question:

Cass County Measure #1

Currently, the emergency services communication (9-1-1) fee structure allows the City of Fargo to impose \$1.00 per month, the City of West Fargo to impose \$1.50 per month, and Cass County to impose \$1.00 per month outside of the cities of Fargo and West Fargo per “communication connection” (telephone access line, wireless access line, unique voice over internet protocol service connection, or functional equivalent uniquely identifiable by a number, internet address, or other designation) for the operation and maintenance of the 9-1-1 emergency services communications systems. Should these various fees be replaced by a single countywide fee not to exceed \$1.50 per month?

Voter approval would allow a countywide fee, not to exceed \$1.50 per month per “communication connection” to become effective January 1, 2015, with the revenue dedicated to maintaining and operating the emergency services communication (9-1-1) system as required by State law.

A “YES” vote means you approve the proposed countywide fee of \$1.50 per month.

A “NO” vote means you do not approve the proposed countywide fee of \$1.50 per month.

The question passed with 61.08 percent of the voters voting in favor of the change.

DEDICATION OF FEE PROCEEDS:

The proceeds of the 911 fee shall be dedicated to maintaining and operating the emergency services communication (9-1-1) system as required by State law. This would include the operation and upgrade of a 911 Operations Center in Cass County (currently, the Red River Regional Dispatch Center) including necessary system wide upgrades and communication line fees.

SUBJECT: ORDINANCE #2014-2 EMERGENCY SERVICES COMMUNICATIONS
(9-1-1) FEE

ADOPTED DATE: DECEMBER 15, 2014

PAGE 3 OF 3

EFFECTIVE DATE:

This Ordinance shall take effect after its passage, approval, and publication on January 1, 2015, whichever is later.

SEVERABILITY:

Should any section, provision or part of the ordinance be adjudged invalid or unconstitutional, such adjudication should not affect the validity of the ordinance as to the remainder or any section, provision or part thereof not adjudged invalid or unconstitutional.

APPROVED:

ss/Chad Peterson
Chad Peterson, Chairman
Board of Commissioners of the
County of Cass

ATTEST:

ss/Michael Montplaisir
Michael Montplaisir
Cass County Auditor

(SEAL)

First Reading: November 17, 2014
Second Reading: December 15, 2014
Final Passage: December 15, 2014
Publication: November 24, 2014

HISTORICAL REFERENCE DATE: DECEMBER 15, 2014

SUBJECT: AMENDED ORDINANCE #2015-1
(CASS COUNTY ON-SITE SEPTIC REGULATIONS)

ADOPTED DATE: APRIL 17, 2017

PAGE 1 OF 1

ORDINANCE NO. 2015-1

AN ORDINANCE ADOPTING ON-SITE SEPTIC REGULATIONS IN CASS COUNTY:

Whereas, the County of Cass has a Home Rule Charter, enacted in 1994 pursuant to North Dakota Century Code Chapter 11-09.1; and

Whereas, in accordance with the authority granted in North Dakota Century Code Chapter 23-35 and 54-40, the County of Cass hereby provides minimum standards and criteria for design, location, installation, use and maintenance of on-site sewage treatment systems; and

Whereas, within the Home Rule Charter Article 2, the electors granted the Cass County Board of Commissioner authority to provide for public health, safety and welfare;

Now, therefore, be it ordained by the Board of Commissioners of the County of Cass, North Dakota, that the Amended Cass County On-Site Septic Regulations, which are attached and incorporated by reference, is hereby enacted this 17th day of April, 2017.

APPROVED:

ss/Chad M. Peterson
Chad M. Peterson, Chairman
Board of Commissioners
County of Cass

ATTEST:

ss/Michael Montplaisir
Michael Montplaisir
Cass County Auditor

(SEAL)

First Reading: March 20, 2017
Second Reading: April 17, 2017
Final Passage: April 17, 2017
Publication: March 27, 2017

HISTORICAL REFERENCE DATE: AUGUST 17, 2015

SUBJECT: ORDINANCE #2015-2 (RIGHT OF WAY ENCROACHMENT)

ADOPTED DATE: SEPTEMBER 8, 2015

PAGE 1 OF 4

PURPOSE

The purpose of this policy is to prohibit encroachments, obstructions, signs, and hay within the right of way. These encroachments and obstructions have negative impacts on the safety and function of our roads, ditches, and right of way. In addition, a majority of the Cass County highways are on the Federal Aid System. Cass County is responsible for preventing right of way encroachments regarding county highway projects funded through the Federal Aid Highway program, pursuant to 23 CFR Part 1.23, Rights of Way, and Part 710 Subpart D, Right of Way, Real Property Management.

GENERAL PROVISIONS

The NDDOT is, according to Title 23 United States Code and 23 CFR 1.27, required to maintain, or cause to maintain, all federally funded highway projects. Title 23 United States Code 101 defines maintenance as: "...the preservation of the entire highway, including surface, shoulders, roadsides, structures, and such traffic-control devices as are necessary for safe and efficient utilization of the highway."

Title 23 further requires a State transportation department to maintain each project constructed with Federal-aid funds until such time that it no longer constitutes a part of the Federal-aid system. It is the Federal Highway Administration's (FHWA) role to see that maintenance of Federal-aid projects is adequate and to provide technical assistance in disseminating information on successful maintenance techniques.

It is the policy of the NDDOT to require all county and city projects receiving federal dollars to enter into an agreement with the Department to ensure that as recipients of federal money the counties and cities agree to abide by the terms and conditions required. The agreement will require counties receiving federal funds to provide an annual certification that all federally funded highway projects constructed are being maintained as required.

In addition, the North Dakota Century Code (N.D.C.C.) has several sections that refer to right of way encroachments, obstructions, signs, and hay. This policy consolidates these codes and outlines their enforcement. The following sections of the N.D.C.C. are references for this policy:

- N.D.C.C. 24-01-12 Regulation of advertising signs on highways.
- N.D.C.C. 24-01-12.2 Hay disposal
- N.D.C.C. 24-05-23 Encroachment upon county roads, ditches, approaches - Liability for damages.
- N.D.C.C. 24-05-24 County and township road rights of way - Removal of obstructions.

SUBJECT: ORDINANCE #2015-2 (RIGHT OF WAY ENCROACHMENT)

ADOPTED DATE: SEPTEMBER 8, 2015

PAGE 2 OF 4

N.D.C.C. 24-06-29 Removal of permanent obstructions - Removal of obstructions and traffic safety hazards - Cost.

N.D.C.C. 39-10-07.2 Display of unauthorized signs, signals, or markings

N.D.C.C. 63-05-01 Landowners or operators along county and township highways to cut weeds and grasses.

ADMINISTRATION

Marking the Right of Way: Right of way boundaries will be marked with right of way markers. Markers will be generally placed at the section line and quarter line, or other locations where the right of way changes or deviates. When installing right of way markers in a previously unmarked area, the Cass County Engineer will send out a notice to the adjacent landowner regarding the placement of markers and the encroachment policy. Those landowners damaging or removing highway right of way markers will be held responsible for the repair or replacement of the markers as discussed below.

Inspecting the Right of Way: The County will perform routine inspections for right of way encroachments in late summer and fall, with re-inspections in the spring or as necessary. Efforts will be made to enforce right of way encroachments prior to seeding or after harvest. However, if necessary, the County may take steps to enforce the right of way prior to harvest.

Notification of Right of Way Encroachments: The Cass County Commission authorizes the County Engineer or his designee to notify landowners in writing regarding any right of way encroachment.

Remediation of Right of Way Encroachments: In accordance with N.D.C.C. 24-05-23, the landowner must remove the encroachment within twenty days of receipt of this notice. The County Engineer may authorize a landowner to deviate from the twenty day requirement in order to allow the landowner until the end of harvest season to correct the encroachment. Corrective action will include, but not be limited to, replacement of approved or recommended grass seed and mulch as well as correction of slopes or ditches that have been altered as a result of the encroachment. Failure to remedy this situation will cause the landowner to be liable to the County for damages resulting from the encroachment. If the landowner fails to correct the encroachment, the County will complete the necessary work to repair the encroachment and the landowner will be billed for the cost associated with correcting the damages. The landowner may also be billed for damages to right of way markers or County signs. If the bill remains unpaid for two consecutive months, the bill will be certified to the County Auditor and all of the expenses shall be charged against the land and shall become a part of the taxes to be levied against the land for the ensuing year and shall be collected in the same manner as other real estate taxes are collected.

SUBJECT: ORDINANCE #2015-2 (RIGHT OF WAY ENCROACHMENT)

ADOPTED DATE: SEPTEMBER 8, 2015

PAGE 3 OF 4

Safety: When a right of way encroachment poses an imminent safety threat, the County will take necessary action to remove the encroachment. When possible, attempts will be made to notify the landowner to remove the encroachment. If the County incurs a cost to remove the encroachment, the cost may be levied against the landowner as stated above.

Obstructions in the Right of Way: In accordance with N.D.C.C. 24-06-29, if a person places or causes to be placed an obstruction or traffic safety hazard within the right of way of any highway road surface, the board of County Commissioners, County Engineer, or his designee shall issue a written order to the person who caused the obstruction or traffic safety hazard to be placed there to remove the obstruction or traffic safety hazard. If the person notified fails to remove the obstruction or traffic safety hazard as soon as practical after the notice is received, the board of County Commissioners, County Engineer, or his designee shall remove the obstruction or traffic safety hazard. The person responsible for placement of the obstruction or traffic safety hazard is responsible and may be billed for any costs incurred by the County for removal of the obstruction or traffic safety hazard. These obstructions or hazards may include, but are not limited to signs, landscaping timbers, rocks, or other hazards. In addition, landowners are not authorized to push snow into the right of way and ditches of County highways which include the roadway in-slope, ditch bottom, and back-slope of the roadway. This practice can exaggerate drifting problems experienced on highways and can create obstructions for motorists. If a landowner is notified of an unauthorized snow pile, they are responsible for removing the obstruction. The County will only notify the landowner once during the winter season. Costs incurred to remove any future obstructing snow piles will be levied against the landowner.

Harvesting Hay in the Right of Way: Every person harvesting hay on the County right of way, who stores the harvested hay on the right of way for later removal, shall store the harvested hay at the outer edge of the rights of way. The County Engineer may remove any hay that is not stored safely as prescribed above. All hay stored on the right of way must be removed by November first of each year.

Unauthorized Signs: N.D.C.C. 24-01-12 (regulation of advertising signs on highways) outlines that private signs are not authorized in the right of way. It also states that signs or billboards on private property cannot be placed within one thousand feet of any highway grade crossing in such a manner as to obstruct or interfere with a free and clear view of such crossing from any highway or railroad intersecting threat. The Cass County Commission authorizes the County Engineer or his designee to notify landowners, sign companies, or any persons placing an unauthorized sign in writing regarding the right of way encroachment. Any advertisement in or upon a public highway or private property which is deemed to be a hazard to traffic, or in the future may tend to create a hazard to traffic, may be taken down, removed, or destroyed by direction of the County Engineer or his designee.

SUBJECT: ORDINANCE #2015-2 (RIGHT OF WAY ENCROACHMENT)

ADOPTED DATE: SEPTEMBER 8, 2015

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Landowners Responsibility to Maintain Right of Way: N.D.C.C 63-05-01 (Cutting weeds and grasses on highways) states it is the duty of landowners or operators with land adjoining regularly traveled County roads to cut all weeds and grasses along the regularly traveled County roads adjoining their lands, including weeds and grasses growing within the public right of way bordering the highways and their lands. Further, N.D.C.C. 63-05-03 states that any cost the County incurs due to a landowners failure to mow can be levied against the land for the ensuing year and shall be collected in the same manner as other real estate taxes are collected, and placed to the credit of the respective subdivisions entitled thereto.

APPROVED:

ss/Chad M. Peterson
Chad M. Peterson, Chairman
Board of Commissioners
County of Cass

ATTEST:

ss/Michael Montplaisir
Michael Montplaisir
Cass County Auditor

(SEAL)

First Reading: August 3, 2015
Second Reading: September 8, 2015
Final Passage: September 8, 2015
Publication: August 10, 2015

HISTORICAL REFERENCE DATE: SEPTEMBER 8, 2015

SUBJECT: ORDINANCE #2016-1 (WEED MANAGEMENT PLAN)

ADOPTED DATE: JULY 5, 2016

PAGE 1 OF 3

ORDINANCE TO DEVELOP WEED MANAGEMENT PLAN
FOR DEVELOPMENT AND CONSTRUCTION SITES

WHEREAS, The North Dakota Century Code requires “Each person shall do all things necessary and proper to control the spread of noxious weeds” (N.D.C.C. 4.1-47); and

WHEREAS, a “noxious weed” means a plant propagated by either seed or vegetative parts and determined to be injurious to public health, crops, livestock, land, or other property (N.D.C.C. 4.1-47-01 section 6); and

WHEREAS, the Cass County Weed Control Board “shall implement a program for the control of noxious weeds” as pursuant to N.D.C.C. 4.1-47-09 section 1; and

WHEREAS, “control” of a noxious weed means to prevent a noxious weed from spreading by a) suppressing its seeds or propagating parts; or b) destroying either the entire plant or its propagating parts (N.D.C.C. 4.1-41-01 section 4); and

WHEREAS, construction sites in various residential and commercial/industrial development sites and undeveloped lots can harbor weed growth due to soil disturbance and lack of weed control; and

WHEREAS, the Cass County Comprehensive Plan outlines as parts of its goals to protect the county’s wetlands and the county’s valuable farmland and agricultural traditions (Cass County Comprehensive Plan Goal 4, Objective C and Goal 5 Objective B Policy 8), and

WHEREAS, noxious and invasive and troublesome weeds are becoming a problem in the agricultural crop production fields as they have become resistant to commonly used herbicides; and

WHEREAS, noxious and invasive and troublesome weeds are also encroaching on non-crop, grasslands, native prairies, and wetlands;

Now, therefore, be it ordained by the Board of Commissioner of the County of Cass, North Dakota, that the Cass County Weed Management Plan for Construction and Development Sites, which are attached and incorporated by reference is hereby enacted.

SUBJECT: ORDINANCE #2016-1 (WEED MANAGEMENT PLAN)

ADOPTED DATE: JULY 5, 2016

PAGE 2 OF 3

PURPOSE

The purpose of this policy is to enforce the control of noxious weeds on residential, commercial/industrial construction sites and undeveloped lots within the county and to encourage the control of invasive and troublesome weeds on said properties. The incorporated areas of the cities of Fargo and West Fargo are excluded in this policy. Noxious and invasive/troublesome weeds have negative impacts on the value of the land including: reduced production of agricultural crops on adjoining lands, reduced enjoyment of private property, and displacement of native plants and animals.

GENERAL PROVISIONS

North Dakota Century Code (NDCC) chapter 4.1-47 requires that "Each person shall do all things necessary and proper to control the spread of noxious weeds" by suppressing seed production or propagating parts, or destroying either the entire plant or its propagating parts. Troublesome/invasive weeds are plants that are not on the state (or county) noxious weed list but are generally known to be highly invasive and destructive.

Residential, industrial, construction and development sites and undeveloped lots are locations that can harbor noxious and invasive/troublesome weeds due the disturbance of the soil and lack of weed control efforts. The lack of controlling weed growth allows seeds to be formed which can spread onto adjoining properties and expand the scope of weed invasions.

Recently, there have been a number of troublesome/invasive weed species that have become resistant to a number of herbicides utilized by farmers in crop production. These "herbicide resistant" weeds are highly competitive and controlling these weeds is becoming increasingly costly and difficult. Allowing all weeds to grow and produce seeds contribute to the spread of these weeds onto adjoining lands, be they neighboring residential or commercial lots, public lands, or agricultural production fields.

IMPLEMENTATION

Developers and construction managers shall develop a WEED MANAGEMENT PLAN. The weed management plan shall describe the weed control measures to be undertaken on the development or construction site and/or undeveloped lot and include name and contact information of developer and contractor.

SUBJECT: ORDINANCE #2016-1 (WEED MANAGEMENT PLAN)

ADOPTED DATE: JULY 5, 2016

PAGE 3 OF 3

A copy of the weed management plan shall be submitted to the county weed officer and to the planning office of the jurisdiction providing building permits. This weed management plan shall be followed up until the site or lot is fully developed and landscaping has been established.

Civil penalty: Failure to control noxious weeds on a construction site or undeveloped lot, the landowner is subject to a civil penalty in an amount not to exceed eighty dollars per day for each day of violation, subject to a maximum penalty of four thousand dollars per year. Penalties imposed are a lien against the property of the landowner (NDCC 4.1-47-31). It is also recommended to control all weeds to prevent seed dispersal of invasive/troublesome weeds, though no fine will be imposed for lack of control of invasive/troublesome weeds.

APPROVED:

ss/Mary Scherling

Mary Scherling, Chairwoman
Board of Commissioners of the
County of Cass

ATTEST:

ss/Michael Montplaisir

Michael Montplaisir
County Auditor

(SEAL)

First Reading: June 6, 2016
Second Reading: July 5, 2016
Final Passage: July 5, 2016
Publication: June 13, 2016

HISTORICAL REFERENCE DATE: JUNE 6, 2016

SUBJECT: ORDINANCE #2017-1 (ELECTED TO APPOINTED POSITIONS)

ADOPTED DATE: OCTOBER 16, 2017

PAGE 1 OF 2

AN ORDINANCE CONVERTING COUNTY AUDITOR, COUNTY TREASURER AND
COUNTY RECORDER FROM ELECTIVE TO APPOINTIVE POSITIONS

WHEREAS, the voters of Cass County enacted a Home Rule Charter (HRC) in 1994 pursuant to North Dakota Century Code Chapter 11-09.1; and

WHEREAS, within HRC Art.6, §1.3 the voters gave the Cass County Board of Commissioners the authority, through an ordinance, to convert from elective to appointive positions the following: County Auditor, County Treasurer, and County Recorder; and

WHEREAS, HRC Art. 6, §1.3 restricts the Cass County Board of Commissioners from converting any of those positions from elective to appointive positions if it shortens the term of office for an elected official or reduces the salary of an official during that term;

NOW, THEREFORE, be it ordained by the Cass County Board of Commissioners that the offices of County Auditor, County Treasurer and County Recorder be converted to appointive positions effective immediately following the end of the current office holder's elected terms or the last day the current office holder serve in this capacity, whichever comes first.

SUBJECT: ORDINANCE #2017-1 (ELECTED TO APPOINTED POSITIONS)

APPROVED:

ss/Chad M. Peterson
Chad M. Peterson, Chairman
Cass County Board of Commissioners

ATTEST:

ss/Michael Montplaisir
Michael Montplaisir
County Auditor

First Reading: September 18, 2017 (SEAL) Second
Reading: October 16, 2017
Final Passage: October 16, 2017
Publication: September 25, 2017

HISTORICAL REFERENCE DATE: OCTOBER 16, 2017

SUBJECT: ORDINANCE #2017-1 (ELECTED TO APPOINTED POSITIONS)

ADOPTED DATE: OCTOBER 16, 2017

PAGE 1 OF 2

AN ORDINANCE CONVERTING COUNTY AUDITOR, COUNTY TREASURER AND COUNTY RECORDER FROM ELECTIVE TO APPOINTIVE POSITIONS

WHEREAS, the voters of Cass County enacted a Home Rule Charter (HRC) in 1994 pursuant to North Dakota Century Code Chapter 11-09.1; and

WHEREAS, within HRC Art.6, §1.3 the voters gave the Cass County Board of Commissioners the authority, through an ordinance, to convert from elective to appointive positions the following: County Auditor, County Treasurer, and County Recorder; and

WHEREAS, HRC Art. 6, §1.3 restricts the Cass County Board of Commissioners from converting any of those positions from elective to appointive positions if it shortens the term of office for an elected official or reduces the salary of an official during that term;

NOW, THEREFORE, be it ordained by the Cass County Board of Commissioners that the offices of County Auditor, County Treasurer and County Recorder be converted to appointive positions effective immediately following the end of the current office holder's elected terms or the last day the current office holder serve in this capacity, whichever comes first.

SUBJECT: ORDINANCE #2017-1 (ELECTED TO APPOINTED POSITIONS)

ADOPTED DATE: OCTOBER 16, 2017

PAGE 2 OF 2

APPROVED:

ss/Chad M. Peterson
Chad M. Peterson, Chairman
Cass County Board of Commissioners

ATTEST:

ss/Michael Montplaisir
Michael Montplaisir
County Auditor

First Reading: September 18, 2017 (SEAL) Second
Reading: October 16, 2017
Final Passage: October 16, 2017
Publication: September 25, 2017

HISTORICAL REFERENCE DATE: OCTOBER 16, 2017

SUBJECT: ORDINANCE #2017-2 (COMBINE AUDITOR AND TREASURER OFFICES)

ADOPTED DATE: OCTOBER 16, 2017

PAGE 1 OF 2

AN ORDINANCE COMBINING THE COUNTY AUDITOR AND COUNTY TREASURER OFFICES

WHEREAS, the voters of Cass County enacted a Home Rule Charter (HRC) in 1994 pursuant to North Dakota Century Code Chapter 11-09.1; and

WHEREAS, within HRC Art.7 the voters gave the Cass County Board of Commissioners the authority, through an ordinance, to establish county departments, offices, agencies, boards or commissions in addition to those offices filled by election and may prescribe their function and membership; and

WHEREAS, inherent in the powers voters gave to the Cass County Board of Commissioners to establish county departments is the power to modify county department structures; and

WHEREAS, combining County Auditor and County Treasurer offices is authorized in North Dakota Century Code Chapter 11-10.2-01;

NOW, THEREFORE, be it ordained by the Cass County Board of Commissioners that the offices of County Auditor and County Treasurer be combined and operate as a single office under the direction of the County Auditor, effective at the end of the current Treasurer term or upon the office holder's retirement, whichever comes first.

SUBJECT: ORDINANCE #2017-2 (COMBINE AUDITOR AND TREASURER OFFICES)

ADOPTED DATE: OCTOBER 16, 2017

PAGE 2 OF 2

APPROVED:

ss/Chad M. Peterson

Chad M. Peterson, Chairman
Cass County Board of Commissioners

ATTEST:

ss/Michael Montplaisir

Michael Montplaisir
County Auditor

(SEAL)

First Reading: September 18, 2017
Second Reading: October 16, 2017
Final Passage: October 16, 2017
Publication: September 25, 2017

HISTORICAL REFERENCE DATE: OCTOBER 16, 2017

SUBJECT: ORDINANCE #2017-2 (COMBINE AUDITOR AND TREASURER OFFICES)

ADOPTED DATE: OCTOBER 16, 2017

PAGE 1 OF 2

AN ORDINANCE COMBINING THE COUNTY AUDITOR AND COUNTY TREASURER OFFICES

WHEREAS, the voters of Cass County enacted a Home Rule Charter (HRC) in 1994 pursuant to North Dakota Century Code Chapter 11-09.1; and

WHEREAS, within HRC Art.7 the voters gave the Cass County Board of Commissioners the authority, through an ordinance, to establish county departments, offices, agencies, boards or commissions in addition to those offices filled by election and may prescribe their function and membership; and

WHEREAS, inherent in the powers voters gave to the Cass County Board of Commissioners to establish county departments is the power to modify county department structures; and

WHEREAS, combining County Auditor and County Treasurer offices is authorized in North Dakota Century Code Chapter 11-10.2-01;

NOW, THEREFORE, be it ordained by the Cass County Board of Commissioners that the offices of County Auditor and County Treasurer be combined and operate as a single office under the direction of the County Auditor, effective at the end of the current Treasurer term or upon the office holder's retirement, whichever comes first.

SUBJECT: ORDINANCE #2017-2 (COMBINE AUDITOR AND TREASURER OFFICES)

ADOPTED DATE: OCTOBER 16, 2017

PAGE 2 OF 2

APPROVED:

ss/Chad M. Peterson
Chad M. Peterson, Chairman
Cass County Board of Commissioners

ATTEST:

ss/Michael Montplaisir
Michael Montplaisir
County Auditor

(SEAL)

First Reading: September 18, 2017
Second Reading: October 16, 2017
Final Passage: October 16, 2017
Publication: September 25, 2017

HISTORICAL REFERENCE DATE: OCTOBER 16, 2017

SUBJECT: ORDINANCE #2018-1 (CAPITAL PROJECTS FUND)

ADOPTED DATE: FEBRUARY 5, 2018

PAGE 1 OF 3

ORDINANCE NO. 2018-1

**AN ORDINANCE TO ESTABLISH AND REGULATE A COUNTY PROPERTY TAX FOR
FUNDING CAPITAL PROJECTS UNDER THE HOME RULE CHARTER
OF CASS COUNTY, NORTH DAKOTA**

BE IT ORDAINED BY THE COUNTY COMMISSION
OF CASS COUNTY, NORTH DAKOTA:

CAPITAL PROJECTS FUND

PURPOSE:

The purpose of this Ordinance is to facilitate the accumulation of funds to be used for capital projects needed by Cass County Government such as the purchase of real property, construction of capital assets, remodeling of capital assets, repair and replacement of any county property necessary for the conduct of the affairs of the county, including emergency communication equipment. It is also the purpose of this ordinance to provide for the financing of capital projects through a process and manner that is different from and supersedes that provided in North Dakota Century Code 11-11-16, 11-11-19, 21-03-07, 57-15-06.6 and 57-15-06.7.

HISTORY:

Cass County, part of a growing metropolitan center, serves its citizens from a variety of locations in Cass County and a contracted juvenile justice center in Clay County. Cass County is a member of the Red River Regional Dispatch Center (currently located in Fargo, the largest city in Cass County) and provides funding for the dispatch center for the North Dakota costs through both 911 fees and general property tax dollars. Moorhead and Clay County pay the Minnesota portion. Also, Cass County is a member of the West Central Regional Juvenile Center (currently located in Moorhead, the largest city in Clay County, Minnesota).

SUBJECT: ORDINANCE #2018-1 (CAPITAL PROJECTS FUND)

ADOPTED DATE: FEBRUARY 5, 2018

PAGE 2 OF 3

AUTHORITY:

The county is operating under a Home Rule Charter approved by the voters of Cass County on November 1, 1994 with 57.75% positive votes. Paragraph 2 of Article 2, Home Rule, Powers of County, reads in part that the County has the power to:

“Control its finances and fiscal affairs; appropriate money for its purposes, and make payment of its debts and expenses; subject to the limitation of Article 9, levy and collect taxes, excises, fees, and special assessments for benefits conferred, for its public and proprietary functions, activities, operations, undertakings, and improvements; contract debts, borrow money, issue bonds, warrants, and other evidences of indebtedness; establish charges for any county or other services to the extent authorized by state law, and establish debt and mill levy limitations subject to Article 9.”

Article 9 of the Home Rule Charter deals with revenue authority and Section 2 Limitations, Subsection 1, reads in part:

“No ordinance or resolution may be adopted by the Board of County Commissioners levying property taxes in excess of 75 mills in total until referred by the Board of County Commissioners for approval by the electorate at any regular county election.”

The tax levied to fund the “CAPITAL PROJECTS FUND” will be set by the Cass County Commission annually as they prepare their annual budget and will fall within the 75 mill levy authority in Article 9 of the Home Rule Charter. The county commission will determine the projects and reserve required in the CAPITAL PROJECTS FUND levy during their annual budget process. The process for levying taxes, the allowable expenditures, and the reserve balance is different from and supersedes that provided in North Dakota Century Code 57-15-06.6 and 57-15-06.7.

DEDICATION OF TAX PROCEEDS:

1. The proceeds of the tax levy for the CAPITAL PROJECTS FUND, which is imposed pursuant to the Cass County Home Rule Charter, shall be solely utilized for capital projects needed by Cass County Government; the purchase of real property, construction of capital assets, remodeling of capital assets, and repair and replacement of any county property necessary for the conduct of the affairs of the county, including emergency communication; and the debt service incurred to acquire, repair, or remodel county capital assets.

SUBJECT: ORDINANCE #2018-1 (CAPITAL PROJECTS FUND)

ADOPTED DATE: FEBRUARY 5, 2018

PAGE 3 OF 3

EFFECTIVE DATE:

This Ordinance shall take effect after its passage, approval, and publication.

SEVERABILITY:

Should any section, provision or part of the ordinance be adjudged invalid or unconstitutional, such adjudication should not affect the validity of the ordinance as to the remainder or any section, provision or part thereof not adjudged invalid or unconstitutional.

APPROVED:

ss/Rick Steen
Rick Steen, Chairman
Board of Commissioners
Cass County

ATTEST:

ss/Michael Montplaisir
Michael Montplaisir
Cass County Auditor

(SEAL)

First Reading: January 2, 2018
Second Reading: February 5, 2018
Final Passage: February 5, 2018
Publication: January 8, 2018

HISTORICAL REFERENCE DATE: FEBRUARY 5, 2018

SUBJECT: ORDINANCE #2018-2 (WEST CENTRAL REGIONAL JUVENILE CENTER)

ADOPTED DATE: FEBRUARY 5, 2018

PAGE 1 OF 2

**ORDINANCE NO. 2018-2
CONSTRUCTION AND FINANCING OF THE
WEST CENTRAL REGIONAL JUVENILE CENTER**

PURPOSE:

It is the purpose of this Ordinance to facilitate the construction and financing of an addition to the West Central Regional Juvenile Center at 919 8th Avenue North in Moorhead, Minnesota. It is also the purpose of this Ordinance to provide for the construction and financing through a process and manner that is different from and supersedes that provided in North Dakota Century Code 11-11-16 and 21-03-07.

DEFINITIONS:

West Central Regional Juvenile Center: The West Central Regional Juvenile Center is a building located at 919 8th Avenue North in Moorhead, Minnesota, that provides secure and non-secure housing for juveniles who are in need of out-of-home placement as well as education, recreation, treatment and counseling for the juveniles in the facility.

HISTORY:

The County has had an agreement with Clay County to use the West Central Regional Juvenile Center for juvenile detention since November 3, 2014. The County recognizes that it can provide juvenile detention and programming services to the community more efficiently and effectively by partnering with Clay County.

The West Central Regional Juvenile Center is operated with participation and funding from several additional Minnesota counties to collectively provide these necessary services.

The County recognizes that partnering with Clay County and other Minnesota counties to provide these services will enable the County to provide these services without the need to expand and renovate the Cass County Jail or the Annex to the Cass County Courthouse.

AUTHORITY:

The County is operating under a Home Rule Charter approved by the voters of Cass County on November 1, 1994 with 57.75% positive vote. Paragraph 2 of Article 2, Home Rule Powers of County, reads in part:

“Control its finances and fiscal affairs; appropriate money for its purposes, and make payments of its debts and expenses; subject to the limitations of Article 9, levy and collect taxes, excises, fees and special assessments for benefits conferred, for its public and proprietary functions, activities, operations, undertakings, and improvements; contract debts, borrow money, issue bonds, warrants, and other evidences of indebtedness; establish charges for any county or other services to the extent authorized by state law, and establish debt and mill levy limitations subject to Article 9.”

SUBJECT: ORDINANCE #2018-2 (WEST CENTRAL REGIONAL JUVENILE CENTER)

ADOPTED DATE: FEBRUARY 5, 2018

PAGE 2 OF 2

Article 9 of the Home Rule Charter deals with revenue authority and Section 2 Limitations, Subsection 1, reads in part:

“No ordinance or resolution may be adopted by the Board of County Commissioners levying property taxes in excess of 75 mills in total until referred by the Board of County Commissioners for approval by the electorate at any regular county election.”

The Cass County Commission will review a request for funding the Cass County portion of the construction and financing of an addition to the West Central Regional Juvenile Center during the 2019 budget review as part of the 2019 Budget approval process. Funds for Cass County’s share of the construction will budgeted in the Capital Projects Fund established by Ordinance #2018-1.

SEVERABILITY:

Should any section, provision or part of this Ordinance be adjudged invalid or unconstitutional, such adjudication should not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

APPROVED:

ss/Rick Steen
Rick Steen, Chairman
Board of Commissioners of the
County of Cass

ATTEST:

ss/Michael Montplaisir
Michael Montplaisir
Cass County Auditor

First Reading: January 2, 2018
Second Reading: February 5, 2018
Final Passage: February 5, 2018
Publication: January 8, 2018

(SEAL)

HISTORICAL REFERENCE DATE: FEBRUARY 5, 2018

SUBJECT: ORDINANCE #2018-3 (ALCOHOLIC BEVERAGE RETAIL LICENSE FEES)

ADOPTED DATE: MARCH 19, 2018

PAGE 1 OF 2

ORDINANCE NO. 2018-3

AN ORDINANCE RELATING TO THE RETAIL LICENSING FEE FOR AN ANNUAL LICENSE TO SELL ALCOHOLIC BEVERAGES IN CASS COUNTY, NORTH DAKOTA, OUTSIDE OF INCORPORATED CITIES

WHEREAS, Chapter 5 of the North Dakota Century Code authorizes the Board of County Commissioners to set alcoholic beverage retail license fees, the following fee schedule shall govern all alcoholic beverage retail licenses in Cass County, North Dakota, outside of incorporated cities.

SECTION 1: Definitions

The terms in this Ordinance are defined in Chapter 5 of the North Dakota Century Code.

SECTION 2: Annual Fee Schedule

On & Off Sale Alcoholic Beverage	\$1000
On OR Off-Sale Alcoholic Beverage	\$1000
Beer and Wine	\$500

The term of the license shall be on a calendar-year basis from January 1st through December 31st.

An applicant may apply for a six (6) month retail license. Such a license shall be valid during any consecutive six (6) month period within the calendar year. The fee for a six (6) month license shall be ½ of the annual fee stated above.

The penalty for a violation of this ordinance is set forth in Chapter 5 of the North Dakota Century Code.

NOW, THEREFORE, be it ordained by the Cass County Board of Commissioners that the retail licensing fees for the sale of alcoholic beverages in Cass County, North Dakota, be established pursuant to the above schedule.

SUBJECT: ORDINANCE #2018-3 (ALCOHOLIC BEVERAGE RETAIL LICENSE FEES)

ADOPTED DATE: MARCH 19, 2018

PAGE 2 OF 2

APPROVED:

ss/Richard Steen
Richard Steen, Chairman
Board of Commissioners
Cass County

ATTEST:

ss/Michael Montplaisir
Michael Montplaisir
Cass County Auditor

(SEAL)

First Reading: February 20, 2018
Second Reading: March 19, 2018
Final Passage: March 19, 2018
Publication: February 26, 2018

HISTORICAL REFERENCE DATE: MARCH 19, 2018

SUBJECT: OVER DIMENSION VEHICLE REGULATIONS

ADOPTED DATE: FEBRUARY 19, 2008

PAGE 1 OF 23

A POLICY TO REGULATE VEHICLE DIMENSIONS AND WEIGHTS ON CASS COUNTY HIGHWAYS

1-01. Purpose

This policy is made pursuant to North Dakota Century Code Chapter 39-12 and the Cass County, North Dakota Home Rule Charter. The policy classifies public highways under the jurisdiction of the county commission as to the weight and load of vehicles.

1-02. Special permits for vehicles of excessive size and weight issued - Contents - Fees

The County Highway Department, or Sheriff, upon application and payment of the appropriate charges and for good cause shown, may issue a special written permit authorizing the applicant to operate or move a vehicle, mobile home, or modular unit of a size or weight exceeding the maximum specified by this policy upon a highway under the jurisdiction of the county. Every such permit may designate the route to be traversed, and may contain any other restrictions or conditions deemed necessary by the body granting such permit. Every such permit must be carried in the vehicle to which it refers and must be opened to inspection by any peace officer or agent in Cass County, North Dakota. It is a violation of the provisions of this policy for any person to violate any of the terms or conditions of such special permit. The county highway department may adopt rules governing the movement of oversize and overweight vehicles.

An appropriate charge may be made for each permit collected hereunder by the county and must be deposited in the county for use in the operating expenses of the county highway department. Official or publicly owned vehicles may not be required to pay charges for permits.

1-03. Commissioners may limit use of vehicles on highways

Whenever any highway will be seriously damaged or destroyed by reason of deterioration, rain, snow, or other climatic conditions unless the use of vehicles is prohibited or the weight of the vehicle thereon is limited, the commissioners or employees authorized by them by ordinance or resolution, may prohibit the operation of vehicles upon such highway or may impose restrictions as to the weight of vehicles. The commissioners or employees who are making such order or enacting any such ordinance or resolution shall erect or cause to be erected and maintained signs designating the provisions of the order, ordinance, or resolution. Such signs must be erected and maintained at each end of that portion of any highway affected thereby, and such order, ordinance, or resolution is not effective until such signs are erected and maintained. The operation of trucks or other commercial vehicles or limitations as to the weight thereof on designated highways may be prohibited or limited in the same manner.

County commission order does not constitute a violation of the statutes relative to limitations on sizes and weights.

1-04. Width, height, and length of vehicles

A. Legal Width

- 1) Eight feet six inches on all highways
- 2) Exceptions
 - a. Construction and building contractors' equipment and vehicles used to move such equipment which does not exceed 10 feet in width when being moved by contractors or resident carriers.
 - b. Implements of husbandry being moved by resident farmers, ranchers, dealers, or manufacturers between sunrise and sunset. Night time travel is allowed provided the implements are properly lighted.

B. Legal Height

- 1) Fourteen feet, whether loaded or unloaded, unless routes of travel include structures such as bridges and underpasses that are not 14 feet in height. Adequate clearance of all structures must be verified prior to moving any vehicle or equipment under any bridge or underpass.
- 2) Exceptions.
Implements of husbandry may not exceed 15 feet six inches in height when being moved by resident farmers, ranchers, dealers, or manufacturers between sunrise and sunset. Night time travel is allowed provided the implements are properly lighted.

C. Legal Length

- 1) A single unit vehicle with two or more axles, including the load thereon, shall not exceed a length of 50 feet.
- 2) A combination of two, three, or four units, including the load thereon, may not exceed 110 feet in length when traveling on county highways.
- 3) The length of a trailer or semi-trailer, including the load thereon, may not exceed 53 feet.
- 4) Towing converter dollies.
 - a. Converter dollies that are used to convert semi-trailers to trailers are considered trailers if they meet all lighting requirements and are equipped with brakes and safety chains.
 - b. No more than one converter dolly can be towed behind a truck-tractor, semi-trailer, and trailer; and no more than two converter dollies can be towed behind a truck-tractor and semi-trailer.

1-05 Legal weight limitations

A. Gross vehicle weight on the Cass County Highway System.

The gross vehicle weight of any vehicle or combination of vehicles is determined by the following weight formula of

$$W = 500 * (LN/N-1 + 12N + 36)$$

where W equals maximum weight in pounds carried on any group of two or more axles; L equals distance in feet between the extremes of any group of two or more consecutive axles; and N equals number of axles in the group under consideration except that two consecutive sets of tandem axles may carry a gross load of 34,000 pounds each, providing the overall distance between the first and last axles of the consecutive sets of tandem axles is at least 36 feet. The maximum gross vehicle weight on the county highway system is 105,500 pounds.

B. Axle weight on the Cass County Highway System.

- 1) No single axle shall carry a gross weight in excess of 20,000 pounds. Axles spaced 40 inches or less apart are considered one axle. Axles spaced eight feet apart or over are considered as individual axles. (The gross weight of two individual axles may not exceed 40,000 pounds.) Spacing between axles shall be measured from axle center to axle center.
- 2) Axles spaced over 40 inches apart and less than eight feet apart shall not carry a gross weight in excess of 17,000 pounds per axle. The gross weight of three or more axles in a grouping may not exceed 48,000.
- 3) During the spring season or on otherwise posted highways reductions in the above axle weights may be specified. Axle weights may also be reduced by the bridge load limitations posted at individual bridges.

C. Wheel weight.

The weight in pounds on any one wheel shall not exceed one-half the allowable axle weight. Dual tires are considered one wheel.

D. Tire weight.

The weight per inch width of tire shall not exceed 550 pounds. The width of tire for solid tires shall be the rim width; for pneumatic tires, the manufacturer's width. Metric tire sizes are converted to inches by dividing millimeters by 25.4

E. Permits for non-divisible loads.

The gross weight limitations do not apply to equipment the commissioners or highway department approve for exemption. For every vehicle approved for exemption, the county highway department shall issue a nontransferable permit. The county highway department or sheriff's department may charge a fee for the permit.

F. Permits for 10 percent winter exception. The county highway department or sheriff may issue permits authorizing a specific motor vehicle to exceed the weight limitations stated in subsections A and B by ten percent. The permits may not provide for a gross weight in excess of one hundred five thousand five hundred pounds [47,854.00 kilograms]. The permits may provide for the general movement of products during the period from December first to March seventh. The county highway department or sheriff will charge a fee of \$20 for a single movement permit or \$50 for a seasonal permit.

ROAD RESTRICTION REDUCTION IN WEIGHTS

When restrictions on county highways are imposed in accordance with state law and Cass County ordinance, the weight classifications as listed below will be used.

Class	Single Axle	Tandem Axle	3 or More Axle Groupings	Gross Vehicle Weight
8-Ton	16,000 lbs	32,000 lbs	14,000 lbs per axle not to exceed 42,000 lbs gross weight on divisible loads	105,500 lbs
7-Ton	14,000 lbs	28,000 lbs	12,000 lbs per axle not to exceed 36,000 lbs gross weight on divisible loads	105,500 lbs
6-Ton	12,000 lbs	24,000 lbs	10,000 lbs per axle not to exceed 30,000 lbs gross weight on divisible loads	80,000 lbs
5-Ton	10,000 lbs	20,000 lbs	10,000 lbs per axle not to exceed 30,000 lbs gross weight on divisible loads	80,000 lbs No Overweight Movement Allowed

1-06. Limitations on extending of load beyond side of motor vehicle.

No motor vehicle carrying any load beyond the lines of the left fenders of such vehicle nor extending more than twelve inches [30.48 centimeters] beyond the line of the fenders on the right side of such vehicle may be operated on the highways, except as permitted by section 04. The county highway department or peace officer shall have authority to revoke permits when such holder violates or abuses the privilege or conditions of permit.

1-07. Peace officers may weigh vehicle to determine load - decreasing gross weight of vehicle

Every peace officer, including members of the state highway patrol, having reason to believe that the weight of a vehicle and the load carried thereon is unlawful, may weigh such vehicle and load or have the same weighed either by means of portable or stationary scales, and for that purpose the officer may require the vehicle to be driven to the nearest scales. Such officer may require the driver of such vehicle immediately to unload such portion of the load as may be necessary to decrease the gross weight to the maximum allowed by the provisions of this policy.

1-08. Penalty for violation of chapter

Any person violating any of the provisions of sections 04, 05, or 06 must be assessed a fee of one hundred dollars. Any person violating any other provision of this chapter, for which a specific penalty is not provided, must be assessed a fee of fifty dollars. These fees are in addition to the applicable charges for extraordinary road use listed in section 16 of this policy.

1-09. Impounding overweight vehicle

Any vehicle found to have been moved or used upon any highway, street, or road in this state at a weight exceeding the limitations as specified in any order, ordinance, or resolution issued under this policy may be impounded by any peace officer and taken to a warehouse or garage for storage.

1-10. Impounding receipt - Information

A receipt must be given by the officer impounding the vehicle, to the driver or person in charge of such vehicle. Such receipt must identify, as nearly as possible, the owner of the vehicle and cargo, the driver or person in charge of such vehicle, the cargo, the place the vehicle is to be stored during impoundment, the weight of the loaded vehicle and the name and address of the impounding officer. Information as to the owner of the vehicle and cargo must be obtained from the driver or person in charge of the vehicle.

1-11. Impounding notice - Perishables

The impounding officer shall notify the owner or owners, if they can be found, by wire or telephone, of the impoundment and the charges involved. If the cargo consists of perishables, the impounding officer shall use reasonable diligence in assisting the operator or owner in finding suitable storage facilities for such perishables, but all risk of loss or damage to such perishables must be upon the owner, operator, or lessee of such vehicle.

1-12. Civil complaint.

The state's attorney shall, if no settlement is made under section 13, immediately prepare and file a civil complaint on behalf of the authority having jurisdiction of the road whereon the violation occurred, for the purpose of recovering charges for the extraordinary use of the highways, streets, or roads of this county.

1-13. Voluntary settlement of extraordinary road use fee charges

Before the complaint is issued pursuant to section 12, the owner, or the owner's driver or agent, may voluntarily pay the amount of the extraordinary road use fee, or may provide proof of surety coverage to ensure payment of the extraordinary road use fee, provided under section 16, plus any towing or storage costs. Any settlement, whether made by the owner, or the owner's driver or agent, must be presumed to be of a voluntary nature. A peace officer or a peace officer's designee is authorized to receive the settlement payment on behalf of the authority having jurisdiction of the road whereon the violation occurred. The extraordinary road use fees must be remitted to the county treasurer.

1-14. Mailing complaint

A copy of the complaint must be served upon the driver or person in charge of the vehicle and a copy must be sent by registered or certified mail to the owner of the vehicle, if the address of such owner is known.

1-15. Cash bond - Holding

Unless a cash bond is furnished in an amount sufficient to cover the charges for extraordinary use of highways, streets, and roads, as provided in section 16, together with the costs which may be collectible under any subsequent settlement made pursuant to section 13, said vehicle must be held until a trial of the case can be had before the district court.

1-16. Trial - Charges

At the trial of the action, the court shall hear testimony concerning the facts and if it is found that such vehicle or vehicles were moved upon the highways, streets, or roads of this county at a weight in excess of the limitations imposed under the provisions of section 03 or as limited by the provisions of section 05, charges for the extraordinary use of the highways, streets, or roads must be assessed as follows:

1. The storage charges and costs of the action must be assessed; and
2. An additional charge must be assessed as follows:

1 to	1,000 pounds [.45 to 453.59 kilograms]	of excess weight = \$20
1,001 to	2,000 pounds [454.05 to 907.18 kilograms]	of excess weight = \$40
2,001 to	3,000 pounds [907.64 to 1360.78 kilograms]	of excess weight = \$60
3,001 to	4,000 pounds [1361.23 to 1814.37 kilograms]	of excess weight = \$140
4,001 to	5,000 pounds [1814.82 to 2267.96 kilograms]	of excess weight = \$220
5,001 to	6,000 pounds [2268.41 to 2721.55 kilograms]	of excess weight = \$305
6,001 to	7,000 pounds [2722.01 to 3175.14 kilograms]	of excess weight = \$380
7,001 to	8,000 pounds [3175.60 to 3628.74 kilograms]	of excess weight = \$495
8,001 to	9,000 pounds [3629.19 to 4082.33 kilograms]	of excess weight = \$575
9,001 to	10,000 pounds [4082.78 to 4535.92 kilograms]	of excess weight = \$655
10,001 to	11,000 pounds [4536.37 to 4989.51 kilograms]	of excess weight = \$1,100

11,001 to 12,000 pounds	[4989.97 to 5443.10 kilograms]	of excess weight = \$1,200
12,001 to 13,000 pounds	[5443.56 to 5896.70 kilograms]	of excess weight = \$1,300
13,001 to 14,000 pounds	[5897.15 to 6350.29 kilograms]	of excess weight = \$1,680
14,001 to 15,000 pounds	[6350.74 to 6803.88 kilograms]	of excess weight = \$1,800
15,001 to 16,000 pounds	[6804.33 to 7257.47 kilograms]	of excess weight = \$1,920
16,001 to 17,000 pounds	[7257.93 to 7711.06 kilograms]	of excess weight = \$2,550
17,001 to 18,000 pounds	[7711.52 to 8164.66 kilograms]	of excess weight = \$2,700
18,001 to 19,000 pounds	[8165.11 to 8618.25 kilograms]	of excess weight = \$2,850
19,001 to 20,000 pounds	[8618.70 to 9071.84 kilograms]	of excess weight = \$3,000
20,001 to 21,000 pounds	[9072.29 to 9525.43 kilograms]	of excess weight = \$4,200
21,001 to 22,000 pounds	[9525.89 to 9979.02 kilograms]	of excess weight = \$4,400
22,001 to 23,000 pounds	[9979.48 to 10432.62 kilograms]	of excess weight = \$4,600
23,001 to 24,000 pounds	[10433.07 to 10886.21 kilograms]	of excess weight = \$4,800
24,001 to 25,000 pounds	[10886.66 to 11339.80 kilograms]	of excess weight = \$5,000
25,001 to 26,000 pounds	[11340.25 to 11793.40 kilograms]	of excess weight = \$5,200
26,001 to 27,000 pounds	[11793.86 to 12246.99 kilograms]	of excess weight = \$5,400
27,001 to 28,000 pounds	[12247.45 to 12700.59 kilograms]	of excess weight = \$5,600
28,001 to 29,000 pounds	[12701.04 to 13154.18 kilograms]	of excess weight = \$5,800
29,001 to 30,000 pounds	[13154.63 to 13607.77 kilograms]	of excess weight = \$6,000

An additional charge of \$200 for every 1,000-pound [453.59-kilogram] increase over 30,000 pounds [13607.77 kilograms] consistent with the above formula.

1-17. Payment of charges - Confiscation - Sale

If the charges and costs as provided in section 16 are not paid within a reasonable time from a cash bond previously posted or other cash payment, the judge shall order the vehicle confiscated and sold by the sheriff of the county at a public sale to the highest bidder and the proceeds applied to the payment of the charges and costs assessed under the provisions of sections 11 through 22.

1-18. Payment - Effect

The payment of charges may not be construed as a payment for the future use of highways, streets, or roads by vehicles carrying excess loads.

1-19. Proceeds of sale - Continuing appropriation

The proceeds of sale must be applied first to the payment of the costs of the proceedings, including attorneys and witness fees and costs, and next to the payment of the charges assessed. Such charges must be remitted to the county treasury to be credited to the county highway fund. The balance of the proceeds of any sale after the payment of costs and charges must be paid over by the sheriff to the person entitled thereto as determined by the court, or must be deposited with the clerk of court for such payment.

1-20. Penalty

Any driver of a vehicle who refuses to stop and submit the vehicle and load to a weighing when directed to do so by any police officer or any agent of this state having police powers relating to motor vehicles is guilty of a class B misdemeanor.

1-21. Permissible loads - Exceptions

When any motor truck, truck tractor, or trailer is operated upon the public highways of this county carrying a load in excess of the maximum prescribed under the provisions of sections 03 and 05 or other maximum weight limitations prescribed by law, the load must be reduced or shifted to within such maximum limitations before being permitted to operate on any public highway of this state; provided, however, that any such vehicle carrying a load of livestock is exempt from the limitations prescribed in section 05, relating to the carrying capacity of any wheel, tire, axle, or group of axles when excessive weight is caused by a shifting of the weight of the livestock. All material unloaded as required by this section must be cared for by the owner or operator of such vehicle at the risk of such owner or operator.

1-22. Governor's or County Commission order authorizing excess limits

The Governor of this state or the County Commission may authorize, by order of general application, permit and prescribe definite excess limitations as to size and weight for the operation of motor vehicles in emergencies and to meet unusual conditions for the general welfare of the public. The operation of such vehicles, in accordance with the Governor's or County Commission's order, does not constitute a violation of the statutes relative to limitations on sizes and weights.

SECTION 2 - PERMITS FOR OVERSIZE AND OVERWEIGHT VEHICLES

Cass County will issue permits, when good cause is shown, for the movement of oversize and/or overweight vehicles and loads. Oversize vehicles are those vehicles exceeding the legal width, height, length, and weight maximums listed below. The procedures contained in this document outline the requirements and methods for issuing permits for oversize and overweight vehicles.

PERMIT PROCEDURES:

2-01. Permits must be in possession prior to starting any movement. The County has the authority to revoke permits when the holder violates or abuses the privilege or conditions of the permits.

2-02. General travel restrictions.

- a. Permits shall not be issued for over dimensional movements between sunset and sunrise, unless approved by the County Engineer or Sheriff.
- b. Permits shall not authorize movements when inclement weather prevails, highways are slippery, or when visibility is poor.

- c. Permits do not authorize travel on shoulders of road.
- d. Permits shall apply to movement of one vehicle or one vehicle combination only.
- e. All permits shall require a minimum distance of 1,000 feet between vehicles in a convoy of two or more vehicles.

2-03. General safety requirements.

- a. All over dimensional vehicles and loads shall have minimum 18 inch by 18 inch red or bright orange flags displayed on the traffic side front and rear.
- b. When the overall length of an over dimensional movement exceeds 110 feet in length, there shall be at least an 18 inch by 84 inch OVERSIZE LOAD sign on the rear. The lettering shall be black on yellow background. Letters shall be at least 10 inches high with 1.41 inch brush stroke. When the movement is over length only, exceeding 110 feet in overall length, a LONG LOAD sign that is a minimum 12 inches by 60 inches in size may be used in lieu of the OVERSIZE LOAD sign. The lettering shall be black on yellow background. The letters shall be at least 8 inches high with 1-inch brush stroke. The sign shall be covered or removed when the movement is not over dimensional.
- c. All motor vehicles when transporting loads must be loaded and secured to prevent the shifting or falling of the load. Loads such as a hydraulic backhoe or crane must be secured to prevent the accidental lifting of the bucket or boom.
- d. Towing vehicle must have two mirrors to reflect a rear view of 200 feet to the driver.
- e. All commercial oversize vehicles must be equipped in accordance with the requirements and specifications of Parts 393 and 396 of 49CFR.

2-04. Escort requirements.

- a. All movements exceeding 14 feet 6 inches in width, 18 feet in height, and 120 feet in overall length are required to have official escort or approved pilot cars (see Pilot Car Policy). In lieu of the pilot car requirement for movements not exceeding 16 feet in width, the over width vehicle itself, or vehicle towing or hauling an over width load, may be equipped with a lighted rotating or flashing amber light or lights that are visible from front and rear for a minimum 500 feet. On four-lane divided highways, there are no pilot car requirements for movements not exceeding 16 feet in width. Movements exceeding 18 feet in width will be required to have an official escort unless exempted by the County Engineer or his/her designee.

- b. Exceeding 16 feet in overall width.
 - 1) One pilot car is required to precede each movement at a distance of 300 to 700 feet and one pilot car is required to follow each movement at a distance of 300 to 700 feet on two-lane highways.
 - 2) One pilot car is required to follow each movement at a distance of 300 to 700 feet on four-lane divided highways.
- c. Pilot car requirements.
 - 1) The vehicle must be a passenger vehicle or two-axle truck only and must be operated as a single unit only.
 - 2) The vehicle must have on the highest part a sign that is minimum 12 inches in height and 60 inches in length with the words OVERSIZE LOAD on it. The sign shall be yellow with black lettering. The lettering shall not be less than 8 inches high and 1-inch brush strokes. In addition, flashing amber lights shall be mounted on both ends of the sign. In place of the two alternating lights, there can be one centrally mounted revolving amber light on the top of the sign. There shall be radio communication between the pilot car(s) and the vehicle being escorted.

2-05. General size limitations.

- a. Construction and building contractors' equipment and vehicles used to move such equipment are exempt from width limitations not to exceed 10 feet in width when being moved by contractors or resident carriers. House movers' vehicles are considered construction equipment.
- b. All movements exceeding 18 feet in height must have written authority from utility companies to travel under overhead wires. All vertical clearances shall be the responsibility of the permittee.
- c. Towed vehicles, such as rock crushers or conveyors, are subject to permits if the length of the towed vehicle exceeds 60 feet.
- d. Road construction may limit over width movements to 12 feet in width, or less, on some highways.

2-06. General conditions for all overweight movements.

- a. No permit shall be issued for an overweight vehicle unless the vehicle is registered for the gross weight which the vehicle can legally carry without a permit, nor issued for loads that can be reasonably made to conform to legal limits. Overweight permits will be issued for hauling one piece of equipment only. A dozer with blade attached is considered one piece. If the blade is detached, it cannot be hauled on the same load.

- b. Overweight permits are not valid for movement on flexible pavements when the atmospheric temperature is 85° F or above.

2-07. Additional conditions for all overweight movements.

- a. Loads would have to be broken down as follows if requested routes of travel cannot be approved by the County Engineer or Sheriff.
 - 1) Blades and rippers must be removed from dozer and hauled separately.
 - 2) All scrapers must be split and hauled separately.
 - 3) Counterweights must be removed from cranes and hauled separately.
 - 4) Self-propelled truck cranes shall be allowed a maximum of 550 lbs. per inch width of tire without an additional overweight fee, up to a maximum gross vehicle weight of 150,000 lbs, anything over 150,000 lbs. gross vehicle weight will be charged rates listed
Weights in excess of 550 lbs. per inch width of tire shall be assessed a fee in accordance with the fee schedule for each additional weight per axle configuration on self-propelled truck cranes.
 - 5) During spring weight restrictions, all truck cranes shall follow the standard over dimensional policies.
- b. All movements are subject to County Engineer or Sheriff approval.

2-08. Additional conditions for movement of overweight self-propelled earthmoving equipment such as scrapers, rubber-tired dozers, and loaders.

- a. The maximum permissible axle weight when roading earthmoving equipment is 36,000 pounds per axle except as authorized by the County Engineer.
- b. County Engineer or Sheriff may authorize permits when the axle weights exceed 36,000 pounds.
- c. Earth moving equipment is not allowed to be loaded with material when roading.
- d. Maximum speed for movement is 20 mph and a pilot car is required to follow for this purpose.
- e. All general travel restrictions and requirements of this permit policy apply to self-propelled earthmoving equipment movements.

2-09. Government and emergency vehicles.

- a. Governmental road maintenance equipment, North Dakota National Guard equipment, and emergency vehicles will be permitted on individual specifications or where emergencies necessitate.

2-10. Liability of permittee.

- a. The applicant or permittee, as a condition for obtaining an oversize and/or overweight permit, shall assume all responsibility for accidents, damage, or injury to any persons or damage to public or private property caused by the movement of any oversize and/or overweight vehicle or load covered by the permit while on Cass County highways.
- b. The applicant or permittee agrees to indemnify and hold harmless the Cass County, its officers and employees from any and all claims resulting directly or indirectly from the movement of an oversize and/or overweight vehicle or load on any county highway .

2-11. Special mobile equipment.

- a. For the purpose of this policy, special mobile equipment shall mean every non-registered, overweight, self-propelled vehicle that is only incidentally operated or moved over a highway.
- b. Special mobile equipment shall include the following vehicles:
 - 1) Workover rigs
 - 2) Truck cranes
 - 3) Self-propelled scrapers
 - 4) Rubber-tired dozers
 - 5) Rubber tired loaders

2-12. Application Procedure

- a. Permits can be obtained from the County Engineer or Sheriff.
 - 1) Applications may be made in person, via mail, fax or on line.
 - 2) The applicant must read and sign the reverse side of the receipt/permit acknowledging the movement restrictions and requirements.
 - 3) Permits will be in written form and must be in possession prior to starting movement on County Highways.

- 4) Information required for obtaining permits:
 - a) Company name and address
 - b) Description of power unit: year, make, capacity, serial number, license number and state, tire sizes, and number of axles
 - c) Description of towed unit: type unit, make, tire sizes, and number of axles
 - d) Overall dimensions of vehicle and load
 - e) Axle weights and gross weight of vehicles and load if overweight is requested
 - f) Point of origin and destination and desired route to be traveled.

2-13. Permit fees as per the overweight fee schedule.

CASS COUNTY NORTH DAKOTA OVERDEMENSION PERMIT FEE SCHEDULE

OVER HEIGHT, OVER WIDTH, OR OVER LENGTH PERMITS

	30 day	
Trip permit		Season (ends 12/31 of each year)
\$20	\$40	\$200

FOR OVERWEIGHT PERMITS, ADD THE ABOVE FEE TO THE AXLE WEIGHT FEE
 AXLE WEIGHT FEE IS THE TOTAL OF ALL AXLE WEIGHT FEES FROM CHARTS

GVW	Unrestricted			8-Ton			7-Ton			6-Ton		
	Trip	30 day	Season	Trip	30 day	Season	Trip	30 day	Season	Trip	30 day	Season
66000												
68000												
70000												
72000												
74000												
76000												
78000												
80000												
82000										\$5	\$10	NA
84000										\$10	\$20	NA
86000										\$15	\$30	NA
88000										\$20	\$40	NA
90000										\$25	\$50	NA
92000										\$30	\$60	NA
94000										\$35	\$70	NA
96000										\$40	\$80	NA
98000										\$45	\$90	NA
100000										\$50	\$100	NA
102000										\$55	\$110	NA

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GVW	Unrestricted			8-Ton			7-Ton			6-Ton		
	Trip	30 day	Season	Trip	30 day	Season	Trip	30 day	Season	Trip	30 day	Season
104000										\$60	\$120	NA
106000							\$5	\$10	NA	\$65	\$130	NA
108000							\$10	\$20	NA	\$70	\$140	NA
110000							\$15	\$30	NA	\$75	\$150	NA
112000				\$5	\$10	NA	\$20	\$40	NA	\$80	\$160	NA
114000				\$10	\$20	NA	\$25	\$50	NA	\$85	\$170	NA
116000				\$15	\$30	NA	\$30	\$60	NA	\$90	\$180	NA
118000				\$20	\$40	NA	\$35	\$70	NA	\$95	\$190	NA
120000				\$25	\$50	NA	\$40	\$80	NA	\$100	\$200	NA
122000				\$30	\$60	NA	\$45	\$90	NA	\$105	\$210	NA
124000				\$35	\$70	NA	\$50	\$100	NA	\$110	\$220	NA
126000				\$40	\$80	NA	\$55	\$110	NA	\$115	\$230	NA
128000				\$45	\$90	NA	\$60	\$120	NA	\$120	\$240	NA
130000				\$50	\$100	NA	\$65	\$130	NA	\$125	\$250	NA
132000				\$55	\$110	NA	\$70	\$140	NA	\$130	\$260	NA
134000				\$60	\$120	NA	\$75	\$150	NA	\$135	\$270	NA
136000				\$65	\$130	NA	\$80	\$160	NA	\$140	\$280	NA
138000				\$70	\$140	NA	\$85	\$170	NA	\$145	\$290	NA
140000				\$75	\$150	NA	\$90	\$180	NA	\$150	\$300	NA
142000				\$80	\$160	NA	\$95	\$190	NA	\$155	\$310	NA
144000				\$85	\$170	NA	\$100	\$200	NA	\$160	\$320	NA
146000				\$90	\$180	NA	\$105	\$210	NA	\$165	\$330	NA
148000				\$95	\$190	NA	\$110	\$220	NA	\$170	\$340	NA
150000				\$100	\$200	NA	\$115	\$230	NA	\$175	\$350	NA
152000				\$105	\$210	NA	\$120	\$240	NA	\$180	\$360	NA
154000				\$110	\$220	NA	\$125	\$250	NA	\$185	\$370	NA
156000				\$115	\$230	NA	\$130	\$260	NA	\$190	\$380	NA
158000				\$120	\$240	NA	\$135	\$270	NA	\$195	\$390	NA
160000				\$125	\$250	NA	\$140	\$280	NA	\$200	\$400	NA
162000				\$130	\$260	NA	\$145	\$290	NA	\$205	\$410	NA
164000				\$135	\$270	NA	\$150	\$300	NA	\$210	\$420	NA
166000				\$140	\$280	NA	\$155	\$310	NA	\$215	\$430	NA
168000				\$145	\$290	NA	\$160	\$320	NA	\$220	\$440	NA
170000				\$150	\$300	NA	\$165	\$330	NA	\$225	\$450	NA
172000				\$155	\$310	NA	\$170	\$340	NA	\$230	\$460	NA
174000				\$160	\$320	NA	\$175	\$350	NA	\$235	\$470	NA
176000				\$165	\$330	NA	\$180	\$360	NA	\$240	\$480	NA
178000				\$170	\$340	NA	\$185	\$370	NA	\$245	\$490	NA
180000				\$175	\$350	NA	\$190	\$380	NA	\$250	\$500	NA
182000				\$180	\$360	NA	\$195	\$390	NA	\$255	\$510	NA
184000				\$185	\$370	NA	\$200	\$400	NA	\$260	\$520	NA
186000				\$190	\$380	NA	\$205	\$410	NA	\$265	\$530	NA
188000				\$195	\$390	NA	\$210	\$420	NA	\$270	\$540	NA
190000				\$200	\$400	NA	\$215	\$430	NA	\$275	\$550	NA
192000				\$205	\$410	NA	\$220	\$440	NA	\$280	\$560	NA

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GVW	Unrestricted			8-Ton			7-Ton			6-Ton		
	Trip	30 day	Season	Trip	30 day	Season	Trip	30 day	Season	Trip	30 day	Season
194000				\$210	\$420	NA	\$225	\$450	NA	\$285	\$570	NA
196000				\$215	\$430	NA	\$230	\$460	NA	\$290	\$580	NA
198000				\$220	\$440	NA	\$235	\$470	NA	\$295	\$590	NA
200000				\$225	\$450	NA	\$240	\$480	NA	\$300	\$600	NA
202000				\$230	\$460	NA	\$250	\$500	NA	\$310	\$620	NA
204000				\$240	\$480	NA	\$260	\$520	NA	\$320	\$640	NA
206000				\$250	\$500	NA	\$270	\$540	NA	\$330	\$660	NA
208000				\$260	\$520	NA	\$280	\$560	NA	\$340	\$680	NA
210000				\$270	\$540	NA	\$290	\$580	NA	\$350	\$700	NA
212000				\$280	\$560	NA	\$300	\$600	NA	\$360	\$720	NA
214000				\$290	\$580	NA	\$310	\$620	NA	\$370	\$740	NA
216000				\$300	\$600	NA	\$320	\$640	NA	\$380	\$760	NA
218000				\$310	\$620	NA	\$330	\$660	NA	\$390	\$780	NA
220000				\$320	\$640	NA	\$340	\$680	NA	\$400	\$800	NA
222000				\$330	\$660	NA	\$350	\$700	NA	\$410	\$820	NA
224000				\$340	\$680	NA	\$360	\$720	NA	\$420	\$840	NA
226000				\$350	\$700	NA	\$370	\$740	NA	\$430	\$860	NA
228000				\$360	\$720	NA	\$380	\$760	NA	\$440	\$880	NA
230000				\$370	\$740	NA	\$390	\$780	NA	\$450	\$900	NA
232000				\$380	\$760	NA	\$400	\$800	NA	\$460	\$920	NA
234000				\$390	\$780	NA	\$410	\$820	NA	\$470	\$940	NA
236000				\$400	\$800	NA	\$420	\$840	NA	\$480	\$960	NA
238000				\$410	\$820	NA	\$430	\$860	NA	\$490	\$980	NA
240000				\$420	\$840	NA	\$440	\$880	NA	\$500	\$1,000	NA
242000				\$430	\$860	NA	\$450	\$900	NA	\$510	\$1,020	NA
244000				\$440	\$880	NA	\$460	\$920	NA	\$520	\$1,040	NA
246000				\$450	\$900	NA	\$470	\$940	NA	\$530	\$1,060	NA
248000				\$460	\$920	NA	\$480	\$960	NA	\$540	\$1,080	NA
250000				\$470	\$940	NA	\$490	\$980	NA	\$550	\$1,100	NA

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Single Axle Weights	Unrestricted			8-Ton			7-Ton			6-Ton		
	Trip	30 day	Season	Trip	30 day	Season	Trip	30 day	Season	Trip	30 day	Season
13000										\$5	\$10	NA
14000										\$10	\$20	NA
15000							\$5	\$10	NA	\$15	\$30	NA
16000							\$10	\$20	NA	\$20	\$40	NA
17000				\$5	\$10	NA	\$15	\$30	NA	\$25	\$50	NA
18000				\$10	\$20	NA	\$20	\$40	NA	\$30	\$60	NA
19000				\$15	\$30	NA	\$25	\$50	NA	\$35	\$70	NA
20000				\$20	\$40	NA	\$30	\$60	NA	\$40	\$80	NA
21000	\$5	\$10	\$50	\$25	\$50	NA	\$35	\$70	NA	\$45	\$90	NA
22000	\$10	\$20	\$100	\$30	\$60	NA	\$40	\$80	NA	\$50	\$100	NA
23000	\$15	\$30	\$150	\$35	\$70	NA	\$45	\$90	NA	\$55	\$110	NA
24000	\$20	\$40	\$200	\$40	\$80	NA	\$50	\$100	NA	\$60	\$120	NA
25000	\$25	\$50	\$250	\$45	\$90	NA	\$55	\$110	NA	\$65	\$130	NA
26000	\$30	\$60	\$300	\$50	\$100	NA	\$60	\$120	NA	\$70	\$140	NA
27000	\$35	\$70	\$350	\$55	\$110	NA	\$65	\$130	NA	\$75	\$150	NA
28000	\$40	\$80	\$400	\$60	\$120	NA	\$70	\$140	NA	\$80	\$160	NA
29000	\$45	\$90	\$450	\$65	\$130	NA	\$75	\$150	NA	\$85	\$170	NA
Max 30,000	\$50	\$100	\$500	\$70	\$140	NA	\$80	\$160	NA	\$90	\$180	NA

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Tandem Axle Weights	Unrestricted			8-Ton			7-Ton			6-Ton		
	Trip	30 day	Season	Trip	30 day	Season	Trip	30 day	Season	Trip	30 day	Season
25000										\$5	\$10	NA
26000										\$10	\$20	NA
27000										\$15	\$30	NA
28000										\$20	\$40	NA
29000							\$5	\$10	NA	\$25	\$50	NA
30000							\$10	\$20	NA	\$30	\$60	NA
31000							\$15	\$30	NA	\$35	\$70	NA
32000							\$20	\$40	NA	\$40	\$80	NA
33000				\$5	\$10	NA	\$25	\$50	NA	\$45	\$90	NA
34000				\$10	\$20	NA	\$30	\$60	NA	\$50	\$100	NA
35000	\$5	\$10	\$50	\$15	\$30	NA	\$35	\$70	NA	\$55	\$110	NA
36000	\$10	\$20	\$100	\$20	\$40	NA	\$40	\$80	NA	\$60	\$120	NA
37000	\$15	\$30	\$150	\$25	\$50	NA	\$45	\$90	NA	\$65	\$130	NA
38000	\$20	\$40	\$200	\$30	\$60	NA	\$50	\$100	NA	\$70	\$140	NA
39000	\$25	\$50	\$250	\$35	\$70	NA	\$55	\$110	NA	\$75	\$150	NA
40000	\$30	\$60	\$300	\$40	\$80	NA	\$60	\$120	NA	\$80	\$160	NA
41000	\$35	\$70	\$350	\$45	\$90	NA	\$65	\$130	NA	\$85	\$170	NA
42000	\$40	\$80	\$400	\$50	\$100	NA	\$70	\$140	NA	\$90	\$180	NA
43000	\$45	\$90	\$450	\$55	\$110	NA	\$75	\$150	NA	\$95	\$190	NA
44000	\$50	\$100	\$500	\$60	\$120	NA	\$80	\$160	NA	\$100	\$200	NA
45000	\$55	\$110	\$550	\$65	\$130	NA	\$85	\$170	NA	\$105	\$210	NA
46000	\$60	\$120	\$600	\$70	\$140	NA	\$90	\$180	NA	\$110	\$220	NA
47000	\$65	\$130	\$650	\$75	\$150	NA	\$95	\$190	NA	\$115	\$230	NA
48000	\$70	\$140	\$700	\$80	\$160	NA	\$100	\$200	NA	\$120	\$240	NA
49000	\$75	\$150	\$750	\$85	\$170	NA	\$105	\$210	NA	\$125	\$250	NA
Max 50,000	\$80	\$160	\$800	\$90	\$180	NA	\$110	\$220	NA	\$130	\$260	NA

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Triple Axle Weights	Unrestricted			8-Ton			7-Ton			6-Ton		
	Trip	30 day	Season	Trip	30 day	Season	Trip	30 day	Season	Trip	30 day	Season
31000										\$5	\$10	NA
32000										\$10	\$20	NA
33000										\$15	\$30	NA
34000										\$20	\$40	NA
35000										\$25	\$50	NA
36000										\$30	\$60	NA
37000							\$5	\$10	NA	\$35	\$70	NA
38000							\$10	\$20	NA	\$40	\$80	NA
39000							\$15	\$30	NA	\$45	\$90	NA
40000							\$20	\$40	NA	\$50	\$100	NA
41000							\$25	\$50	NA	\$55	\$110	NA
42000							\$30	\$60	NA	\$60	\$120	NA
43000				\$5	\$10	NA	\$35	\$70	NA	\$65	\$130	NA
44000				\$10	\$20	NA	\$40	\$80	NA	\$70	\$140	NA
45000				\$15	\$30	NA	\$45	\$90	NA	\$75	\$150	NA
46000				\$20	\$40	NA	\$50	\$100	NA	\$80	\$160	NA
47000				\$25	\$50	NA	\$55	\$110	NA	\$85	\$170	NA
48000				\$30	\$60	NA	\$60	\$120	NA	\$90	\$180	NA
49000	\$5	\$10	\$50	\$35	\$70	NA	\$65	\$130	NA	\$95	\$190	NA
50000	\$10	\$20	\$100	\$40	\$80	NA	\$70	\$140	NA	\$100	\$200	NA
51000	\$15	\$30	\$150	\$45	\$90	NA	\$75	\$150	NA	\$105	\$210	NA
52000	\$20	\$40	\$200	\$50	\$100	NA	\$80	\$160	NA	\$110	\$220	NA
53000	\$25	\$50	\$250	\$55	\$110	NA	\$85	\$170	NA	\$115	\$230	NA
54000	\$30	\$60	\$300	\$60	\$120	NA	\$90	\$180	NA	\$120	\$240	NA
55000	\$35	\$70	\$350	\$65	\$130	NA	\$95	\$190	NA	\$125	\$250	NA
56000	\$40	\$80	\$400	\$70	\$140	NA	\$100	\$200	NA	\$130	\$260	NA
57000	\$45	\$90	\$450	\$75	\$150	NA	\$105	\$210	NA	\$135	\$270	NA
58000	\$50	\$100	\$500	\$80	\$160	NA	\$110	\$220	NA	\$140	\$280	NA
59000	\$55	\$110	\$550	\$85	\$170	NA	\$115	\$230	NA	\$145	\$290	NA
60000	\$60	\$120	\$600	\$90	\$180	NA	\$120	\$240	NA	\$150	\$300	NA

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Quadruple Axle Weights	Unrestricted			8-Ton			7-Ton			6-Ton		
	Trip	30 day	Season	Trip	30 day	Season	Trip	30 day	Season	Trip	30 day	Season
41000										\$5	\$10	NA
42000										\$10	\$20	NA
43000										\$15	\$30	NA
44000										\$20	\$40	NA
45000										\$25	\$50	NA
46000										\$30	\$60	NA
47000										\$35	\$70	NA
48000										\$40	\$80	NA
49000							\$5	\$10	NA	\$45	\$90	NA
50000							\$10	\$20	NA	\$50	\$100	NA
51000							\$15	\$30	NA	\$55	\$110	NA
52000							\$20	\$40	NA	\$60	\$120	NA
53000							\$25	\$50	NA	\$65	\$130	NA
54000							\$30	\$60	NA	\$70	\$140	NA
55000							\$35	\$70	NA	\$75	\$150	NA
56000							\$40	\$80	NA	\$80	\$160	NA
57000				\$5	\$10	NA	\$45	\$90	NA	\$85	\$170	NA
58000				\$10	\$20	NA	\$50	\$100	NA	\$90	\$180	NA
59000				\$15	\$30	NA	\$55	\$110	NA	\$95	\$190	NA
60000				\$20	\$40	NA	\$60	\$120	NA	\$100	\$200	NA
61000	\$5	\$10	\$50	\$25	\$50	NA	\$65	\$130	NA	\$105	\$210	NA
62000	\$10	\$20	\$100	\$30	\$60	NA	\$70	\$140	NA	\$110	\$220	NA
63000	\$15	\$30	\$150	\$35	\$70	NA	\$75	\$150	NA	\$115	\$230	NA
64000	\$20	\$40	\$200	\$40	\$80	NA	\$80	\$160	NA	\$120	\$240	NA
65000	\$25	\$50	\$250	\$45	\$90	NA	\$85	\$170	NA	\$125	\$250	NA
66000	\$30	\$60	\$300	\$50	\$100	NA	\$90	\$180	NA	\$130	\$260	NA
67000	\$35	\$70	\$350	\$55	\$110	NA	\$95	\$190	NA	\$135	\$270	NA
68000	\$40	\$80	\$400	\$60	\$120	NA	\$100	\$200	NA	\$140	\$280	NA

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5 Axle Grouping Weights	Unrestricted			8-Ton			7-Ton			6-Ton		
	Trip	30 day	Season	Trip	30 day	Season	Trip	30 day	Season	Trip	30 day	Season
51000										\$5	\$10	NA
52000										\$10	\$20	NA
53000										\$15	\$30	NA
54000										\$20	\$40	NA
55000										\$25	\$50	NA
56000										\$30	\$60	NA
57000										\$35	\$70	NA
58000										\$40	\$80	NA
59000										\$45	\$90	NA
60000										\$50	\$100	NA
61000							\$5	\$10	NA	\$55	\$110	NA
62000							\$10	\$20	NA	\$60	\$120	NA
63000							\$15	\$30	NA	\$65	\$130	NA
64000							\$20	\$40	NA	\$70	\$140	NA
65000							\$25	\$50	NA	\$75	\$150	NA
66000							\$30	\$60	NA	\$80	\$160	NA
67000							\$35	\$70	NA	\$85	\$170	NA
68000							\$40	\$80	NA	\$90	\$180	NA
69000							\$45	\$90	NA	\$95	\$190	NA
70000							\$50	\$100	NA	\$100	\$200	NA
71000				\$5	\$10	NA	\$55	\$110	NA	\$105	\$210	NA
72000				\$10	\$20	NA	\$60	\$120	NA	\$110	\$220	NA
73000				\$15	\$30	NA	\$65	\$130	NA	\$115	\$230	NA
74000				\$20	\$40	NA	\$70	\$140	NA	\$120	\$240	NA
75000				\$25	\$50	NA	\$75	\$150	NA	\$125	\$250	NA
76000	\$5	\$10	\$50	\$30	\$60	NA	\$80	\$160	NA	\$130	\$260	NA
77000	\$10	\$20	\$100	\$35	\$70	NA	\$85	\$170	NA	\$135	\$270	NA
78000	\$15	\$30	\$150	\$40	\$80	NA	\$90	\$180	NA	\$140	\$280	NA
79000	\$20	\$40	\$200	\$45	\$90	NA	\$95	\$190	NA	\$145	\$290	NA
80000	\$25	\$50	\$250	\$50	\$100	NA	\$100	\$200	NA	\$150	\$300	NA
81000	\$30	\$60	\$300	\$55	\$110	NA	\$105	\$210	NA	\$155	\$310	NA
82000	\$35	\$70	\$350	\$60	\$120	NA	\$110	\$220	NA	\$160	\$320	NA
83000	\$40	\$80	\$400	\$65	\$130	NA	\$115	\$230	NA	\$165	\$330	NA
84000	\$45	\$90	\$450	\$70	\$140	NA	\$120	\$240	NA	\$170	\$340	NA
85000	\$50	\$100	\$500	\$75	\$150	NA	\$125	\$250	NA	\$175	\$350	NA

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SELF-PROPELLED EARTH MOVING EQUIPMENT												
Single Axle Weights	Unrestricted			8-Ton			7-Ton			6-Ton		
	Trip	30 day	Season	Trip	30 day	Season	Trip	30 day	Season	Trip	30 day	Season
28000										\$5	NA	NA
29000										\$10	NA	NA
30000							\$5	NA	NA	\$15	NA	NA
31000							\$10	NA	NA	\$20	NA	NA
32000							\$15	NA	NA	\$25	NA	NA
33000							\$20	NA	NA	\$30	NA	NA
34000							\$25	NA	NA	\$35	NA	NA
35000				\$5	NA	NA	\$30	NA	NA	\$40	NA	NA
36000				\$10	NA	NA	\$35	NA	NA	\$45	NA	NA
37000	\$5	NA	NA	\$15	NA	NA	\$40	NA	NA	\$50	NA	NA
38000	\$10	NA	NA	\$20	NA	NA	\$45	NA	NA	\$55	NA	NA
39000	\$15	NA	NA	\$25	NA	NA	\$50	NA	NA	\$60	NA	NA
40000	\$20	NA	NA	\$30	NA	NA	\$55	NA	NA	\$65	NA	NA
41000	\$25	NA	NA	\$35	NA	NA	\$60	NA	NA	\$70	NA	NA
42000	\$30	NA	NA	\$40	NA	NA	\$65	NA	NA	\$75	NA	NA
43000	\$35	NA	NA	\$45	NA	NA	\$70	NA	NA	\$80	NA	NA
44000	\$40	NA	NA	\$50	NA	NA	\$75	NA	NA	\$85	NA	NA
45000	\$45	NA	NA	\$55	NA	NA	\$80	NA	NA	\$90	NA	NA
46000	\$50	NA	NA	\$60	NA	NA	\$85	NA	NA	\$95	NA	NA
47000	\$55	NA	NA	\$65	NA	NA	\$90	NA	NA	\$100	NA	NA
48000	\$60	NA	NA	\$70	NA	NA	\$95	NA	NA	\$105	NA	NA
49000	\$65	NA	NA	\$75	NA	NA	\$100	NA	NA	\$110	NA	NA
50000	\$70	NA	NA	\$80	NA	NA	\$105	NA	NA	\$115	NA	NA
51000	\$75	NA	NA	\$85	NA	NA	\$110	NA	NA	\$120	NA	NA
52000	\$80	NA	NA	\$90	NA	NA	\$115	NA	NA	\$125	NA	NA
53000	\$85	NA	NA	\$95	NA	NA	\$120	NA	NA	\$130	NA	NA
54000	\$90	NA	NA	\$100	NA	NA	\$125	NA	NA	\$135	NA	NA
55000	\$95	NA	NA	\$105	NA	NA	\$130	NA	NA	\$140	NA	NA

SELF-PROPELLED TRUCK CRANES

Self-propelled truck cranes shall be allowed a maximum of 550 lbs. per inch width of tire without additional overweight fee, up to a maximum gross vehicle weight of 150,000 lbs. Anything over 150,000 lbs. gross vehicle weight will be charged at \$5/1,000 lbs. for single trip, \$10/1,000 lbs. for 30 day permit, or \$50/1,000 lbs. for seasonal permit.

Weights in excess of 550 lbs. per inch of tire shall be assessed a \$5/1000 lbs. for single trip, \$10/1000 lbs. for 30 day permit, or \$50/1000 lbs. for seasonal permit of additional weight per axle configuration.

2-14. Pilot Car Policy

Purpose: To establish a policy in the interest of public highway safety to show when pilot cars are required and what the requirements of the pilot car are when moving oversize and overweight loads.

Policy Statement: Cass County will require pilot cars as part of the permit conditions for the movement of vehicles and loads of extraordinary size and weight on the county highway system.

Procedure:

A. The following factors determine when pilot cars are required:

1. Over-width movements
 - a. All movements exceeding 14 feet 6 inches in overall width, but not exceeding 16 feet in overall width, shall have one pilot car precede the movement at a distance of 300 to 700 feet on two-lane highways. In lieu of the pilot car requirement, the over-width vehicle itself, or vehicle towing or hauling an over-width load, may be equipped with a lighted rotating or flashing amber light or lights that are visible from front and rear for a minimum of 500 feet.
 - b. All movements exceeding 16 feet in overall width shall have one pilot car precede the movement at a distance of 300 to 700 feet and shall have one pilot car follow the movement at a distance of 300 to 700 feet on two-lane highways.
2. Over-length movements
 - a. All movements exceeding 120 feet in overall length shall have one pilot car follow the movement at a distance of 300 to 700 feet.
3. Over-height movements
 - a. All movements exceeding 18 feet in overall height shall have one pilot car precede the movement at a distance of 300 to 700 feet.
4. Over-weight movements
 - a. All movements of self-propelled earthmoving equipment that are roaded shall have one pilot car follow the movement at a distance of 300 to 700 feet on all streets because of a maximum speed limit of 20 miles per hour.
 - b. The county engineer may require one or two pilot cars on other over-weight movements that exceed the normal permissible weights.

B. Other factors determining when pilot cars are required:

1. Combinations of 1, 2, 3, or 4 above may require one or more pilot cars as determined by the county engineer.

C. Pilot Car Requirements

1. All vehicles used as pilot cars must meet the following requirements:
 - a. Vehicle must be a passenger vehicle or 2-axle truck only
 - b. Vehicle must meet requirements of Title 39 NDCC
 - c. Driver of the pilot car must have a valid driver's license and be 18 years of age or older.
 - d. The vehicle must have, on the highest part, a sign that is minimum 12 inches in height and 60 inches in length with the words OVERSIZE LOAD on it. The sign shall be yellow with black lettering. The lettering shall not be less than 8 inches high and 1-inch brush strokes. In addition, flashing amber lights shall be mounted on both ends of the sign. In place of the two alternating lights, there can be one centrally mounted revolving amber light on the top of the sign.
 - e. There shall be radio communication between the pilot car(s) and the vehicle being escorted.
 - f. When not being used for an escort, all warning signs and lights must be completely covered or removed from the pilot car(s).
2. When operating in convoy, additional pilot cars will not be required provided that each unit in convoy keep at least 1,000 feet apart so as not to hamper passing traffic.
3. Radio communication will not be required when escorting self-propelled earthmoving equipment.

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ORDINANCE #2021-1

AN ORDINANCE RELATING TO REGULATING CREW CAMP FACILITIES IN CASS COUNTY, NORTH DAKOTA OUTSIDE OF INCORPORATED CITIES

Section 1: Purpose

The purpose of this Ordinance is to provide guidance on the reasonable placement and use of Crew Camps.

Section 2: Authority

This Ordinance is established under the authority of the North Dakota Century Code 11-09.1-06 and Article 3 of the Cass County Home Rule Charter.

Section 3: Definitions

- (a) Crew Camp - any area or structure designed or established specifically to accommodate the housing demand from a temporary influx of workers. Crew camps do not include single family residences, multi-family residences, hotels and motels, bed and breakfasts, existing recreational vehicle parks and existing campgrounds. Crew Camps include a subset classified as Large Crew Camps.
- (b) Large Crew Camp - a crew camp designed for or housing more than ten (10) people which meets the requirements of this Ordinance and conditions as established by the Planning Commission and Board of County Commissioners.
- (c) Crew Housing Facilities - one or more lodging units or skid units, ordinarily designed for human living quarters or a place of business, on a temporary or permanent basis, which are not real property, as defined in section 57-02-04, and are not mobile homes, as defined in section 57-55-01. A group of crew housing facilities that are connected physically or by common ownership may be treated as a single crew housing facility for purposes of imposition of crew housing permit fees imposed under this chapter.

Section 4: Administration

- (a) Application Approval Required. An application must be approved by the Cass County Planning Commission and the Board of County Commissioners before any Crew Camp may be developed or used in Cass County. No crew camp may be established or used unless it meets the requirements of this Ordinance and any conditions as established by the Planning Commission and Board of County Commissioners.
- (b) Application Review. An application for crew camps shall be submitted on forms provided by the Cass County Planning Office. The application shall be submitted to

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- the Cass County Planner for review and approval by the appropriate Cass County officials after a public hearing has been held. Township officials from the applicable township and all property owners within 1,000 feet shall be notified of the public hearing at least ten days before the date of the hearing. Approval by the appropriate Cass County officials grants the applicant authorization to construct and operate the Crew Camp in a manner that is consistent with this approval. Application approvals are valid for 3 years contingent on positive annual reviews.
- (c) Annual Review. Applications for large crew camps must be reviewed annually by the Planning Commission. Applications for other crew camps must be reviewed annually by the County Planner unless a violation is found during the year. In that case, the annual review must be done by the Planning Commission.
- (d) Conditions of Approval. No application shall be approved unless the following criteria have been met. Additional conditions may also be required for approval.
1. Proposal is consistent with the intent of the township zoning district in which the use is located.
 2. Proposal is consistent with the Cass County Comprehensive Plan.
 3. Proposal will be compatible with the existing surrounding land uses.
 4. Proposal will be compatible with future development of the surrounding area as permitted by existing zoning.
 5. The applicant has made a diligent effort to minimize impacts to surrounding area.
 6. There is adequate provision for the protection of the health, safety and welfare of the inhabitants and workers in the surrounding area and the County.
 7. A signed lease agreement between the landowner of the crew camp site and the crew camp applicant is documented.
 8. The applicant has provided a scaled site plan detailing the location and design of facilities.
 9. The applicant has provided a detailed reclamation plan for removing all facilities and structures from the site and returning it to its pre-development conditions.
 10. Any development agreement required by the Board of County Commissioners has been signed by the applicant.
 11. Issues raised by public comment have been appropriately addressed.
12. Fees. Any crew camp which meets the definition of “crew housing facilities” under NDCC 57-02.4-01 is subject to the statutory provisions contained in that chapter and may be subject to crew housing permit fees as defined therein. Such fees shall be established by action of the Board of County Commissioners.

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Section 5: Development Requirements

- (a) Standards. Applicants requesting approval for siting, development or operation of Crew Camps have the burden of proof to demonstrate compliance of their proposed use with this Ordinance. Applications for all crew camps must demonstrate compliance with the following design standards and such crew camps shall continuously meet these standards if the application is approved:
1. A guest registration and management system that provides clear documentation for all persons using the facility.
 2. Adequate water service in terms of quality, quantity, and dependability is available to the site to serve the uses permitted. If water supply will be Cass Rural Water Users, agreement for services shall be provided.
 3. Adequate sewer service is available. Certification by the Cass County Public Health Environmental Office shall be provided.
 4. Adequate fire protection measures are available. Approval by appropriate fire department shall be provided.
 5. Any needed access to the site shall be approved by the Cass County Highway Department. All parking and loading and vehicle storage activities shall take place on the site and shall be constructed with paved or crushed aggregate surfaces, and no parking shall be permitted within any public right-of-way.
 6. All buildings and housing units shall be clearly marked and identified with lighted signs for emergency response purposes. Signage shall be posted at the access point and decision points. For example, if multiple buildings are present, signage direction (arrows) to buildings shall be added such as "BLDG 1 to BLDG 10 this way" etc.
 7. Adequate waste management services shall be provided. A written description of the management plan must be provided in the application and if a waste management disposal service is contracted, proof of contract must be provided.
 8. Each building and housing unit on the site shall have a unique 911 address established by the Cass County 911 Coordinator. The requestor shall complete a rural address request application using the form provided on the planning page of the Cass County website. To facilitate this process, a scaled site plan detailing the location of all buildings and housing units shall be provided.
 9. Pursuant to Section 57-40.6-10(3) of the North Dakota Century Code, the County will ensure that mapping and addressing is updated in the emergency services communication system database and mapping system within (30) thirty days receipt of notice requesting a change
 10. Once the crew camp is established, the applicant will be responsible for immediately notifying the 911 Coordinator of any changes to the site layout, such as removal or addition of new buildings.

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- (b) Additional Standards for Large Crew Camps. Applicants requesting approval for siting, development or operation Large of Crew Camps have the burden of proof to demonstrate compliance of their proposed use with this Ordinance. Applications for large crew camps must demonstrate compliance with the following additional design standards and such crew camps shall continuously meet these standards if the application is approved:
1. Compliance with the following stormwater management standards:
 - a. Onsite retention facilities designed to retain stormwater runoff from the fully developed site from a 100-year storm event.
 - b. Drainage facilities must be designed by a North Dakota licensed engineer to protect downstream areas from erosion and inundation and must meet all requirements of North Dakota law.
 2. Proposals in areas deemed by the Planning Commission to be flood-prone must provide adequate protection from flooding to a 100-year level as determined by a hydrologic and hydraulic analysis.
 3. In the case of a proposed Crew Camp facility designed to house at least 250 occupants, a person with CPR and First Aid Certification is on-site full-time, and an AED is located where readily accessible to each housing unit at all times.
 4. All roadways, buildings and housing units shall be clearly marked and identified with lighted signs for emergency response purposes.
 5. An access and traffic management plan shall be provided which identifies anticipated traffic volumes and provides appropriate access locations and circulation patterns within the site. The County may require service roads, and acceleration, deceleration, and turning lanes to facilitate the safe and expedient movement of traffic.
 6. Any proposal which involves truck traffic must have an approved dust control plan.
 7. A landscape plan may be required to help blend the development into the rural landscape.
 8. Responsibility for maintenance of the land being developed and a standard for the control of weeds and grass shall be established.

Section 6: Reclamation Requirements

- (a) The applicant shall be responsible for beginning reclamation of the permitted site immediately after completion of its authorized use as a crew camp. The applicant shall be financially responsible for the full cost of reclamation. Within seven (7) days of application approval and prior to any construction on or use of the authorized site, the applicant shall provide a reclamation bond to the County for purposes of removing structures, foundations, and disturbance areas and returning the site to its pre-development state or to productive agricultural use as existed prior to the use of the site for a crew camp. The reclamation bond, by a surety company authorized to do

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business in North Dakota, shall be for one hundred and fifty (150%) percent of a licensed engineer's or the county engineer's estimate of the cost to remove all above ground structures, all underground structures to a depth of four (4) feet, including but not limited to pipes, wires and concrete, and to remove gravel, scoria, or other ground cover or fill from the site, regrade the site to its predevelopment appearance, and reseed the site with native grasses and vegetation. The bond may not be canceled by the surety unless the applicant obtains a substitute surety assuming liability for the reclamation and it is approved by the County. The County may suspend or revoke the application approval if the applicant fails to comply with these reclamation bond requirements. An action at law may be maintained to recover sums necessary to complete reclamation and the County must be awarded reasonable attorney's fees for such action.

- (b) The applicant for a crew camp must complete reclamation of the crew camp site in accordance with its approved reclamation plan within six (6) months of completion of its authorized use as a crew camp.

Section 7: Enforcement and Penalty

- (a) Any crew camp or large crew camp site is subject to inspection by the county sanitarian, the county planner or an agent of the county planner, or law enforcement at any time and the inspector may enter onto private property for purposes of inspecting the premises for violations of this ordinance.
- (b) The County Planner may revoke approval of a crew camp application at any time for violations of this Ordinance.
- (c) Any violation of this ordinance will result in the following penalties:
 1. A fine of \$250 per day for up to five (5) days
 2. A fine of \$500 per day for up to ten (10) days
 3. A class B misdemeanor, with a minimum mandatory fine of \$1000, for a violation exceeding ten (10) days. Each day a violation occurs shall be considered a separate punishable offense.

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NOW, THEREFORE, be it ordained by the Cass County Board of Commissioners that the regulation of crew camps and large crew camps in Cass County, North Dakota be established pursuant to the above.

APPROVED:

ss/Chad Peterson
Chad Peterson, Chairman
Board of Commissioners of the
County of Cass

ATTEST:

ss/Brandy Madrigga
Brandy Madrigga
Cass County Finance Director

(SEAL)

First reading:	September 20, 2021
Second reading:	November 1, 2021
Final Passage:	November 1, 2021
Publication:	September 29, 2021

HISTORICAL REFERENCE DATE: November 1, 2021

County commission order does not constitute a violation of the statutes relative to limitations on sizes and weights.

1-04. Width, height, and length of vehicles

A. Legal Width

- 1) Eight feet six inches on all highways
- 2) Exceptions
 - a. Construction and building contractors' equipment and vehicles used to move such equipment which does not exceed 10 feet in width when being moved by contractors or resident carriers.
 - b. Implements of husbandry being moved by resident farmers, ranchers, dealers, or manufacturers between sunrise and sunset. Night time travel is allowed provided the implements are properly lighted.

B. Legal Height

- 1) Fourteen feet, whether loaded or unloaded, unless routes of travel include structures such as bridges and underpasses that are not 14 feet in height. Adequate clearance of all structures must be verified prior to moving any vehicle or equipment under any bridge or underpass.
- 2) Exceptions.
Implements of husbandry may not exceed 15 feet six inches in height when being moved by resident farmers, ranchers, dealers, or manufacturers between sunrise and sunset. Night time travel is allowed provided the implements are properly lighted.

C. Legal Length

- 1) A single unit vehicle with two or more axles, including the load thereon, shall not exceed a length of 50 feet.
- 2) A combination of two, three, or four units, including the load thereon, may not exceed 110 feet in length when traveling on county highways.
- 3) The length of a trailer or semi-trailer, including the load thereon, may not exceed 53 feet.
- 4) Towing converter dollies.
 - a. Converter dollies that are used to convert semi-trailers to trailers are considered trailers if they meet all lighting requirements and are equipped with brakes and safety chains.
 - b. No more than one converter dolly can be towed behind a truck-tractor, semi-trailer, and trailer; and no more than two converter dollies can be towed behind a truck-tractor and semi-trailer.

1-05 Legal weight limitations

A. Gross vehicle weight on the Cass County Highway System.

The gross vehicle weight of any vehicle or combination of vehicles is determined by the following weight formula of

$$W = 500 * (LN/N-1 + 12N + 36)$$

where W equals maximum weight in pounds carried on any group of two or more axles; L equals distance in feet between the extremes of any group of two or more consecutive axles; and N equals number of axles in the group under consideration except that two consecutive sets of tandem axles may carry a gross load of 34,000 pounds each, providing the overall distance between the first and last axles of the consecutive sets of tandem axles is at least 36 feet. The maximum gross vehicle weight on the county highway system is 105,500 pounds.

B. Axle weight on the Cass County Highway System.

- 1) No single axle shall carry a gross weight in excess of 20,000 pounds. Axles spaced 40 inches or less apart are considered one axle. Axles spaced eight feet apart or over are considered as individual axles. (The gross weight of two individual axles may not exceed 40,000 pounds.) Spacing between axles shall be measured from axle center to axle center.
- 2) Axles spaced over 40 inches apart and less than eight feet apart shall not carry a gross weight in excess of 17,000 pounds per axle. The gross weight of three or more axles in a grouping may not exceed 48,000.
- 3) During the spring season or on otherwise posted highways reductions in the above axle weights may be specified. Axle weights may also be reduced by the bridge load limitations posted at individual bridges.

C. Wheel weight.

The weight in pounds on any one wheel shall not exceed one-half the allowable axle weight. Dual tires are considered one wheel.

D. Tire weight.

The weight per inch width of tire shall not exceed 550 pounds. The width of tire for solid tires shall be the rim width; for pneumatic tires, the manufacturer's width. Metric tire sizes are converted to inches by dividing millimeters by 25.4

E. Permits for non-divisible loads.

The gross weight limitations do not apply to equipment the commissioners or highway department approve for exemption. For every vehicle approved for exemption, the county highway department shall issue a nontransferable permit. The county highway department or sheriff's department may charge a fee for the permit.

F. Permits for 10 percent winter exception. The county highway department or sheriff may issue permits authorizing a specific motor vehicle to exceed the weight limitations stated in subsections A and B by ten percent. The permits may not provide for a gross weight in excess of one hundred five thousand five hundred pounds [47,854.00 kilograms]. The permits may provide for the general movement of products during the period from December first to March seventh. The county highway department or sheriff will charge a fee of \$20 for a single movement permit or \$50 for a seasonal permit.

ROAD RESTRICTION REDUCTION IN WEIGHTS

When restrictions on county highways are imposed in accordance with state law and Cass County ordinance, the weight classifications as listed below will be used.

Class	Single Axle	Tandem Axle	3 or More Axle Groupings	Gross Vehicle Weight
8-Ton	16,000 lbs	32,000 lbs	14,000 lbs per axle not to exceed 42,000 lbs gross weight on divisible loads	105,500 lbs
7-Ton	14,000 lbs	28,000 lbs	12,000 lbs per axle not to exceed 36,000 lbs gross weight on divisible loads	105,500 lbs
6-Ton	12,000 lbs	24,000 lbs	10,000 lbs per axle not to exceed 30,000 lbs gross weight on divisible loads	80,000 lbs
5-Ton	10,000 lbs	20,000 lbs	10,000 lbs per axle not to exceed 30,000 lbs gross weight on divisible loads	80,000 lbs No Overweight Movement Allowed

1-06. Limitations on extending of load beyond side of motor vehicle.

No motor vehicle carrying any load beyond the lines of the left fenders of such vehicle nor extending more than twelve inches [30.48 centimeters] beyond the line of the fenders on the right side of such vehicle may be operated on the highways, except as permitted by section 04. The county highway department or peace officer shall have authority to revoke permits when such holder violates or abuses the privilege or conditions of permit.

1-07. Peace officers may weigh vehicle to determine load - decreasing gross weight of vehicle

Every peace officer, including members of the state highway patrol, having reason to believe that the weight of a vehicle and the load carried thereon is unlawful, may weigh such vehicle and load or have the same weighed either by means of portable or stationary scales, and for that purpose the officer may require the vehicle to be driven to the nearest scales. Such officer may require the driver of such vehicle immediately to unload such portion of the load as may be necessary to decrease the gross weight to the maximum allowed by the provisions of this policy.

1-08. Penalty for violation of chapter

Any person violating any of the provisions of sections 04, 05, or 06 must be assessed a fee of one hundred dollars. Any person violating any other provision of this chapter, for which a specific penalty is not provided, must be assessed a fee of fifty dollars. These fees are in addition to the applicable charges for extraordinary road use listed in section 16 of this policy.

1-09. Impounding overweight vehicle

Any vehicle found to have been moved or used upon any highway, street, or road in this state at a weight exceeding the limitations as specified in any order, ordinance, or resolution issued under this policy may be impounded by any peace officer and taken to a warehouse or garage for storage.

1-10. Impounding receipt - Information

A receipt must be given by the officer impounding the vehicle, to the driver or person in charge of such vehicle. Such receipt must identify, as nearly as possible, the owner of the vehicle and cargo, the driver or person in charge of such vehicle, the cargo, the place the vehicle is to be stored during impoundment, the weight of the loaded vehicle and the name and address of the impounding officer. Information as to the owner of the vehicle and cargo must be obtained from the driver or person in charge of the vehicle.

1-11. Impounding notice - Perishables

The impounding officer shall notify the owner or owners, if they can be found, by wire or telephone, of the impoundment and the charges involved. If the cargo consists of perishables, the impounding officer shall use reasonable diligence in assisting the operator or owner in finding suitable storage facilities for such perishables, but all risk of loss or damage to such perishables must be upon the owner, operator, or lessee of such vehicle.

1-12. Civil complaint.

The state's attorney shall, if no settlement is made under section 13, immediately prepare and file a civil complaint on behalf of the authority having jurisdiction of the road whereon the violation occurred, for the purpose of recovering charges for the extraordinary use of the highways, streets, or roads of this county.

1-13. Voluntary settlement of extraordinary road use fee charges

Before the complaint is issued pursuant to section 12, the owner, or the owner's driver or agent, may voluntarily pay the amount of the extraordinary road use fee, or may provide proof of surety coverage to ensure payment of the extraordinary road use fee, provided under section 16, plus any towing or storage costs. Any settlement, whether made by the owner, or the owner's driver or agent, must be presumed to be of a voluntary nature. A peace officer or a peace officer's designee is authorized to receive the settlement payment on behalf of the authority having jurisdiction of the road whereon the violation occurred. The extraordinary road use fees must be remitted to the county treasurer.

1-14. Mailing complaint

A copy of the complaint must be served upon the driver or person in charge of the vehicle and a copy must be sent by registered or certified mail to the owner of the vehicle, if the address of such owner is known.

1-15. Cash bond - Holding

Unless a cash bond is furnished in an amount sufficient to cover the charges for extraordinary use of highways, streets, and roads, as provided in section 16, together with the costs which may be collectible under any subsequent settlement made pursuant to section 13, said vehicle must be held until a trial of the case can be had before the district court.

1-16. Trial - Charges

At the trial of the action, the court shall hear testimony concerning the facts and if it is found that such vehicle or vehicles were moved upon the highways, streets, or roads of this county at a weight in excess of the limitations imposed under the provisions of section 03 or as limited by the provisions of section 05, charges for the extraordinary use of the highways, streets, or roads must be assessed as follows:

1. The storage charges and costs of the action must be assessed; and
2. An additional charge must be assessed as follows:

1 to	1,000 pounds [.45 to 453.59 kilograms]	of excess weight = \$20
1,001 to	2,000 pounds [454.05 to 907.18 kilograms]	of excess weight = \$40
2,001 to	3,000 pounds [907.64 to 1360.78 kilograms]	of excess weight = \$60
3,001 to	4,000 pounds [1361.23 to 1814.37 kilograms]	of excess weight = \$140
4,001 to	5,000 pounds [1814.82 to 2267.96 kilograms]	of excess weight = \$220
5,001 to	6,000 pounds [2268.41 to 2721.55 kilograms]	of excess weight = \$305
6,001 to	7,000 pounds [2722.01 to 3175.14 kilograms]	of excess weight = \$380
7,001 to	8,000 pounds [3175.60 to 3628.74 kilograms]	of excess weight = \$495
8,001 to	9,000 pounds [3629.19 to 4082.33 kilograms]	of excess weight = \$575
9,001 to	10,000 pounds [4082.78 to 4535.92 kilograms]	of excess weight = \$655
10,001 to	11,000 pounds [4536.37 to 4989.51 kilograms]	of excess weight = \$1,100

11,001 to 12,000 pounds	[4989.97 to 5443.10 kilograms]	of excess weight = \$1,200
12,001 to 13,000 pounds	[5443.56 to 5896.70 kilograms]	of excess weight = \$1,300
13,001 to 14,000 pounds	[5897.15 to 6350.29 kilograms]	of excess weight = \$1,680
14,001 to 15,000 pounds	[6350.74 to 6803.88 kilograms]	of excess weight = \$1,800
15,001 to 16,000 pounds	[6804.33 to 7257.47 kilograms]	of excess weight = \$1,920
16,001 to 17,000 pounds	[7257.93 to 7711.06 kilograms]	of excess weight = \$2,550
17,001 to 18,000 pounds	[7711.52 to 8164.66 kilograms]	of excess weight = \$2,700
18,001 to 19,000 pounds	[8165.11 to 8618.25 kilograms]	of excess weight = \$2,850
19,001 to 20,000 pounds	[8618.70 to 9071.84 kilograms]	of excess weight = \$3,000
20,001 to 21,000 pounds	[9072.29 to 9525.43 kilograms]	of excess weight = \$4,200
21,001 to 22,000 pounds	[9525.89 to 9979.02 kilograms]	of excess weight = \$4,400
22,001 to 23,000 pounds	[9979.48 to 10432.62 kilograms]	of excess weight = \$4,600
23,001 to 24,000 pounds	[10433.07 to 10886.21 kilograms]	of excess weight = \$4,800
24,001 to 25,000 pounds	[10886.66 to 11339.80 kilograms]	of excess weight = \$5,000
25,001 to 26,000 pounds	[11340.25 to 11793.40 kilograms]	of excess weight = \$5,200
26,001 to 27,000 pounds	[11793.86 to 12246.99 kilograms]	of excess weight = \$5,400
27,001 to 28,000 pounds	[12247.45 to 12700.59 kilograms]	of excess weight = \$5,600
28,001 to 29,000 pounds	[12701.04 to 13154.18 kilograms]	of excess weight = \$5,800
29,001 to 30,000 pounds	[13154.63 to 13607.77 kilograms]	of excess weight = \$6,000

An additional charge of \$200 for every 1,000-pound [453.59-kilogram] increase over 30,000 pounds [13607.77 kilograms] consistent with the above formula.

1-17. Payment of charges - Confiscation - Sale

If the charges and costs as provided in section 16 are not paid within a reasonable time from a cash bond previously posted or other cash payment, the judge shall order the vehicle confiscated and sold by the sheriff of the county at a public sale to the highest bidder and the proceeds applied to the payment of the charges and costs assessed under the provisions of sections 11 through 22.

1-18. Payment - Effect

The payment of charges may not be construed as a payment for the future use of highways, streets, or roads by vehicles carrying excess loads.

1-19. Proceeds of sale - Continuing appropriation

The proceeds of sale must be applied first to the payment of the costs of the proceedings, including attorneys and witness fees and costs, and next to the payment of the charges assessed. Such charges must be remitted to the county treasury to be credited to the county highway fund. The balance of the proceeds of any sale after the payment of costs and charges must be paid over by the sheriff to the person entitled thereto as determined by the court, or must be deposited with the clerk of court for such payment.

1-20. Penalty

Any driver of a vehicle who refuses to stop and submit the vehicle and load to a weighing when directed to do so by any police officer or any agent of this state having police powers relating to motor vehicles is guilty of a class B misdemeanor.

1-21. Permissible loads - Exceptions

When any motor truck, truck tractor, or trailer is operated upon the public highways of this county carrying a load in excess of the maximum prescribed under the provisions of sections 03 and 05 or other maximum weight limitations prescribed by law, the load must be reduced or shifted to within such maximum limitations before being permitted to operate on any public highway of this state; provided, however, that any such vehicle carrying a load of livestock is exempt from the limitations prescribed in section 05, relating to the carrying capacity of any wheel, tire, axle, or group of axles when excessive weight is caused by a shifting of the weight of the livestock. All material unloaded as required by this section must be cared for by the owner or operator of such vehicle at the risk of such owner or operator.

1-22. Governor's or County Commission order authorizing excess limits

The Governor of this state or the County Commission may authorize, by order of general application, permit and prescribe definite excess limitations as to size and weight for the operation of motor vehicles in emergencies and to meet unusual conditions for the general welfare of the public. The operation of such vehicles, in accordance with the Governor's or County Commission's order, does not constitute a violation of the statutes relative to limitations on sizes and weights.

SECTION 2 - PERMITS FOR OVERSIZE AND OVERWEIGHT VEHICLES

Cass County will issue permits, when good cause is shown, for the movement of oversize and/or overweight vehicles and loads. Oversize vehicles are those vehicles exceeding the legal width, height, length, and weight maximums listed below. The procedures contained in this document outline the requirements and methods for issuing permits for oversize and overweight vehicles.

PERMIT PROCEDURES:

2-01. Permits must be in possession prior to starting any movement. The County has the authority to revoke permits when the holder violates or abuses the privilege or conditions of the permits.

2-02. General travel restrictions.

- a. Permits shall not be issued for over dimensional movements between sunset and sunrise, unless approved by the County Engineer or Sheriff.
- b. Permits shall not authorize movements when inclement weather prevails, highways are slippery, or when visibility is poor.

- c. Permits do not authorize travel on shoulders of road.
- d. Permits shall apply to movement of one vehicle or one vehicle combination only.
- e. All permits shall require a minimum distance of 1,000 feet between vehicles in a convoy of two or more vehicles.

2-03. General safety requirements.

- a. All over dimensional vehicles and loads shall have minimum 18 inch by 18 inch red or bright orange flags displayed on the traffic side front and rear.
- b. When the overall length of an over dimensional movement exceeds 110 feet in length, there shall be at least an 18 inch by 84 inch OVERSIZE LOAD sign on the rear. The lettering shall be black on yellow background. Letters shall be at least 10 inches high with 1.41 inch brush stroke. When the movement is over length only, exceeding 110 feet in overall length, a LONG LOAD sign that is a minimum 12 inches by 60 inches in size may be used in lieu of the OVERSIZE LOAD sign. The lettering shall be black on yellow background. The letters shall be at least 8 inches high with 1-inch brush stroke. The sign shall be covered or removed when the movement is not over dimensional.
- c. All motor vehicles when transporting loads must be loaded and secured to prevent the shifting or falling of the load. Loads such as a hydraulic backhoe or crane must be secured to prevent the accidental lifting of the bucket or boom.
- d. Towing vehicle must have two mirrors to reflect a rear view of 200 feet to the driver.
- e. All commercial oversize vehicles must be equipped in accordance with the requirements and specifications of Parts 393 and 396 of 49CFR.

2-04. Escort requirements.

- a. All movements exceeding 14 feet 6 inches in width, 18 feet in height, and 120 feet in overall length are required to have official escort or approved pilot cars (see Pilot Car Policy). In lieu of the pilot car requirement for movements not exceeding 16 feet in width, the over width vehicle itself, or vehicle towing or hauling an over width load, may be equipped with a lighted rotating or flashing amber light or lights that are visible from front and rear for a minimum 500 feet. On four-lane divided highways, there are no pilot car requirements for movements not exceeding 16 feet in width. Movements exceeding 18 feet in width will be required to have an official escort unless exempted by the County Engineer or his/her designee.

- b. Exceeding 16 feet in overall width.
 - 1) One pilot car is required to precede each movement at a distance of 300 to 700 feet and one pilot car is required to follow each movement at a distance of 300 to 700 feet on two-lane highways.
 - 2) One pilot car is required to follow each movement at a distance of 300 to 700 feet on four-lane divided highways.
- c. Pilot car requirements.
 - 1) The vehicle must be a passenger vehicle or two-axle truck only and must be operated as a single unit only.
 - 2) The vehicle must have on the highest part a sign that is minimum 12 inches in height and 60 inches in length with the words OVERSIZE LOAD on it. The sign shall be yellow with black lettering. The lettering shall not be less than 8 inches high and 1-inch brush strokes. In addition, flashing amber lights shall be mounted on both ends of the sign. In place of the two alternating lights, there can be one centrally mounted revolving amber light on the top of the sign. There shall be radio communication between the pilot car(s) and the vehicle being escorted.

2-05. General size limitations.

- a. Construction and building contractors' equipment and vehicles used to move such equipment are exempt from width limitations not to exceed 10 feet in width when being moved by contractors or resident carriers. House movers' vehicles are considered construction equipment.
- b. All movements exceeding 18 feet in height must have written authority from utility companies to travel under overhead wires. All vertical clearances shall be the responsibility of the permittee.
- c. Towed vehicles, such as rock crushers or conveyors, are subject to permits if the length of the towed vehicle exceeds 60 feet.
- d. Road construction may limit over width movements to 12 feet in width, or less, on some highways.

2-06. General conditions for all overweight movements.

- a. No permit shall be issued for an overweight vehicle unless the vehicle is registered for the gross weight which the vehicle can legally carry without a permit, nor issued for loads that can be reasonably made to conform to legal limits. Overweight permits will be issued for hauling one piece of equipment only. A dozer with blade attached is considered one piece. If the blade is detached, it cannot be hauled on the same load.

- b. Overweight permits are not valid for movement on flexible pavements when the atmospheric temperature is 85° F or above.

2-07. Additional conditions for all overweight movements.

- a. Loads would have to be broken down as follows if requested routes of travel cannot be approved by the County Engineer or Sheriff.
 - 1) Blades and rippers must be removed from dozer and hauled separately.
 - 2) All scrapers must be split and hauled separately.
 - 3) Counterweights must be removed from cranes and hauled separately.
 - 4) Self-propelled truck cranes shall be allowed a maximum of 550 lbs. per inch width of tire without an additional overweight fee, up to a maximum gross vehicle weight of 150,000 lbs, anything over 150,000 lbs. gross vehicle weight will be charged rates listed
Weights in excess of 550 lbs. per inch width of tire shall be assessed a fee in accordance with the fee schedule for each additional weight per axle configuration on self-propelled truck cranes.
 - 5) During spring weight restrictions, all truck cranes shall follow the standard over dimensional policies.
- b. All movements are subject to County Engineer or Sheriff approval.

2-08. Additional conditions for movement of overweight self-propelled earthmoving equipment such as scrapers, rubber-tired dozers, and loaders.

- a. The maximum permissible axle weight when roading earthmoving equipment is 36,000 pounds per axle except as authorized by the County Engineer.
- b. County Engineer or Sheriff may authorize permits when the axle weights exceed 36,000 pounds.
- c. Earth moving equipment is not allowed to be loaded with material when roading.
- d. Maximum speed for movement is 20 mph and a pilot car is required to follow for this purpose.
- e. All general travel restrictions and requirements of this permit policy apply to self-propelled earthmoving equipment movements.

2-09. Government and emergency vehicles.

- a. Governmental road maintenance equipment, North Dakota National Guard equipment, and emergency vehicles will be permitted on individual specifications or where emergencies necessitate.

2-10. Liability of permittee.

- a. The applicant or permittee, as a condition for obtaining an oversize and/or overweight permit, shall assume all responsibility for accidents, damage, or injury to any persons or damage to public or private property caused by the movement of any oversize and/or overweight vehicle or load covered by the permit while on Cass County highways.
- b. The applicant or permittee agrees to indemnify and hold harmless the Cass County, its officers and employees from any and all claims resulting directly or indirectly from the movement of an oversize and/or overweight vehicle or load on any county highway .

2-11. Special mobile equipment.

- a. For the purpose of this policy, special mobile equipment shall mean every non-registered, overweight, self-propelled vehicle that is only incidentally operated or moved over a highway.
- b. Special mobile equipment shall include the following vehicles:
 - 1) Workover rigs
 - 2) Truck cranes
 - 3) Self-propelled scrapers
 - 4) Rubber-tired dozers
 - 5) Rubber tired loaders

2-12. Application Procedure

- a. Permits can be obtained from the County Engineer or Sheriff.
 - 1) Applications may be made in person, via mail, fax or on line.
 - 2) The applicant must read and sign the reverse side of the receipt/permit acknowledging the movement restrictions and requirements.
 - 3) Permits will be in written form and must be in possession prior to starting movement on County Highways.

- 4) Information required for obtaining permits:
 - a) Company name and address
 - b) Description of power unit: year, make, capacity, serial number, license number and state, tire sizes, and number of axles
 - c) Description of towed unit: type unit, make, tire sizes, and number of axles
 - d) Overall dimensions of vehicle and load
 - e) Axle weights and gross weight of vehicles and load if overweight is requested
 - f) Point of origin and destination and desired route to be traveled.

2-13. Permit fees as per the overweight fee schedule.

CASS COUNTY NORTH DAKOTA OVERDEMEENSION PERMIT FEE SCHEDULE

OVER HEIGHT, OVER WIDTH, OR OVER LENGTH PERMITS

	30 day	
Trip permit		Season (ends 12/31 of each year)
\$20	\$40	\$200

FOR OVERWEIGHT PERMITS, ADD THE ABOVE FEE TO THE AXLE WEIGHT FEE
 AXLE WEIGHT FEE IS THE TOTAL OF ALL AXLE WEIGHT FEES FROM CHARTS

GVW	Unrestricted		8-Ton		7-Ton		6-Ton		
	Trip	30 day	Trip	30 day	Trip	30 day	Trip	30 day	
66000									
68000									
70000									
72000									
74000									
76000									
78000									
80000									
82000							\$5	\$10	NA
84000							\$10	\$20	NA
86000							\$15	\$30	NA
88000							\$20	\$40	NA
90000							\$25	\$50	NA
92000							\$30	\$60	NA
94000							\$35	\$70	NA
96000							\$40	\$80	NA
98000							\$45	\$90	NA
100000							\$50	\$100	NA
102000							\$55	\$110	NA

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GVW	Unrestricted			8-Ton			7-Ton			6-Ton		
	Trip	30 day	Season	Trip	30 day	Season	Trip	30 day	Season	Trip	30 day	Season
104000										\$60	\$120	NA
106000							\$5	\$10	NA	\$65	\$130	NA
108000							\$10	\$20	NA	\$70	\$140	NA
110000							\$15	\$30	NA	\$75	\$150	NA
112000				\$5	\$10	NA	\$20	\$40	NA	\$80	\$160	NA
114000				\$10	\$20	NA	\$25	\$50	NA	\$85	\$170	NA
116000				\$15	\$30	NA	\$30	\$60	NA	\$90	\$180	NA
118000				\$20	\$40	NA	\$35	\$70	NA	\$95	\$190	NA
120000				\$25	\$50	NA	\$40	\$80	NA	\$100	\$200	NA
122000				\$30	\$60	NA	\$45	\$90	NA	\$105	\$210	NA
124000				\$35	\$70	NA	\$50	\$100	NA	\$110	\$220	NA
126000				\$40	\$80	NA	\$55	\$110	NA	\$115	\$230	NA
128000				\$45	\$90	NA	\$60	\$120	NA	\$120	\$240	NA
130000				\$50	\$100	NA	\$65	\$130	NA	\$125	\$250	NA
132000				\$55	\$110	NA	\$70	\$140	NA	\$130	\$260	NA
134000				\$60	\$120	NA	\$75	\$150	NA	\$135	\$270	NA
136000				\$65	\$130	NA	\$80	\$160	NA	\$140	\$280	NA
138000				\$70	\$140	NA	\$85	\$170	NA	\$145	\$290	NA
140000				\$75	\$150	NA	\$90	\$180	NA	\$150	\$300	NA
142000				\$80	\$160	NA	\$95	\$190	NA	\$155	\$310	NA
144000				\$85	\$170	NA	\$100	\$200	NA	\$160	\$320	NA
146000				\$90	\$180	NA	\$105	\$210	NA	\$165	\$330	NA
148000				\$95	\$190	NA	\$110	\$220	NA	\$170	\$340	NA
150000				\$100	\$200	NA	\$115	\$230	NA	\$175	\$350	NA
152000				\$105	\$210	NA	\$120	\$240	NA	\$180	\$360	NA
154000				\$110	\$220	NA	\$125	\$250	NA	\$185	\$370	NA
156000				\$115	\$230	NA	\$130	\$260	NA	\$190	\$380	NA
158000				\$120	\$240	NA	\$135	\$270	NA	\$195	\$390	NA
160000				\$125	\$250	NA	\$140	\$280	NA	\$200	\$400	NA
162000				\$130	\$260	NA	\$145	\$290	NA	\$205	\$410	NA
164000				\$135	\$270	NA	\$150	\$300	NA	\$210	\$420	NA
166000				\$140	\$280	NA	\$155	\$310	NA	\$215	\$430	NA
168000				\$145	\$290	NA	\$160	\$320	NA	\$220	\$440	NA
170000				\$150	\$300	NA	\$165	\$330	NA	\$225	\$450	NA
172000				\$155	\$310	NA	\$170	\$340	NA	\$230	\$460	NA
174000				\$160	\$320	NA	\$175	\$350	NA	\$235	\$470	NA
176000				\$165	\$330	NA	\$180	\$360	NA	\$240	\$480	NA
178000				\$170	\$340	NA	\$185	\$370	NA	\$245	\$490	NA
180000				\$175	\$350	NA	\$190	\$380	NA	\$250	\$500	NA
182000				\$180	\$360	NA	\$195	\$390	NA	\$255	\$510	NA
184000				\$185	\$370	NA	\$200	\$400	NA	\$260	\$520	NA
186000				\$190	\$380	NA	\$205	\$410	NA	\$265	\$530	NA
188000				\$195	\$390	NA	\$210	\$420	NA	\$270	\$540	NA
190000				\$200	\$400	NA	\$215	\$430	NA	\$275	\$550	NA
192000				\$205	\$410	NA	\$220	\$440	NA	\$280	\$560	NA

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GVW	Unrestricted			8-Ton			7-Ton			6-Ton		
	Trip	30 day	Season	Trip	30 day	Season	Trip	30 day	Season	Trip	30 day	Season
194000				\$210	\$420	NA	\$225	\$450	NA	\$285	\$570	NA
196000				\$215	\$430	NA	\$230	\$460	NA	\$290	\$580	NA
198000				\$220	\$440	NA	\$235	\$470	NA	\$295	\$590	NA
200000				\$225	\$450	NA	\$240	\$480	NA	\$300	\$600	NA
202000				\$230	\$460	NA	\$250	\$500	NA	\$310	\$620	NA
204000				\$240	\$480	NA	\$260	\$520	NA	\$320	\$640	NA
206000				\$250	\$500	NA	\$270	\$540	NA	\$330	\$660	NA
208000				\$260	\$520	NA	\$280	\$560	NA	\$340	\$680	NA
210000				\$270	\$540	NA	\$290	\$580	NA	\$350	\$700	NA
212000				\$280	\$560	NA	\$300	\$600	NA	\$360	\$720	NA
214000				\$290	\$580	NA	\$310	\$620	NA	\$370	\$740	NA
216000				\$300	\$600	NA	\$320	\$640	NA	\$380	\$760	NA
218000				\$310	\$620	NA	\$330	\$660	NA	\$390	\$780	NA
220000				\$320	\$640	NA	\$340	\$680	NA	\$400	\$800	NA
222000				\$330	\$660	NA	\$350	\$700	NA	\$410	\$820	NA
224000				\$340	\$680	NA	\$360	\$720	NA	\$420	\$840	NA
226000				\$350	\$700	NA	\$370	\$740	NA	\$430	\$860	NA
228000				\$360	\$720	NA	\$380	\$760	NA	\$440	\$880	NA
230000				\$370	\$740	NA	\$390	\$780	NA	\$450	\$900	NA
232000				\$380	\$760	NA	\$400	\$800	NA	\$460	\$920	NA
234000				\$390	\$780	NA	\$410	\$820	NA	\$470	\$940	NA
236000				\$400	\$800	NA	\$420	\$840	NA	\$480	\$960	NA
238000				\$410	\$820	NA	\$430	\$860	NA	\$490	\$980	NA
240000				\$420	\$840	NA	\$440	\$880	NA	\$500	\$1,000	NA
242000				\$430	\$860	NA	\$450	\$900	NA	\$510	\$1,020	NA
244000				\$440	\$880	NA	\$460	\$920	NA	\$520	\$1,040	NA
246000				\$450	\$900	NA	\$470	\$940	NA	\$530	\$1,060	NA
248000				\$460	\$920	NA	\$480	\$960	NA	\$540	\$1,080	NA
250000				\$470	\$940	NA	\$490	\$980	NA	\$550	\$1,100	NA

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Single Axle Weights	Unrestricted			8-Ton			7-Ton			6-Ton		
	Trip	30 day	Season	Trip	30 day	Season	Trip	30 day	Season	Trip	30 day	Season
13000										\$5	\$10	NA
14000										\$10	\$20	NA
15000							\$5	\$10	NA	\$15	\$30	NA
16000							\$10	\$20	NA	\$20	\$40	NA
17000				\$5	\$10	NA	\$15	\$30	NA	\$25	\$50	NA
18000				\$10	\$20	NA	\$20	\$40	NA	\$30	\$60	NA
19000				\$15	\$30	NA	\$25	\$50	NA	\$35	\$70	NA
20000				\$20	\$40	NA	\$30	\$60	NA	\$40	\$80	NA
21000	\$5	\$10	\$50	\$25	\$50	NA	\$35	\$70	NA	\$45	\$90	NA
22000	\$10	\$20	\$100	\$30	\$60	NA	\$40	\$80	NA	\$50	\$100	NA
23000	\$15	\$30	\$150	\$35	\$70	NA	\$45	\$90	NA	\$55	\$110	NA
24000	\$20	\$40	\$200	\$40	\$80	NA	\$50	\$100	NA	\$60	\$120	NA
25000	\$25	\$50	\$250	\$45	\$90	NA	\$55	\$110	NA	\$65	\$130	NA
26000	\$30	\$60	\$300	\$50	\$100	NA	\$60	\$120	NA	\$70	\$140	NA
27000	\$35	\$70	\$350	\$55	\$110	NA	\$65	\$130	NA	\$75	\$150	NA
28000	\$40	\$80	\$400	\$60	\$120	NA	\$70	\$140	NA	\$80	\$160	NA
29000	\$45	\$90	\$450	\$65	\$130	NA	\$75	\$150	NA	\$85	\$170	NA
Max 30,000	\$50	\$100	\$500	\$70	\$140	NA	\$80	\$160	NA	\$90	\$180	NA

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Tandem Axle Weights	Unrestricted			8-Ton			7-Ton			6-Ton		
	Trip	30 day	Season	Trip	30 day	Season	Trip	30 day	Season	Trip	30 day	Season
25000										\$5	\$10	NA
26000										\$10	\$20	NA
27000										\$15	\$30	NA
28000										\$20	\$40	NA
29000							\$5	\$10	NA	\$25	\$50	NA
30000							\$10	\$20	NA	\$30	\$60	NA
31000							\$15	\$30	NA	\$35	\$70	NA
32000							\$20	\$40	NA	\$40	\$80	NA
33000				\$5	\$10	NA	\$25	\$50	NA	\$45	\$90	NA
34000				\$10	\$20	NA	\$30	\$60	NA	\$50	\$100	NA
35000	\$5	\$10	\$50	\$15	\$30	NA	\$35	\$70	NA	\$55	\$110	NA
36000	\$10	\$20	\$100	\$20	\$40	NA	\$40	\$80	NA	\$60	\$120	NA
37000	\$15	\$30	\$150	\$25	\$50	NA	\$45	\$90	NA	\$65	\$130	NA
38000	\$20	\$40	\$200	\$30	\$60	NA	\$50	\$100	NA	\$70	\$140	NA
39000	\$25	\$50	\$250	\$35	\$70	NA	\$55	\$110	NA	\$75	\$150	NA
40000	\$30	\$60	\$300	\$40	\$80	NA	\$60	\$120	NA	\$80	\$160	NA
41000	\$35	\$70	\$350	\$45	\$90	NA	\$65	\$130	NA	\$85	\$170	NA
42000	\$40	\$80	\$400	\$50	\$100	NA	\$70	\$140	NA	\$90	\$180	NA
43000	\$45	\$90	\$450	\$55	\$110	NA	\$75	\$150	NA	\$95	\$190	NA
44000	\$50	\$100	\$500	\$60	\$120	NA	\$80	\$160	NA	\$100	\$200	NA
45000	\$55	\$110	\$550	\$65	\$130	NA	\$85	\$170	NA	\$105	\$210	NA
46000	\$60	\$120	\$600	\$70	\$140	NA	\$90	\$180	NA	\$110	\$220	NA
47000	\$65	\$130	\$650	\$75	\$150	NA	\$95	\$190	NA	\$115	\$230	NA
48000	\$70	\$140	\$700	\$80	\$160	NA	\$100	\$200	NA	\$120	\$240	NA
49000	\$75	\$150	\$750	\$85	\$170	NA	\$105	\$210	NA	\$125	\$250	NA
Max 50,000	\$80	\$160	\$800	\$90	\$180	NA	\$110	\$220	NA	\$130	\$260	NA

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Triple Axle Weights	Unrestricted			8-Ton			7-Ton			6-Ton		
	Trip	30 day	Season	Trip	30 day	Season	Trip	30 day	Season	Trip	30 day	Season
31000										\$5	\$10	NA
32000										\$10	\$20	NA
33000										\$15	\$30	NA
34000										\$20	\$40	NA
35000										\$25	\$50	NA
36000										\$30	\$60	NA
37000							\$5	\$10	NA	\$35	\$70	NA
38000							\$10	\$20	NA	\$40	\$80	NA
39000							\$15	\$30	NA	\$45	\$90	NA
40000							\$20	\$40	NA	\$50	\$100	NA
41000							\$25	\$50	NA	\$55	\$110	NA
42000							\$30	\$60	NA	\$60	\$120	NA
43000				\$5	\$10	NA	\$35	\$70	NA	\$65	\$130	NA
44000				\$10	\$20	NA	\$40	\$80	NA	\$70	\$140	NA
45000				\$15	\$30	NA	\$45	\$90	NA	\$75	\$150	NA
46000				\$20	\$40	NA	\$50	\$100	NA	\$80	\$160	NA
47000				\$25	\$50	NA	\$55	\$110	NA	\$85	\$170	NA
48000				\$30	\$60	NA	\$60	\$120	NA	\$90	\$180	NA
49000	\$5	\$10	\$50	\$35	\$70	NA	\$65	\$130	NA	\$95	\$190	NA
50000	\$10	\$20	\$100	\$40	\$80	NA	\$70	\$140	NA	\$100	\$200	NA
51000	\$15	\$30	\$150	\$45	\$90	NA	\$75	\$150	NA	\$105	\$210	NA
52000	\$20	\$40	\$200	\$50	\$100	NA	\$80	\$160	NA	\$110	\$220	NA
53000	\$25	\$50	\$250	\$55	\$110	NA	\$85	\$170	NA	\$115	\$230	NA
54000	\$30	\$60	\$300	\$60	\$120	NA	\$90	\$180	NA	\$120	\$240	NA
55000	\$35	\$70	\$350	\$65	\$130	NA	\$95	\$190	NA	\$125	\$250	NA
56000	\$40	\$80	\$400	\$70	\$140	NA	\$100	\$200	NA	\$130	\$260	NA
57000	\$45	\$90	\$450	\$75	\$150	NA	\$105	\$210	NA	\$135	\$270	NA
58000	\$50	\$100	\$500	\$80	\$160	NA	\$110	\$220	NA	\$140	\$280	NA
59000	\$55	\$110	\$550	\$85	\$170	NA	\$115	\$230	NA	\$145	\$290	NA
60000	\$60	\$120	\$600	\$90	\$180	NA	\$120	\$240	NA	\$150	\$300	NA

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Quadruple Axle Weights	Unrestricted			8-Ton			7-Ton			6-Ton			
	Trip	30 day	Season	Trip	30 day	Season	Trip	30 day	Season	Trip	30 day	Season	
41000										\$5	\$10	NA	
42000										\$10	\$20	NA	
43000										\$15	\$30	NA	
44000										\$20	\$40	NA	
45000										\$25	\$50	NA	
46000										\$30	\$60	NA	
47000										\$35	\$70	NA	
48000										\$40	\$80	NA	
49000								\$5	\$10	NA	\$45	\$90	NA
50000								\$10	\$20	NA	\$50	\$100	NA
51000								\$15	\$30	NA	\$55	\$110	NA
52000								\$20	\$40	NA	\$60	\$120	NA
53000								\$25	\$50	NA	\$65	\$130	NA
54000								\$30	\$60	NA	\$70	\$140	NA
55000								\$35	\$70	NA	\$75	\$150	NA
56000								\$40	\$80	NA	\$80	\$160	NA
57000				\$5	\$10	NA		\$45	\$90	NA	\$85	\$170	NA
58000				\$10	\$20	NA		\$50	\$100	NA	\$90	\$180	NA
59000				\$15	\$30	NA		\$55	\$110	NA	\$95	\$190	NA
60000				\$20	\$40	NA		\$60	\$120	NA	\$100	\$200	NA
61000	\$5	\$10	\$50	\$25	\$50	NA		\$65	\$130	NA	\$105	\$210	NA
62000	\$10	\$20	\$100	\$30	\$60	NA		\$70	\$140	NA	\$110	\$220	NA
63000	\$15	\$30	\$150	\$35	\$70	NA		\$75	\$150	NA	\$115	\$230	NA
64000	\$20	\$40	\$200	\$40	\$80	NA		\$80	\$160	NA	\$120	\$240	NA
65000	\$25	\$50	\$250	\$45	\$90	NA		\$85	\$170	NA	\$125	\$250	NA
66000	\$30	\$60	\$300	\$50	\$100	NA		\$90	\$180	NA	\$130	\$260	NA
67000	\$35	\$70	\$350	\$55	\$110	NA		\$95	\$190	NA	\$135	\$270	NA
68000	\$40	\$80	\$400	\$60	\$120	NA		\$100	\$200	NA	\$140	\$280	NA

SUBJECT: OVER DIMENSION VEHICLE REGULATIONS

ADOPTED DATE: FEBRUARY 19, 2008

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5 Axle Grouping Weights	Unrestricted			8-Ton			7-Ton			6-Ton		
	Trip	30 day	Season	Trip	30 day	Season	Trip	30 day	Season	Trip	30 day	Season
51000										\$5	\$10	NA
52000										\$10	\$20	NA
53000										\$15	\$30	NA
54000										\$20	\$40	NA
55000										\$25	\$50	NA
56000										\$30	\$60	NA
57000										\$35	\$70	NA
58000										\$40	\$80	NA
59000										\$45	\$90	NA
60000										\$50	\$100	NA
61000							\$5	\$10	NA	\$55	\$110	NA
62000							\$10	\$20	NA	\$60	\$120	NA
63000							\$15	\$30	NA	\$65	\$130	NA
64000							\$20	\$40	NA	\$70	\$140	NA
65000							\$25	\$50	NA	\$75	\$150	NA
66000							\$30	\$60	NA	\$80	\$160	NA
67000							\$35	\$70	NA	\$85	\$170	NA
68000							\$40	\$80	NA	\$90	\$180	NA
69000							\$45	\$90	NA	\$95	\$190	NA
70000							\$50	\$100	NA	\$100	\$200	NA
71000				\$5	\$10	NA	\$55	\$110	NA	\$105	\$210	NA
72000				\$10	\$20	NA	\$60	\$120	NA	\$110	\$220	NA
73000				\$15	\$30	NA	\$65	\$130	NA	\$115	\$230	NA
74000				\$20	\$40	NA	\$70	\$140	NA	\$120	\$240	NA
75000				\$25	\$50	NA	\$75	\$150	NA	\$125	\$250	NA
76000	\$5	\$10	\$50	\$30	\$60	NA	\$80	\$160	NA	\$130	\$260	NA
77000	\$10	\$20	\$100	\$35	\$70	NA	\$85	\$170	NA	\$135	\$270	NA
78000	\$15	\$30	\$150	\$40	\$80	NA	\$90	\$180	NA	\$140	\$280	NA
79000	\$20	\$40	\$200	\$45	\$90	NA	\$95	\$190	NA	\$145	\$290	NA
80000	\$25	\$50	\$250	\$50	\$100	NA	\$100	\$200	NA	\$150	\$300	NA
81000	\$30	\$60	\$300	\$55	\$110	NA	\$105	\$210	NA	\$155	\$310	NA
82000	\$35	\$70	\$350	\$60	\$120	NA	\$110	\$220	NA	\$160	\$320	NA
83000	\$40	\$80	\$400	\$65	\$130	NA	\$115	\$230	NA	\$165	\$330	NA
84000	\$45	\$90	\$450	\$70	\$140	NA	\$120	\$240	NA	\$170	\$340	NA
85000	\$50	\$100	\$500	\$75	\$150	NA	\$125	\$250	NA	\$175	\$350	NA

SUBJECT: OVER DIMENSION VEHICLE REGULATIONS

ADOPTED DATE: FEBRUARY 19, 2008

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SELF-PROPELLED EARTH MOVING EQUIPMENT												
Single Axle Weights	Unrestricted			8-Ton			7-Ton			6-Ton		
	Trip	30 day	Season	Trip	30 day	Season	Trip	30 day	Season	Trip	30 day	Season
28000										\$5	NA	NA
29000										\$10	NA	NA
30000							\$5	NA	NA	\$15	NA	NA
31000							\$10	NA	NA	\$20	NA	NA
32000							\$15	NA	NA	\$25	NA	NA
33000							\$20	NA	NA	\$30	NA	NA
34000							\$25	NA	NA	\$35	NA	NA
35000				\$5	NA	NA	\$30	NA	NA	\$40	NA	NA
36000				\$10	NA	NA	\$35	NA	NA	\$45	NA	NA
37000	\$5	NA	NA	\$15	NA	NA	\$40	NA	NA	\$50	NA	NA
38000	\$10	NA	NA	\$20	NA	NA	\$45	NA	NA	\$55	NA	NA
39000	\$15	NA	NA	\$25	NA	NA	\$50	NA	NA	\$60	NA	NA
40000	\$20	NA	NA	\$30	NA	NA	\$55	NA	NA	\$65	NA	NA
41000	\$25	NA	NA	\$35	NA	NA	\$60	NA	NA	\$70	NA	NA
42000	\$30	NA	NA	\$40	NA	NA	\$65	NA	NA	\$75	NA	NA
43000	\$35	NA	NA	\$45	NA	NA	\$70	NA	NA	\$80	NA	NA
44000	\$40	NA	NA	\$50	NA	NA	\$75	NA	NA	\$85	NA	NA
45000	\$45	NA	NA	\$55	NA	NA	\$80	NA	NA	\$90	NA	NA
46000	\$50	NA	NA	\$60	NA	NA	\$85	NA	NA	\$95	NA	NA
47000	\$55	NA	NA	\$65	NA	NA	\$90	NA	NA	\$100	NA	NA
48000	\$60	NA	NA	\$70	NA	NA	\$95	NA	NA	\$105	NA	NA
49000	\$65	NA	NA	\$75	NA	NA	\$100	NA	NA	\$110	NA	NA
50000	\$70	NA	NA	\$80	NA	NA	\$105	NA	NA	\$115	NA	NA
51000	\$75	NA	NA	\$85	NA	NA	\$110	NA	NA	\$120	NA	NA
52000	\$80	NA	NA	\$90	NA	NA	\$115	NA	NA	\$125	NA	NA
53000	\$85	NA	NA	\$95	NA	NA	\$120	NA	NA	\$130	NA	NA
54000	\$90	NA	NA	\$100	NA	NA	\$125	NA	NA	\$135	NA	NA
55000	\$95	NA	NA	\$105	NA	NA	\$130	NA	NA	\$140	NA	NA

SELF-PROPELLED TRUCK CRANES

Self-propelled truck cranes shall be allowed a maximum of 550 lbs. per inch width of tire without additional overweight fee, up to a maximum gross vehicle weight of 150,000 lbs. Anything over 150,000 lbs. gross vehicle weight will be charged at \$5/1,000 lbs. for single trip, \$10/1,000 lbs. for 30 day permit, or \$50/1,000 lbs. for seasonal permit.

Weights in excess of 550 lbs. per inch of tire shall be assessed a \$5/1000 lbs. for single trip, \$10/1000 lbs. for 30 day permit, or \$50/1000 lbs. for seasonal permit of additional weight per axle configuration.

2-14. Pilot Car Policy

Purpose: To establish a policy in the interest of public highway safety to show when pilot cars are required and what the requirements of the pilot car are when moving oversize and overweight loads.

Policy Statement: Cass County will require pilot cars as part of the permit conditions for the movement of vehicles and loads of extraordinary size and weight on the county highway system.

Procedure:

A. The following factors determine when pilot cars are required:

1. Over-width movements
 - a. All movements exceeding 14 feet 6 inches in overall width, but not exceeding 16 feet in overall width, shall have one pilot car precede the movement at a distance of 300 to 700 feet on two-lane highways. In lieu of the pilot car requirement, the over-width vehicle itself, or vehicle towing or hauling an over-width load, may be equipped with a lighted rotating or flashing amber light or lights that are visible from front and rear for a minimum of 500 feet.
 - b. All movements exceeding 16 feet in overall width shall have one pilot car precede the movement at a distance of 300 to 700 feet and shall have one pilot car follow the movement at a distance of 300 to 700 feet on two-lane highways.
2. Over-length movements
 - a. All movements exceeding 120 feet in overall length shall have one pilot car follow the movement at a distance of 300 to 700 feet.
3. Over-height movements
 - a. All movements exceeding 18 feet in overall height shall have one pilot car precede the movement at a distance of 300 to 700 feet.
4. Over-weight movements
 - a. All movements of self-propelled earthmoving equipment that are roaded shall have one pilot car follow the movement at a distance of 300 to 700 feet on all streets because of a maximum speed limit of 20 miles per hour.
 - b. The county engineer may require one or two pilot cars on other over-weight movements that exceed the normal permissible weights.

B. Other factors determining when pilot cars are required:

1. Combinations of 1, 2, 3, or 4 above may require one or more pilot cars as determined by the county engineer.

C. Pilot Car Requirements

1. All vehicles used as pilot cars must meet the following requirements:
 - a. Vehicle must be a passenger vehicle or 2-axle truck only
 - b. Vehicle must meet requirements of Title 39 NDCC
 - c. Driver of the pilot car must have a valid driver's license and be 18 years of age or older.
 - d. The vehicle must have, on the highest part, a sign that is minimum 12 inches in height and 60 inches in length with the words OVERSIZE LOAD on it. The sign shall be yellow with black lettering. The lettering shall not be less than 8 inches high and 1-inch brush strokes. In addition, flashing amber lights shall be mounted on both ends of the sign. In place of the two alternating lights, there can be one centrally mounted revolving amber light on the top of the sign.
 - e. There shall be radio communication between the pilot car(s) and the vehicle being escorted.
 - f. When not being used for an escort, all warning signs and lights must be completely covered or removed from the pilot car(s).
2. When operating in convoy, additional pilot cars will not be required provided that each unit in convoy keep at least 1,000 feet apart so as not to hamper passing traffic.
3. Radio communication will not be required when escorting self-propelled earthmoving equipment.

SUBJECT: COUNTY COMMISSIONERS

ADOPTED DATE: MAY 18, 2015

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PAY PHILOSOPHY

For Cass County Government, as with all employers, the payroll constitutes a sizeable operating cost. Therefore, a sound compensation program is essential.

Cass County's compensation policy should include consideration of the following items:

- 1) The rate of pay within the organization and whether it is to be above, below, or at the prevailing community rate.
- 2) The pay level at which new employees may be recruited and the pay differential which should be maintained between new and more senior employees.
- 3) The intervals at which pay raises are to be granted and the extent to which merit pay is to influence raises.
- 4) The employer's ability to pay along with the consideration of total benefit packages.

Since pay must not only be equitable but be so perceived by employees, it is important that Cass County employees understand the pay philosophy of the organization. The effective communication of pay information together with an organizational environment which generates employee trust in management can contribute to more accurate employee perceptions of their pay. This perception can be achieved by effective communication from management to the employees.

Cass County Government believes that equitable compensation and employee productivity are important to the achievement of organizational goals and has dedicated itself to maintaining an independent, non-biased salary plan using the services of a paid professional consultant from outside the Fargo-Moorhead area. The Cass County Board of Commissioners has committed itself to review detailed labor market pay comparisons for all benchmark positions in a mix of relevant labor market sources in Minnesota and North Dakota. Every three years, the report will compare current average pay for each benchmark to the market average pay and provide the board with a market pay line for each of the county classes in each DBM rating. The objective is to provide Cass County pay ranges that are market competitive but do not lead nor lag the area labor market. With this information, Cass County Government can provide a total competitive compensation package.

PAY PHILOSOPHY (cont.)

Each DBM rating shall be assigned a salary range consisting of a minimum, a market value and a maximum. The maximum of the Cass County pay ranges shall be created by allowing compensation for above average performers to be 5% higher than the pay range market values. In addition, the county will consider, on an annual basis, the adjustment of the pay range market values so that the Cass County pay scale remains competitive throughout the pay plan year. The employee compensation package shall continue to allow existing step progression increases, factoring in performance considerations, however, the plan is not intended to reward longevity.

Management shall continue to refine the performance appraisal system and Cass County Government will provide supervisor and management training in an effort to carry out a merit-based system.

Although, from time to time, the Board of Commissioners must make difficult decisions associated with the budget process, every effort will be made to address employee compensation issues early in the budget process. The Board must also carefully balance the perception of pay equity of both the taxpayers and the employees to insure universal acceptance of the pay and benefits package.

Finally, it is expected that in return for a fair and equitable compensation plan, employees will, in return, provide to the citizens of Cass County honest and diligent efforts in completing the assigned job or task in a manner expected of a competent and capable employee.

HISTORICAL REFERENCE DATE: JULY 18, 1994

SUBJECT: POST ISSUANCE DEBT COMPLIANCE POLICY

ADOPTED DATE: AUGUST 4, 2014

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POST-ISSUANCE COMPLIANCE PROCEDURE AND POLICY FOR BOND ISSUES

Cass County, North Dakota Post-Issuance Debt Compliance Procedures

The Board of County Commissioners (the "Commission") of Cass County, North Dakota (the "County") has adopted the attached Post-Issuance Debt Compliance Policy dated August 4, 2014. The Post-Issuance Debt Compliance Policy applies to qualifying debt obligations issued by the County. As directed by the adoption of the Post-Issuance Debt Compliance Policy, the County Auditor will perform the following Post-Issuance Debt Compliance Procedures for all of the County's outstanding debt.

1. General Post-Issuance Compliance

- a. Ensure written procedures and/or guidelines have been put in place for individuals to follow when more than one person is responsible for ensuring compliance with Post-Issuance Debt Compliance Procedures.
- b. Ensure training and/or educational resources for post-issuance compliance have been approved and obtained.
- c. The County Auditor understands that there are options for voluntarily correcting failures to comply with post-issuance compliance requirements (such as remedial actions under Section 1.141-12 of the Treasury Regulations and the ability to enter into a closing agreement under the Tax-Exempt Bonds Voluntary Closing Agreement Program described in Notice 2008-31(the "VCAP Program")).

2. General Recordkeeping

- a. Retain records and documents for the obligation and all obligations issued to refund the obligation for a period of at least seven years following the final payment of the obligation (or if such obligation is refunded, the final payment of the refunding bond) unless otherwise directed by the County's bond counsel.
- b. Retain both paper and electronic versions of records and documents for the obligation.
- c. General records and documentation to be assembled and retained
 - i. Description of the purpose of the obligation (referred to as the project) and the state statute authorizing the project.
 - ii. Record of tax-exempt status or revocation of tax-exempt status, if applicable.
 - iii. Any correspondence between the County and the IRS.

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- iv. Audited financial statements.
- v. Bond transcripts, official statements and other offering documents of the obligation.
- vi. Minutes and resolutions authorizing the issuance of the obligation.
- vii. Certifications of the issue price of the obligation.
- viii. Any formal elections for the obligation (i.e. election to employ an accounting methodology other than the specific tracing method).
- ix. Appraisals, demand surveys, or feasibility studies for property financed by the obligation.
- x. Documents related to governmental grants, associated with construction, renovation or purchase of property financed with the obligation.
- xi. Reports of any prior IRS examinations of the County or the County's obligation.

3. Arbitrage Yield Restriction and Rebate Recordkeeping

- a. Investment and arbitrage documentation to be assembled and retained
 - i. An accounting of all deposits, expenditures, interest income and asset balances associated with each fund established in connection with the obligation. This includes an accounting of all monies deposited to the Debt Service Account to make debt service payments on the obligation, regardless of the source derived. Accounting for expenditures and assets is described in further detail in Section 4.
 - ii. Statements prepared by Trustee or Investment Provider.
 - iii. Documentation of at least quarterly allocations of investments and investment earnings to each obligation (i.e. uncommingling analysis).
 - iv. Documentation for investments made with obligation proceeds such as:
 1. Investment contracts (i.e. guaranteed investment contracts).
 2. Credit enhancement transactions (i.e. bond insurance contracts).
 3. Financial derivatives (swaps, caps, etc).
 4. Bidding of financial products.
- Investments acquired with obligation proceeds are purchased at fair market value (i.e. three bids for open market securities needed in advance refunding escrows).

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- b. Computations of the arbitrage yield.
 - c. Computations of yield restriction and rebate amounts including but not limited to:
 - i. Compliance in meeting the “Temporary Period from Yield Restriction Exception” and limiting the investment of funds after the temporary period expires.
 - ii. Compliance in meeting the “Rebate Exception”.
 - 1. Qualifying for the “Small Issuer Exception”
 - 2. Qualifying for a “Spending Exception”
 - 6 Month Spending Exception
 - 18 Month Spending Exception
 - 24 Month Spending Exception
 - 3. Qualifying for the “Bona Fide Debt Service Fund Exception”
 - 4. Quantifying arbitrage on all funds established in connection with the obligation in lieu of satisfying arbitrage exceptions (including Reserve Funds and Debt Service Funds)
 - d. Computations of yield restriction and rebate payments.
 - e. Timely Tax Form 8038-T filing, if applicable.
 - i. Remit any arbitrage liability associated with the obligation to the IRS at each five year anniversary date of the obligation, and the date in which the obligation is no longer outstanding (redemption or maturity date), whichever comes sooner, within 60 days of said date.
 - f. Timely Tax Form 8038-R filing, if applicable.
 - g. Procedures or guidelines for monitoring instances where compliance with applicable yield restriction requirements depends on subsequent reinvestment of obligation proceeds in lower yielding investments (for example: reinvestment in zero coupon SLGS).
4. Expenditure and Asset Documentation to be Assembled and Retained
- a. Documentation of allocations of obligation proceeds to expenditures (i.e. allocation of proceeds to expenditures for the construction, renovation or purchase of facilities owned and used in the performance of exempt purposes).

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- i. Such allocation will be done not later than the earlier of:
 - eighteen (18) months after the later of the date the expenditure is paid, or the date the project, if any, that is financed by the tax-exempt bond issue is placed in service; or the date sixty (60) days after the earlier of the fifth anniversary of the issue date of the tax-exempt bond issue, or the date sixty (60) days after the retirement of the tax-exempt bond issue.
 - b. Documentation of allocations of obligation proceeds to issuance costs.
 - c. Copies of requisitions, draw schedules, draw requests, invoices, bills and cancelled checks related to obligation proceed expenditures during the construction period.
 - d. Copies of all contracts entered into for the construction, renovation or purchase of facilities financed with obligation proceeds.
 - e. Records of expenditure reimbursements incurred prior to issuing bonds for facilities financed with obligation proceeds (Declaration of Official Intent/Reimbursement Resolutions including all modifications).
 - f. List of all facilities and equipment financed with obligation proceeds.
 - g. Depreciation schedules for depreciable property financed with obligation proceeds.
 - h. Documentation that tracks the purchase and sale of assets financed with obligation proceeds.
 - i. Documentation of timely payment of principal and interest payments on the obligation.
 - j. Tracking of all issue proceeds and the transfer of proceeds into the debt service fund as appropriate.
 - k. Documentation that excess earnings from a Reserve Fund is transferred to the Debt Service Fund on an annual basis. Excess earnings are balances in a Reserve Fund that exceed the Reserve Fund requirement.
- 5. Miscellaneous Documentation to be Assembled and Retained
 - a. Ensure that the project, while the obligation is outstanding, will avoid IRS private activity concerns.
 - i. The County Auditor shall monitor the use of all obligation-financed facilities in order to:
 - determine whether private business uses of obligation-financed facilities have exceeded the *de minimus* limits set forth in Section 141(b) of the Code as a result of sale of the facilities

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(including sale of capacity rights, leases and subleases of facilities (including easements or use arrangements for areas outside the four walls, e.g., hosting of cell phone towers), leasehold improvement contracts, licenses, management contracts (in which the County authorizes a third party to operate a facility, e.g. cafeteria), research contracts, preference arrangements (in which the County permits a third party preference, such as parking in a public parking lot), joint ventures, limited liability companies or partnership arrangements, output contracts or other contracts for use of utility facilities (including contracts with large utility users), development agreements which provide for guaranteed payments or property values from a developer, grants or loans made to private entities (including special assessment agreements), naming rights agreements, or other arrangements that provide special legal entitlements to nongovernmental persons; and

determine whether private security or payments that exceed the *de minimus* limits set forth in Section 141(b) of the Code have been provided by nongovernmental persons with respect to such obligation-financed facilities.

- ii. The County Auditor shall provide training and educational resources to any County staff that have the primary responsibility for the operation, maintenance, or inspection of obligation-financed facilities with regard to the limitations on the private business use of obligation-financed facilities and as to the limitations on the private security or payments with respect to obligation-financed facilities.
- b. The County Auditor shall undertake the following with respect to the obligations:
 - i. an annual review of the books and records maintained by the County with respect to such obligations; and
 - ii. an annual physical inspection of the facilities financed with the proceeds of such obligations, conducted by the County Auditor with the assistance of any County staff who have the primary responsibility for the operation, maintenance, or inspection of such obligation-financed facilities.

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- c. Changes in the project that impact the terms or commitments of the obligation are properly documented and necessary certificates or opinions are on file.
6. Additional Undertakings and Activities that Support Sections 1 through 5 above:
 - a. The County Auditor will notify the County's bond counsel, financial advisor and arbitrage provider of any survey or inquiry by the IRS immediately upon receipt (Usually responses to IRS inquiries are due within 21 days of receipt. Such IRS responses require the review of the above mentioned data and must be in writing. As much time as possible is helpful in preparing the response).
 - b. The County Auditor will consult with the County's bond counsel, financial advisor and arbitrage provider before engaging in post-issuance credit enhancement transactions (i.e. bond insurance, letter of credit, or hedging transactions (i.e. interest rate swap, cap).
 - c. The County Auditor will monitor all "qualified tax-exempt debt obligations" within the first calendar year to determine if the limit is exceeded, and if exceeded, will address accordingly. For tax-exempt debt obligations issued during years 2009 and 2010, the limit is \$30,000,000 (The limit was \$10,000,000 prior to 2009. In 2011 and thereafter it will remain at \$10,000,000 unless changed by Congress). During this period, the limit also applies to pooled financings of the governing body and provides a separate \$30,000,000 for each 501 (c)(3) conduit borrower.
 - d. Comply with Continuing Disclosure Requirements.
 - i. If applicable, the timely filing of annual information agreed to in the Continuing Disclosure Certificate.
 - ii. Give notice of any Material Event.
 - e. Identify any post-issuance change to terms of bonds which could be treated as a current refunding of "old" bonds by "new" bonds, often referred to as a "reissuance".
 - f. The County Auditor will consult with the City's bond counsel prior to any sale, transfer, change in use or change in users of obligation-financed property which may require "remedial action" under applicable Treasury Regulations or resolution pursuant to the VCAP Program. A remedial action has the effect of curing a deliberate action taken by the City which results in satisfaction of the private business test or private loan test. Remedial actions under Section 1.141-12(d)(e) and (f) include the redemption of non-qualified bonds and alternative uses of proceeds or the facility (i.e. use for a qualified purpose instead).

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- g. The City Auditor will ensure that the appropriate tax form for federal subsidy payments is prepared and filed in a timely fashion for applicable obligations (i.e. Build America Bonds).

7. Compliance with Future Requirements

- a. Take measures to comply with any future requirements issued beyond the date of these Post-Issuance Debt Compliance Procedures which are essential to ensuring compliance with the applicable state and federal regulations.

Cass County, North Dakota Post-Issuance Debt Compliance Policy

The Board of County Commissioners (the “Commission”) of Cass County, North Dakota (the “County”) has chosen, by policy, to take steps to help ensure that all obligations will be in compliance with all applicable federal regulations. This policy may be amended, as necessary, in the future.

Background

The Internal Revenue Service (IRS) is responsible for enforcing compliance with the Internal Revenue Code (the “Code”) and regulations promulgated thereunder (“Treasury Regulations”) governing certain obligations (for example: tax-exempt obligations, Build America Bonds, Recovery Zone Development Bonds and various “Tax Credit” Bonds). The IRS expects issuers and beneficiaries of these obligations to adopt and implement a post-issuance debt compliance policy and procedures to safeguard against post-issuance violations.

Post-Issuance Debt Compliance Policy Objective

The County desires to monitor these obligations to ensure compliance with the Code and Treasury Regulations. To help ensure compliance, the County has developed the following policy (the “Post-Issuance Debt Compliance Policy”). The Post-Issuance Debt Compliance Policy shall apply to the obligations mentioned above, including bonds, notes, loans, lease purchase contracts, lines of credit, commercial paper or any other form of debt that is subject to compliance.

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Post-Issuance Debt Compliance Policy

The County Auditor is designated as the County's agent who is responsible for post-issuance compliance of these obligations.

The County Auditor shall assemble all relevant documentation, records and activities required to ensure post-issuance debt compliance as further detailed in corresponding procedures (the "Post-Issuance Debt Compliance Procedures"). At a minimum, the Post-Issuance Debt Compliance Procedures for each qualifying obligation will address the following:

1. General post-issuance compliance;
2. Proper and timely use of obligation proceeds and obligation-financed property;
3. Arbitrage yield restriction and rebate;
4. Timely filings and other general requirements;
5. Additional undertakings or activities that support points 1 through 4 above;
6. Maintenance of proper records related to the obligations and the investment of proceeds of obligations;
7. Other requirements that become necessary in the future.

The County Auditor shall apply the Post-Issuance Debt Compliance Procedures to each qualifying obligation and maintain a record of the results. Further, the County Auditor will ensure that the Post-Issuance Debt Compliance Policy and Procedures are updated on a regular and as needed basis.

The County Auditor or any other individuals responsible for assisting the County Auditor in maintaining records needed to ensure post-issuance debt compliance, are authorized to expend funds as needed to attend training or secure use of other educational resources for ensuring compliance such as consulting, publications, and compliance assistance.

Most of the provisions of this Post-Issuance Debt Compliance Policy are not applicable to taxable governmental obligations unless there is a reasonable possibility that the County may refund their taxable governmental obligation, in whole or in part, with the proceeds of a tax-exempt governmental obligation. If this refunding possibility exists, then the County Auditor shall treat the taxable governmental obligation as if such issue were an issue of tax-exempt governmental obligations and comply with the requirements of this Post-Issuance Debt Compliance Policy.

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Private Activity Bonds

The County may issue tax-exempt obligations that are “private activity” bonds because either (1) the bonds finance a facility that is owned by the County but used by one or more qualified 501(c)(3) organizations, or (2) the bonds are so-called “conduit bonds”, where the proceeds are loaned to a qualified 501(c)(3) organization or another private entity that finances activities eligible for tax-exempt financing under federal law (such as certain manufacturing projects and certain affordable housing projects). Prior to the issuance of either of these types of bonds, the County Auditor shall take steps necessary to ensure that such obligations will remain in compliance with the requirements of this Post-Issuance Debt Compliance Policy.

In a case where compliance activities are reasonably within the control of a private party (i.e., a 501(c)(3) organization or conduit borrower), the County Auditor may determine that all or some portion of compliance responsibilities described in this Post-Issuance Debt Compliance Policy shall be assigned to the relevant party. In the case of conduit bonds, the conduit borrower will be assigned all compliance responsibilities other than those required to be undertaken by the County under federal law. In a case where the County Auditor is concerned about the compliance ability of a private party, the County Auditor may require that a trustee or other independent third party be retained to assist with record keeping for the obligation and/or that the trustee or such third party be responsible for all or some portion of the compliance responsibilities.

The County Auditor is additionally authorized to seek the advice, as necessary, of bond counsel and/or its financial advisor to ensure the County is in compliance with this Post-Issuance Debt Compliance Policy.

Adopted this 4th day of August, 2014, by the Board of County Commissioners of Cass County, North Dakota.

HISTORICAL REFERENCE DATE: AUGUST 4, 2014

SUBJECT: PRIVATE ROAD MAINTENANCE

ADOPTED DATE: JANUARY 3, 1995

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When requested, private roads, parking areas, and crossings may be maintained by the County Highway Department. All private work must be on a reimbursable basis. Reimbursement rates for these services should be as determined by the County Engineer. The approval or denial of these requests is at the discretion of the County Engineer. County Engineer determinations may be appealed to the County Commission.

HISTORICAL REFERENCE DATE: JANUARY 3, 1995

SUBJECT: PROCUREMENT AND GRANTS ADMINISTRATION

ADOPTED DATE: APRIL 1, 2024

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Overview

Purpose - This Commission Policy has been prepared to document the policies and procedures for the administration of the procurement of goods, services, and construction projects by Cass County (the "County") as well as for compliance with grant requirements. The Federal Government annually publishes updated guidance to assist recipients of Federal funds with administering their programs. Such guidance requires all recipients of Federal funds to establish and maintain internal controls designed to reasonably ensure compliance with Federal laws, regulations, and program compliance requirements. Written policies and procedures are part of the necessary internal controls and are required as a precondition to receiving Federal funds. These policies and procedures are intended to be sufficiently comprehensive to adequately meet such requirements. However, in no case are these policies and procedures intended to supersede or limit Federal or State laws or regulations, or the provisions of individual grant agreements. The following source documents were used in developing this policy:

1. 2 Code of Federal Regulation Part 200 (and its appendices)
2. 48 Code of Federal Regulations Part 2, Subpart 2.1

Hierarchy of Authority- If conflicting guidance on the administration of Federal awards arises, the County has deemed Federal guidance to be most authoritative, followed by other State or local guidance.

Revisions - Guidance provided by the Federal government through the OMB UGG - Uniform Grant Guidance Compliance Supplement are expected to be updated each year. Such updates are considered by the County as they become available, and policies and procedures will be revised accordingly.

The County Administrator, County Engineer, County Finance Director, and designees are authorized and required to establish and document policies and procedures to ensure compliance with the provisions of Federal and State regulations and the provisions of grant agreements. Such policies and procedures are documented herein, and will be reviewed and updated as necessary, but not less than once every seven years.

Training - County finance personnel and its program administrators for Federal

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awards will be provided the necessary training through various mechanisms, such as: (1) reviewing information provided by the applicable awarding agency, (2) consulting with qualified and knowledgeable accountants for clarification, if appropriate, (3) participating in various training opportunities, such as those offered by appropriate professional organizations, (4) reviewing legislative updates from multiple sources, (5) membership and participation in meetings of the Governmental Finance Officers Association (GFOA), and (6) coordination and collaboration with individuals performing similar job functions at similar municipal agencies.

Compliance Failures - Compliance failures, whether noted internally by management or through the external audit process, will be addressed immediately, identifying the reason for the failure, noting staff positions related to the compliance failure, and developing an improved process to secure future compliance. Follow up actions required by the compliance failure will be handled by appropriate County staff.

Section 1 - Purchasing and Procurement

Policy Requirements

It is the policy of the County to ensure that all disbursements of funds are properly reviewed and authorized, consistent with sound financial management principles, and issued in compliance with all applicable Federal, State, and local laws. To meet these objectives, all disbursements of County funds shall be subject to the following provisions, to the extent they do not conflict with or contradict any specific Federal, State, or local law or Commission policy (the most specific or restrictive law, policy, or procedure will be followed):

- a. Substantial State and Federal requirements exist pertaining to standards of conduct and conflict of interest. It is the intent of the County for all employees, officers, or agents to conduct all activities associated with procurements in compliance with the highest ethical standards, including the avoidance of any real or perceived conflict of interest. It is also the intent of the County to impose appropriate sanctions or disciplinary actions, including but not limited to termination and/or prosecution, for any employee or officer determined to have violated any of these requirements.
- b. The County avoids the acquisition of unnecessary or duplicative items. Additionally, the County considers consolidating or splitting up procurements if a more

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economical cost is available. Where appropriate, the County performs a lease versus purchase analysis to determine the most economical procurement approach.

- c. To foster greater economy and efficiency, the County enters into state and local intergovernmental agreements where appropriate or uses common or shared goods and services. This includes cooperative purchasing agreements where practical and beneficial. Depending on the purchase requested, the County may purchase from a cooperative or inter-local agreement if the price is competitive, and the goods or service are needed in a timelier manner than a standalone purchase would allow. The County Finance Director and the County Administrator will make this determination.
- d. The County awards contracts only to responsible contractors possessing the ability to perform successfully under the terms and conditions of a proposed procurement. The County considers such matters as contractor integrity and business ethics, compliance with public policy, ability to complete the project on time and in accordance with specifications, record of past performance, and the contractor's financial and technical resources.
- e. The County will award a contract to a contractor who has the appropriate experience, expertise, qualifications, and any required certifications, necessary to perform the work. Contractors should also have the financial resources to sustain the project while the initial work is being completed and during each service period until he or she submits invoices for payment as work is completed. Contractors should have the proper equipment or the capability to subcontract for the proper equipment necessary to complete the contracted work.
- f. All procurement transactions paid with Federal funds are conducted in a manner providing full and open competition. In an environment of full and open competition, no proposer or bidder has a competitive advantage over another. All potential proposers and bidders are provided the same information and have the same opportunity to submit a bid or proposal. Providing a competitive advantage to one or more potential proposers or bidders over another creates the potential for disputes and lawsuits that can be costly and can delay project completion.
- g. To ensure objective contractor performance and eliminate unfair competitive advantage, contractors that develop or draft specifications, requirements, statements of work, or invitations for bids or requests for proposals are excluded

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from competing for such procurements. The County does not engage in the following situations that may restrict full and open competition, including but not limited to:

- Placing unreasonable requirements on firms for them to qualify to do business, requiring unnecessary experience, and/or requiring excessive bonding.
 - Noncompetitive pricing practices between firms or between affiliated companies; noncompetitive contracts to consultants that are on retainer contracts.
 - Requiring a specific "brand name" product instead of allowing "an equal" product to be offered.
 - Any arbitrary action in the procurement process.
 - Conducts Federal procurements in a manner that prohibits the use of statutorily or administratively imposed state or local geographical preferences in the evaluation of bids or proposals, except in those cases where applicable Federal statutes expressly mandate or encourage geographic preference.
- h. All solicitations will incorporate a clear and accurate description of the technical requirements for the material, product, or service to be procured. Such description will not, in competitive procurements, contain features which unduly restrict competition. The description will include a statement of the qualitative nature of the material, product, or service to be procured and, when necessary, will set forth those minimum essential characteristics and standards to which it must conform if it is to satisfy its intended use. Detailed product specifications will be avoided if possible.
- i. The County takes all necessary affirmative steps to assure that disadvantaged business enterprises are used when required by any grant award guidelines.
- j. A time and materials type contract is a contract in which the cost to the County is the sum of the actual costs of materials and direct labor hours charged at fixed hourly rates that reflect wages, general and administrative expenses, and profit. The County may only use a time and materials contract for Federally funded projects (1) after a determination is made that no other form of contract is suitable, and (2) if the contract includes a ceiling price that the contractor exceeds at their own risk.

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- k. The County ensures that all prequalified lists of persons, firms, or products which are used in acquiring goods and services are current and include enough qualified sources to ensure maximum open and free competition. The County may accomplish this by conducting internet searches, including vendor searches, or by other tools available to the County to locate and identify potential contractors. Federal guidelines regarding the number of bids required will be followed.

Procurement Procedures

All County procurements shall follow the following procedures. County officials conducting procurements should familiarize themselves with the policy requirements outlined in the preceding section prior to initiating a procurement.

1. **Micro-Purchases of \$10,000 or Less** - The County's purchasing process for procurement of goods or services of \$10,000 or less follows the Federal micro-purchasing guidelines. A micro-purchase is a purchase of supplies or services using simplified acquisition procedures to expedite the completion of the lowest-dollar small purchase transactions and minimize the associated administrative burden and cost. Any procurement of \$10,000 or less may be undertaken without competition, provided that the price obtained has been determined to be reasonable based on research, experience, purchase history, or other information. Documentation should be maintained of the basis for this determination. All purchases exceeding \$5,000 require Commission approval.
2. **Small Purchases Up To \$200,000** - Purchasing procedures consistent with the Federal small purchase procedures may be used for securing goods or services that do not cost more than \$200,000. Under this method of procurement, competitive quotes may be obtained from not less than three qualified sources. If three qualified sources are not identified or do not provide quotes, then documentation should be maintained regarding the efforts undertaken to identify qualified sources.
3. **Formal Purchases of More Than \$200,000** - The County follows procedures consistent with the Federal formal procurement procedures and the requirements of the North Dakota Century Code for purchases of more than \$200,000.
 - a. Sealed bid requirements for procurements requiring formal advertising or for which price is a major factor:

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- Invitations for bid will be publicly advertised and must be selected from an adequate number of known suppliers.
 - Provision of a sufficient response period prior to the bid opening date will be made.
 - Invitations for bid will include any specifications and pertinent attachments; they must sufficiently define the items/services to allow the bidder to prepare an adequate response.
 - All bids will be publicly opened at the time and place prescribed in the invitation for bids.
 - A firm fixed price contract award will be made in writing to the lowest responsive and responsible bidder.
 - Any or all bids may be rejected if there is a sound documented reason.
 - County Commission Policies and North Dakota state law should be reviewed for additional requirements.
- b. Proposal requirements for requests for proposals (RFPs) using a specific evaluation methodology and fixed price or cost reimbursement bids:
- Requests for proposals must be published requests and identify all evaluation factors and their relative importance.
 - Proposals must be solicited from an adequate number of qualified sources.
 - The County department that submitted the request for proposals must have a written methodology for conducting technical evaluations of the proposals received and for final selection.
 - Contracts must be awarded to the responsible firm whose proposal is most advantageous to the County project.
 - In the selection of architectural/engineering professional services, the County may use a qualification-based methodology for its evaluation process whereby proposers are evaluated as being most qualified versus focusing on lowest cost.
4. **All Procurements Utilizing Federal Funds** - The following additional procedures apply to all procurements utilizing federal funds:
- a. Debarment and Suspension: The County will not subcontract with or award

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subgrants to any person or company who is debarred or suspended from receiving Federal funds. The County Finance Director, or designee thereof, will perform the required check for excluded parties in the Federal System for Award Management (SAM) website before any procurement transaction is paid with Federal funds. This list is located at: <http://www.sam.gov/>.

- b. The County will make independent estimates of the goods or services being procured before receiving bids or proposals to get an estimate of how much the goods and services are valued in the current market. To accomplish this, after bids and proposals are received, but before awarding a contract, the County conducts either a price or cost analysis, depending on the type of contract, in connection with every procurement more than \$250,000 utilizing Federal funds.
- c. The County requires that construction or facility improvement contracts, or subcontracts exceeding \$250,000, include a bid guarantee equivalent to 5% of the bid price from each bidder (such as bid bond or certified check), a performance bond on the part of the contractor for 100 percent of the contract price, and a payment bond on the part of the contractor for 100 percent of the contract price.

5. **Non-Competitive Procurements** - Procurement by noncompetitive proposals is solicitation of a proposal from a single source and may only be used when one or more of the following circumstances apply:

- a. The item is only available from a single source; documentation must be provided.
- b. The public exigency or emergency basis of the procurement will not allow for the delay associated with a competitive solicitation.
- c. Anytime the Federal awarding agency expressly authorizes noncompetitive proposals in response to a written request from the County.
- d. After solicitation from multiple sources, competition is determined to be inadequate.

Section 2 - Grant Administration Requirements for County Departments

Payroll and Timekeeping

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The following provisions apply to the payment of employees and recording of time and effort (as required) in accordance with Federal Cost Principles:

1. Hourly employees record time on an electronic timekeeping system each day, with the following information:
 - a. Total number of hours worked
 - b. Use of any paid leave - holiday, personal, vacation, sick, etc.
 - c. Total number of hours to be paid
 - d. Allocation of hours to each program or department for which work was performed, if appropriate
 - e. Dated signature of employee and their supervisor for each payroll period

The allocation of hours between programs or departments should be based exclusively on the actual hours worked, and not be based on a budgeted or other predetermined allocation schedule. If an after-the-fact correction is necessary to an employee's timesheet due to errors in the allocation of time worked, such corrections must be submitted to the County Finance Director and approved in writing by both the employee and the supervisor.

2. Salaried employees charged to Federal and any other grants will document time and effort as follows: the employee may document time and effort using a timesheet as described above. Timesheets must account for all time for which the employee is compensated and be signed by the employee. It will not be acceptable for timesheets to only include the hours worked on Federal grants.

It is the responsibility of the employee being charged to a Federal award(s) to clarify documentation requirements with the County Engineer, County Finance Director, or their designees and provide appropriate documentation to the Payroll Staff as it becomes available.

Certifications should never be signed prior to the end date of the payroll period being certified. Each certification should be kept by the County Department administering the grant.

Grant Development, Application, and Approval

The following policies and procedures will be applied:

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1. Legislative Approval - The point at which legislative approval is required is determined by the requirements of the grant program. If the grant must be submitted by "an individual authorized by the *legislative body*", then County Commission approval is required prior to submitting the application. If such legislative approval is not specifically required by the written terms of the grant, then the County Administrator or designee may, at their discretion, approve grant applications.
2. Matching Funds - Grants that require cash (vs. in-kind) local matches must be coordinated through the County Finance Department. At a minimum, funds must be identified within the existing budget to provide the match, or a budget amendment will be required. Further, policy related implications for any new grant opportunity will be considered prior to submission of the grant application. (For example, will the grant establish a level of service that cannot be sustained once the grant funds are depleted?)

In all instances when matching funds are required, the grant applicant should contact the County Finance Department to determine the strategy for securing matching funds.

Grant Program Implementation

The following policies and procedures will be applied:

1. Notification and Acceptance of an Award - Official notification of a grant award is typically sent by a funding agency to the program director and/or other official designated in the original grant proposal. However, the authorization to spend grant funds is derived only from the County Commission through the approval of a grant budget. Such notification should also be directed to the County Finance Department. Adoption of the grant budget as a component of the County-wide operating budget is deemed to be sufficient approval.
2. Establishment of Accounts - The department that obtained the grant will provide the County Finance Director with information needed to establish revenue and expenditure/expense accounts required to properly account for the project. Ordinarily, this information will include a summary of the detailed full project budget.
3. Purchasing Guidelines - All other County purchasing guidelines apply to the expenditure of grant funds. The use of grant funds does not exempt any purchase from normal purchasing requirements.

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Financial and Budgetary Compliance

The following policies and procedures will be applied:

1. Monitoring Grant Funds - Departments may use an internal mechanism (such as a spreadsheet) to monitor grant revenues, expenditures, and budgetary compliance at the grant level. However, the County Finance Department maintains this information in the financial accounting system, which is considered the "official" record of accounting by the granting agencies. Program directors are strongly encouraged to use reports provided from the accounting system for their grant tracking.
2. Fiscal Years - The fiscal year for the granting agency may not coincide with the County's fiscal year. It is the responsibility of the program director to bring such discrepancies to the attention of the County Finance Department at the time the grant accounts are established.
3. Grant Budgets -The terms of each specific grant will dictate whether budget transfers between budgeted line items will be permitted. In no case will the program director be authorized to exceed the total budget authority provided by the grant.

If grant funds have not been totally expended by fiscal year-end, it is the responsibility of the Program director to notify the County Finance Director that budget funds need to be carried forward to the new fiscal year, and to confirm the amounts of such carryforwards. Requested carryforward amounts of grant funds will be reviewed against maximum allowable amounts/percentages per the grant award.

4. Capital Assets - The County is responsible for maintaining an inventory of assets purchased with grant funds and will make them physically available for inspection during any audit. The County Commission must approve the sale of these assets. Generally, proceeds from the sale can only be used within the program on other eligible grant program expenditures. Refer to the grant agreement for specific regulations governing the use of program revenues.

All transactions that involve the acquisition or disposal of grant funded capital assets must be immediately brought to the attention of the County Finance Director

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Recordkeeping

The following policies and procedures will be applied:

1. Audit Work-papers - The County's external auditor reviews all grant activity at the end of each fiscal year. The County Finance Department will prepare any requested audit workpapers. Program directors may be asked to assist in this process.
2. Record Keeping Requirements - Grant record keeping requirements may vary substantially from one granting agency to another. Consequently, a clear understanding of these grant requirements at the beginning of the grant process is vital. The County Finance Department will maintain copies of all grant draw requests and approved grant agreements (including budgets). The program director should maintain all other grant program records.

Cash Management

To ensure compliance with the Federal requirements, the County has implemented the following policies and procedures:

1. Program costs for reimbursement-based grants will be expended and disbursed prior to requesting reimbursement from the grantor agency.
2. Cash draws will be initiated by authorized County employees designated by the Department Head administering the grant who will determine the appropriate draw amount. Documentation of how this amount was determined will be retained and signed/dated.
3. The physical draw of cash will be processed through the means prescribed in the grant agreement.
4. Supporting documentation from any system used to make draws of grant funds will be filed along with the approved paperwork described above and retained for audit purposes.

Equipment and Real Property Management

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The following policies and procedures will be applied to the extent that they do not conflict with or contradict any existing Commission Policies:

1. All equipment will be used in the program for which it was acquired or, when appropriate and allowable, other Federal programs.
2. When required, purchases of equipment will be pre-approved by the grantor or pass-through agency. The County Finance Director, or designee will be responsible for ensuring that equipment purchases have been previously approved, if required, and will retain evidence of such approval.
3. Equipment records will be maintained, and an appropriate system shall be used to safeguard equipment, as described in the County's separate Commission Policy 14.80 - Fixed Assets and the Finance Department's internal control policy. Equipment should be assigned to a program and physical location and recorded within the County's inventory system. If such equipment is moved, it will be noted and adjusted in the County's capital assets records.
4. When equipment is no longer needed for a Federal program and was purchased utilizing grant funds, disposition must comply with the guidelines for disposition as noted below. Generally, amounts under a dollar threshold are eligible to be retained by the agency. If proceeds exceed that dollar threshold, then the proceeds are generally required to be repurposed within the grant program or returned to the granting agency. Refer to the grant award guidelines for specific direction in each circumstance. Disposition processes shall be used that provide for competition to the extent practicable and result in the highest possible return.

Procedures for Disposition of Equipment:

- a. The County will keep, sell, or otherwise dispose of the equipment with no further obligation unless disposal requirements are specifically detailed in the grant.
- b. A record of the date, reason, and method of disposal or sale will be maintained with the equipment inventory.
 - Asset number and description of the equipment
 - Location of the equipment
 - Depreciation method & years of expected life
 - Acquisition date

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- Cost of the equipment
- Equipment classification (land, building, equipment, etc.)
- Make, Model, & Serial number or other identification number
- Vendor and invoice number to purchase equipment
- Disposition data including date and sale price of the equipment

A physical inventory of the property will be conducted periodically, and the results will be reconciled with the County's capital asset listing. A control system will be developed to ensure adequate safeguards to prevent loss, damage, or theft of the property. Any loss, damage, or theft will be investigated.

Period of Performance

To ensure compliance with the requirements related to the period of performance, the County has implemented the following policies and procedures:

1. Costs will be charged to an award only if the obligation was incurred during the funding period (unless pre-approved by the Federal awarding agency or pass-through grantor agency).
2. All obligations will be liquidated not later than 90 days after the end of the funding period (or as specified by program legislation).
3. Compliance with period of performance requirements will initially be assigned to the individual approving the allowability of the expense/payment. This will be subject to review and approval by the Finance Department as part of the payment processing.

Program Income

To ensure compliance with the requirements regarding program income, the County has implemented the following policies and procedures:

1. Program income will include, but will not be limited to, income from fees for services performed, the use or rental of real or personal property acquired with grant funds, the sale of commodities or items fabricated under a grant agreement, and payments of principal and interest on loans made with grant funds. Program income will not include interest earned through the County's regular investing activities unless specifically required in the Federal awarding

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agency regulations or terms and conditions of the award.

2. Program income may be used in one of the following methods:
 - a. Deducted from outlays
 - b. Added to the project budget
 - c. Used to meet matching requirements

Sub-recipient Monitoring

The County will ensure that every subaward is clearly identified to the sub-recipient as a subaward and includes the following information at the time of the subaward and, if any of these data elements change, include the change(s) in a subsequent subaward modification. Required Federal Award Identification information includes:

1. Sub-recipient name (which must match the name associated with its unique entity identifier).
2. Sub-recipient's unique entity identifier.
3. Federal Award Identification Number.
4. Federal Award Date to the recipient by the Federal agency.
5. Subaward Period of Performance Start and End Date.
6. Amount of Federal Funds Obligated by this action by the pass-through entity to the sub-recipient.
7. Total Amount of Federal Funds Obligated to the sub-recipient by the pass-through entity including the current obligation.
8. Total Amount of the Federal Award committed to the sub-recipient by the pass-through entity.
9. Federal award project description, as required to be responsive to the Federal Funding Accountability and Transparency Act.
10. Name of Federal awarding agency, pass-through entity, and contact information for awarding official of the Pass-through entity.
11. CFDA Number and Name; the pass-through entity must identify the dollar amount made available under each Federal award and the CFDA number at time of disbursement.
12. Identification of whether the award is research and development related.
13. Indirect cost rate for the Federal award (including if the de minimis rate is charged per.

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Other Requirements

The following policies and procedures will be applied:

1. The County and its employees are required to comply with Commission Policy No. 31.00 - Code of Ethics for County Officials. Any potential conflicts of interest should be reported to management. No employee, officer, or agent may participate in the selection, award, or administration of a contract supported by a Federal award if he or she has a real or apparent conflict of interest. Such violations may result in appropriate discipline.
2. The County will comply with all contractual requirements detailed in its duly executed grant agreements with awarding agencies.
3. The County will request prior approval from Federal agencies for program or budget changes.

Section 3 - Finance Department Grant-Related Requirements

It is the policy of the County to comply with all statutory, regulatory, and contractual requirements in the conduct of, and accounting for, its financial operations. The official books of record for the County will be maintained subject to the following provisions:

1. The County will account for its operations in accordance with the Generally Accepted Accounting Principles (GAAP) applicable to local units of government.
2. The County will comply with all applicable circulars issued by the Office of Management and Budget.
3. The County will contract annually with an independent CPA firm or the Office of the State Auditor for the purpose of conducting its external financial audit. To the extent that the County has expended Federal awards more than the applicable single audit limit (currently \$750,000), the County will have a single audit performed in accordance with Federal requirements.
4. To ensure continuing compliance with all applicable accounting requirements, the County may, at its discretion, contract with a CPA firm to provide internal auditing

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and/or consulting services.

5. The County Finance Director shall be responsible for the maintenance of all accounting and financial records (including journals, timesheets, bank statements, audit reports, and similar documents). Such records shall be retained as required by contractual or regulatory requirements. The County follows the State records retention requirements as its official guide for records storage, filing, and destruction.
6. Procedures for inventory of Federal capital purchases will be maintained by the County Finance Department and all items will be inventoried annually.
7. The County Finance Director (or designee) or the County Administrator are required to certify expenditures.
8. If the County has sufficient grant expenditures to require a single audit (currently \$750,000), the County will prepare a schedule of expenditures of Federal awards ("SEFA") in accordance with Federal and State requirements. This schedule will be characterized as follows:
 - a. The SEFA schedule will detail all Federal financial assistance received by the County for that fiscal year, including grants, contracts, property, loans, loan guarantees, interest subsidies, cooperative agreements, insurance, or direct appropriations. Amounts will be reported whether received directly from the Federal government or from a pass-through agency (if the County is a sub-recipient and not a vendor).
 - b. The schedule will be prepared on the same basis of accounting as the related financial statements.
 - c. Federal awards will be grouped based on Federal awarding agency. Each Federal award with current expenditures will be listed along with its CFDA number, pass-through grantor name (if applicable) and award/pass-through grantor number (if applicable). Such information will agree to the award documentation.
 - d. If the CFDA number of a Federal award cannot be reasonably determined, it shall be reported in the schedule using the two-digit prefix for the related

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Federal agency, followed by "UNKNOWN".

- e. If amounts are passed through to sub-recipients, a schedule of Federal awards provided to sub-recipients will be prepared.
- f. In addition to current year expenditures, the schedule will list approved award/grant amount, accrued/deferred revenue at the beginning of the year, current year cash received, current year actual expenditures, and accrued/deferred revenue at the end of the year. If expenditures were incurred relative to this award in the prior year(s), this amount should be included in a separate column and noted as "memorandum only."
- g. Adjustments to prior year awards, expenditures, and balances (including transfers between grants) will be described in the footnotes to the SEFA schedule.
- h. Accrued/deferred revenue reported in the SEFA schedule should be reconciled to amounts recorded as receivable/deferrals in the general ledger.
- i. The amount of Federal revenue reported in the financial statements should be reconciled to the amount reported in The SEFA schedule. Any reconciling items will be disclosed in the footnotes to the schedule.

SUBJECT: PURCHASE CARD POLICY

ADOPTED DATE: APRIL 7, 2008

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General Policy

The purpose of our purchasing card program is to simplify the process for purchases. Individual credit limits, including card and cycle limits, vary as determined by the department heads. To assure the effectiveness of the program, the policy and procedures in this section must be followed by departments using the purchasing card. Failure to use the purchasing card in accordance with applicable policies and procedures may result in revocation of the card and may involve appropriate disciplinary action, up to and including, termination and prosecution. Policy and procedure violations include, but are not limited to:

- Purchasing items with the card for personal use.
- Failure to return the card when re-assigned, terminated, or upon request.
- Failure to submit proper transaction documentation to the appropriate person in a timely manner.
- Transferring assignment of the card to another individual.

Cardholders will be required to sign a "Cardholder User Agreement" form. By signing the agreement form, cardholders agree to adhere to the guidelines established in this policy manual.

Once an employee is issued a purchasing card they will not be allowed to use a personal credit card for county purchases.

Limitations and Restrictions

Department heads will assign a monthly credit limit to each individual assigned a purchasing card. They may also assign a single transaction limit. If a cardholder attempts to purchase over their limitation, the purchase will be blocked.

Certain merchants will be blocked (e.g., jewelry stores). If a cardholder attempts to use the card at such a merchant, the purchase will be declined.

SUBJECT: PURCHASE CARD POLICY

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Authorized Purchases

The purchasing card program is intended for maintenance, repair, operating and other purchases needed during the course of business. Purchases may include:

- Office supplies and forms
- Books and subscriptions
- Computer supplies
- Membership dues
- Hardware and tools
- Equipment and vehicles
- Travel (Airline Tickets and motel rooms)
- Miscellaneous items

The card may be used for in-store purchases as well as phone, internet, fax, or mail orders.

Responsibilities

The cardholder is responsible for the following:

- Safeguard the purchasing card.
- Keep receipts for each purchase.
- Receive cardholder statement from card company.
- Reconcile cardholder statement and receipts. Sign and date cardholder statement to attest that all purchases are for county business and comply with all applicable rules and regulations.
- Forward the signed and reconciled cardholder statement with original receipts to designated supervisor.
- Notify supervisor and county auditor's office in the event of a lost or stolen purchasing card.
- Destroy and discard expired purchasing card.
- Give purchasing card to supervisor if employment is terminated.
- Resolve disputes as described below.
- Making only authorized purchases—purchases for other individuals, departments and or other agencies will not be allowed.

SUBJECT: PURCHASE CARD POLICY

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Returns, Credits, and Disputed Items

The cardholder has the responsibility to follow up with the merchant or bank on any erroneous charges, disputed items, or returns as soon as possible. Disputed billings can result from failure to receive the goods charged, defective merchandise, incorrect amounts, duplicate charges, credit not processed, as well as fraud and misuse. If the cardholder has a problem with a purchased item or a billing resulting from the use of the purchasing card, they should attempt to reach a resolution with the supplier. In most cases, disputes may be resolved directly between the cardholder and the supplier.

Credits:

Referring to the cardholder receipt, request from the merchant to record a credit on the card account. If the item was shipped, refer to the shipping form.

Returns:

The supplier should issue credit for any item approved for return. The credit should appear on a subsequent statement. Returned items that were purchased with the purchasing card must be credited back to the card. Do not accept a refund in cash or check. Keep documentation of credits, returns, and exchanges.

Disputed Items:

If a resolution on a disputed charge cannot be reached with the supplier, notify the county auditor's office to work with the card company to resolve the dispute.

Review Process

The cardholder's supervisor or another designated employee (other than cardholder) should:

- Review information submitted by cardholder. The amount of review will depend on a number of factors but the reviewer should, at a minimum, periodically compare receipts to the cardholder statement submitted by the cardholder.
- Verify purchases are for use in county business. Sign cardholder statement to certify that purchases are for county business purposes and comply with appropriate rules and regulations to the best of the reviewer's knowledge.
- Cardholder statements with original receipts must be turned into the county auditor's office.

SUBJECT: PURCHASE CARD POLICY

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- The card must not be used for personal transactions. If personal transactions occur, the employee must re-pay the county.
- If it is determined that personal or other unauthorized charges are occurring on the purchasing card, appropriate steps, up to and including dismissal, will be taken to resolve the misuse/abuse of the purchasing card.

SUBJECT: RECOVERY ZONE ECONOMIC DEVELOPMENT BONDS (RZEDBs)

ADOPTED DATE: JUNE 21, 2010

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POST-ISSUANCE COMPLIANCE PROCEDURE AND POLICY FOR BOND ISSUES

Cass County, North Dakota (the "Issuer") issues governmental bonds, the interest on which is exempt from federal income tax to finance capital improvements. The Issuer also intends to issue Build America Bonds, including Recovery Zone Economic Development Bonds, the interest on which is included in federal income tax to finance capital improvements. As an issuer of such bonds, the Issuer is required by the terms of Sections 103 and 141-150 of the Internal Revenue Code of 1986, as amended (the "Code"), and the Treasury Regulations promulgated thereunder (the "Treasury Regulations"), to take certain actions subsequent to the issuance of such bonds to ensure the continuing tax-exempt status of such bonds. Sections 54AA and 1400U of the Code also require the Issuer to take certain actions subsequent to the issuance of such bonds to insure continuing receipt of the federal tax credit. In addition, Section 6001 of the Code and Section 1.6001-1(a) of the Treasury Regulations impose record retention requirements on the Issuer with respect to its bonds. This Post-Issuance Compliance Procedure and Policy for Bond Issues (this "Policy") has been approved and adopted by the Issuer to ensure that the Issuer complies with its post-issuance compliance obligations under applicable provisions of the Code and Treasury Regulations.

1. **Effective Date and Term.** The effective date of this Policy is the date of approval by the Board of County Commissioners of the Issuer (June 21, 2010) and this Policy shall remain in effect until superseded or terminated by action of the Board of County Commissioners of the Issuer.
2. **Responsible Parties.** The County Auditor of the Issuer (the "Compliance Officer") shall be the party primarily responsible for ensuring that the Issuer successfully carries out its post-issuance compliance requirements under applicable provisions of the Code and Treasury Regulations. The Compliance Officer will be assisted by the staff of the Auditor's Department of the Issuer and by other Issuer staff and officials when appropriate. The Compliance Officer of the Issuer will also be assisted in carrying out post-issuance compliance requirements by the following organizations:
 - (a) Bond Counsel (as of the date of approval of this Policy, bond counsel for the Issuer is Arntson & Stewart, P.C.);
 - (b) Financial Advisor (as of the date of approval of this Policy, the financial advisor of the Issuer is Public Financial Management, Inc.);
 - (c) Paying Agent (the person, organization, or officer of the Issuer primarily responsible for providing paying agent services for the Issuer); and

SUBJECT: RECOVERY ZONE ECONOMIC DEVELOPMENT BONDS (RZEDBs)

ADOPTED: JUNE 21, 2010

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(d) Rebate Analyst (the organization primarily responsible for providing rebate analyst services for the Issuer).

The Compliance Officer shall be responsible for assigning post-issuance compliance responsibilities to members of the Auditor's Department, other staff of the Issuer, Bond Counsel, Paying Agent, and Rebate Analyst. The Compliance Officer shall utilize such other professional service organizations as are necessary to ensure compliance with the post-issuance compliance requirements of the Issuer. The Compliance Officer shall provide training and educational resources to Issuer staff responsible for ensuring compliance with any portion of the post-issuance compliance requirements of this Policy.

3. Post-Issuance Compliance Actions. The Compliance Officer shall take the following post-issuance compliance actions or shall verify that the following post-issuance compliance actions have been taken on behalf of the Issuer with respect to each issue of bonds issued by the Issuer:

(a) The Compliance Officer shall prepare a transcript of principal documents (this action will be the primary responsibility of Bond Counsel).

(b) The Compliance Officer shall file with the Internal Revenue Service (the "IRS"), within the time limit imposed by Section 149(e) of the Code and applicable Treasury Regulations, the appropriate Information Return for the bonds, Form 8038-G, Form 8038-B or Form 8038-TC (this action will be the primary responsibility of Bond Counsel).

(c) The Compliance Officer shall prepare an "allocation memorandum" for each issue of bonds in accordance with the provisions of Treasury Regulations, Section 1.148-6(d)(1), that accounts for the allocation of the proceeds of the tax-exempt bonds to expenditures not later than the earlier of:

- (i)* eighteen (18) months after the later of (A) the date the expenditure is paid, or (B) the date the project, if any, financed by the bond issue is placed in service; or
- (ii)* the date of (60) days after the earlier of (A) the fifth (5th) anniversary of the issue date of the bond issue, or (B) the date sixty (60) days after the retirement of the bond issue.

Preparation of the allocation memorandum will be the primary responsibility of the Compliance Officer (in consultation with the Financial Advisor and Bond Counsel).

SUBJECT: RECOVERY ZONE ECONOMIC DEVELOPMENT BONDS (RZEDBs)

ADOPTED: JUNE 21, 2010

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- (d) The Compliance Officer, in consultation with Bond Counsel, shall identify proceeds of bonds that must be yield-restricted and shall monitor the investments of any yield-restricted funds to ensure that the yield on such investments does not exceed the yield to which such investments are restricted.
- (e) In consultation with Bond Counsel, the Compliance Officer shall determine whether the Issuer is subject to the rebate requirements of Section 148(f) of the Code with respect to each issue of bonds. In consultation with Bond Counsel, the Compliance Officer shall determine, with respect to each issue of bonds of the Issuer, whether the Issuer is eligible for any of the temporary periods for unrestricted investments and is eligible for any of the spending exceptions to the rebate requirements. The Compliance Officer shall contact the Rebate Analyst (and, if appropriate, Bond Counsel) prior to the fifth anniversary of the date of issuance of each issue of bonds of the Issuer and each fifth (5th) anniversary thereafter to arrange for calculations of the rebate requirements with respect to such bonds. If a rebate payment is required to be paid by the Issuer, the Compliance Officer shall prepare or cause to be prepared the Arbitrage Rebate, Yield Reduction and Penalty in Lieu of Arbitrage Rebate, Form 8038-T, and submit such Form 8038-T to the IRS with the required rebate payment. If the Issuer is authorized to recover a rebate payment previously paid, the Compliance Officer shall prepare or cause to be prepared the Request for Recovery of Overpayments Under Arbitrage Rebate Provisions, Form 8038-R, with respect to such rebate recovery, and submit such Form 8038-R to the IRS.
4. Procedures for Monitoring, Verification, and Inspections. The Compliance Officer shall institute such procedures as the Compliance Officer shall deem necessary and appropriate to monitor the use of the proceeds of bonds issued by the Issuer, to verify that certain post-issuance compliance actions have been taken by the Issuer, and to provide for the inspection of the facilities financed with the proceeds of such bonds. At a minimum, the Compliance Officer shall establish the following procedures:
- (a) The Compliance Officer shall monitor the use of the proceeds of bonds to: (i) ensure compliance with the expenditure and investment requirements under the temporary period provisions set forth in Treasury Regulations, Section 1.148-2(e); (ii) ensure compliance with the safe harbor restrictions on the acquisition of investments set forth in Treasury Regulations, Section 1.148-5(d); (iii) ensure that the investments of any yield restricted funds do not exceed the yield to which such investments are restricted; and (iv) determine whether there has been compliance with the spend-down requirements under the spending exceptions to the rebate requirements set forth in Treasury Regulations, Section 1.148-7.

SUBJECT: RECOVERY ZONE ECONOMIC DEVELOPMENT BONDS (RZEDBs)

ADOPTED: JUNE 21, 2010

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- (b) The Compliance Officer shall monitor the use of all bond-financed facilities in order to: (i) determine whether private business uses of bond-financed facilities have exceeded the *de minimis* limits set forth in Section 141(b) of the Code as a result of leases and subleases, licenses, management contracts, research contracts, naming rights agreements, or other arrangements that provide special legal entitlements to nongovernmental persons; and (ii) determine whether private security or payments that exceed the *de minimis* limits set forth in Section 141(b) of the Code have been provided by nongovernmental persons with respect to such bond-financed facilities. The Compliance Officer shall provide training and educational resources to any Issuer staff who have the primary responsibility for the operation, maintenance, or inspection of bond-financed facilities with regard to the limitations on the private business use of bond-financed facilities and as to the limitations on the private security or payments with respect to bond-financed facilities.
- (c) The Compliance Officer shall undertake the following with respect to each outstanding issue of bonds of the Issuer: (i) an annual review of the books and records maintained by the Issuer with respect to such bonds; and (ii) an annual physical inspection of the facilities financed with the proceeds of such bonds, conducted by the Compliance Officer with the assistance with any Issuer staff who have the primary responsibility for the operation, maintenance, or inspection of such bond-financed facilities.
5. Record Retention Requirements. The Compliance Officer shall collect and retain the following records with respect to each issue of bonds of the Issuer and with respect to the facilities financed with the proceeds of such bonds: (i) audited financial statements of the Issuer; (ii) appraisals, demand surveys, or feasibility studies with respect to the facilities to be financed with the proceeds of such bonds; (iii) publications, brochures, and newspaper articles related to the bond financing; (iv) trustee or paying agent statements; (v) records of all investments and the gains (or losses) from such investments; (vi) paying agent or trustee statements regarding investments and investment earnings; (vii) reimbursement resolutions and expenditures reimbursed with the proceeds of such bonds; (viii) allocations of proceeds to expenditures (including costs of issuance) and the dates and amounts of such expenditures (including requisitions, draw schedules, draw requests, invoices, bills, and cancelled checks with respect to such expenditures); (ix) contracts entered into for the construction, renovation, or purchase of bond-financed facilities; (x) an asset list or schedule of all bond-financed depreciable property and any depreciation schedules with respect to such assets or property; (xi) records of the purchases and sales of bond-financed assets; (xii) private business uses of bond-financed facilities that arise subsequent to the date of issue through leases and subleases, licenses, management contracts, research contracts, naming rights agreements, or other

SUBJECT: RECOVERY ZONE ECONOMIC DEVELOPMENT BONDS (RZEDBs)

ADOPTED: JUNE 21, 2010

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arrangements that provide special legal entitlements to nongovernmental persons and copies of any such agreements or instruments; (xiii) arbitrage rebate reports and records of rebate and yield reduction payments; (xiv) resolutions or other actions taken by the governing body subsequent to the date of issue with respect to such bonds; (xv) formal elections authorized by the Code or Treasury Regulations that are taken with respect to such bonds; (xvi) relevant correspondence relating to such bonds; (xvii) documents related to guaranteed investment contracts or certificates of deposit, credit enhancement transactions, and financial derivatives entered into subsequent to the date of issue; (xviii) copies of all Form 8038-Ts and Form 8038-Rs filed with the IRS; and (xix) the transcript prepared with respect to such bonds.

The records collected by the Issuer shall be stored in any format deemed appropriate by the Compliance Officer and shall be retained for a period equal to the life of the bonds with respect to which the records are collected (which shall include the life of any bonds issued to refund any portion of such bonds or to refund any refunding bonds) plus three (3) years.

6. Remedies. In consultation with Bond Counsel, the Compliance Officer shall become acquainted with the remedial actions under Treasury Regulations, Section 1.141-12, to be utilized in the event that private business use of bond-financed facilities exceeds the *de minimis* limits under Section 141(b)(1) of the Code. In consultation with Bond Counsel, the Compliance Officer shall become acquainted with the Tax Exempt Bonds Voluntary Closing Agreement Program described in Notice 2008-31, 2008-11 I.R.B. 592, to be utilized as a means for an issuer to correct any post-issuance infractions of the Code and Treasury Regulations with respect to outstanding tax-exempt bonds.
7. Continuing Disclosure Obligations. In addition to its post-issuance compliance requirements under applicable provisions of the Code and Treasury Regulations, the Issuer has agreed to provide continuing disclosure, such as annual financial information and material event notices, pursuant to a continuing disclosure certificate or similar document (the "Continuing Disclosure Document") prepared by Bond Counsel and made a part of the transcript with respect to each issue of bonds of the Issuer that is subject to such continuing disclosure requirements. The Continuing Disclosure Documents are executed by the Issuer to assist the underwriters of the Issuer's bonds in meeting their obligations under Securities and Exchange Commission Regulation, 17 C.F.R. Section 240.15c2-12, as in effect and interpreted from time to time ("Rule 15c2-12"). The continuing disclosure obligations of the Issuer are governed by the Continuing Disclosure Documents and by the terms of Rule 15c2-12. The Compliance Officer is primarily responsible for undertaking such continuing disclosure obligations and to monitor compliance with such obligations.

SUBJECT: RECOVERY ZONE ECONOMIC DEVELOPMENT BONDS (RZEDBs)

ADOPTED: JUNE 21, 2010

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8. Other Post-Issuance Actions. If, in consultation with Bond Counsel, Financial Advisor, Paying Agent, Rebate Analyst, or the County Commission, the Compliance Officer determines that any additional action not identified in this Policy must be taken by the Compliance Officer to ensure the continuing tax-exempt status of any issue of bonds of the Issuer, the Compliance Officer shall take such action if the Compliance Officer has the authority to do so. If, after consultation with Bond Counsel, Financial Advisor, Paying Agent, Rebate Analyst, or the County Commission, the Compliance Officer and the Administrator determine that this Policy must be amended or supplemented to ensure the continuing tax-exempt status of any issue of bonds of the Issuer, the Administrator shall recommend to the County Commission that this Policy be so amended or supplemented.
9. Build America Bonds. The IRS has indicated that it will treat issues of taxable Build America Bonds (direct pay) as though such bonds are tax-exempt bonds, despite the fact that interest on these bonds is includable in gross income for federal income tax purposes. Therefore, for purposes of this Policy, the Compliance Officer shall treat any issue of Build America Bonds (direct pay), including recovery zone economic development bonds, as if such issues were tax exempt and shall carry out and comply with the requirements of this Policy with respect to such taxable bonds. In addition to the requirements of this Policy set forth in paragraphs 1 through 8, the Compliance Officer shall undertake the following with respect to each outstanding issue of Build America Bonds (direct pay) of the Issuer: (i) verification that none of the maturities of said bonds are issued with more than a *de minimis* amount of premium; (ii) verification that one hundred percent (100%) of Available Project Proceeds (as defined in Section 54A of the Code) is used only for capital expenditures; (iii) verification that costs of issuance do not exceed two percent (2%) of the proceeds of the sale; (iv) timely filing of Forms 8038-B and 8038-CP with respect to each issue; (v) determination of arbitrage yield restrictions and calculation of rebate in accordance with Section 3(e) hereof; and (vi) verification of the proper amount of interest payable and refundable credit reported on such form.
10. Refunding of Taxable Bonds. Most of the provisions of this Policy, other than the provisions of Section 7, are not applicable to bonds the interest on which is includable in gross income for federal income tax purposes, other than Build America Bonds. However, if an issue of taxable bonds is later refunded with the proceeds of an issue of tax-exempt refunding bonds, then the uses of the proceeds of the taxable bonds and the uses of the facilities financed with the proceeds of the taxable bonds will be relevant to the tax-exempt status of the refunding bonds. Therefore, if there is any reasonable possibility that an issue of taxable bonds may be refunded, in whole or in part, with the proceeds of an issue of tax-exempt bonds then, for purposes of this Policy, the Compliance Officer shall treat the issue of taxable bonds as if such

SUBJECT: RECOVERY ZONE ECONOMIC DEVELOPMENT BONDS (RZEDBs)

ADOPTED: JUNE 21, 2010

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issue were an issue of tax exempt bonds and shall carry out and comply with the requirements of this Policy with respect to such taxable bonds. The Compliance Officer shall seek the advice of Bond Counsel as to whether there is any reasonable possibility of issuing bonds to refund an issue of taxable bonds.

HISTORICAL REFERENCE DATE: JUNE 21, 2010

SUBJECT: RECOVERY ZONE FACILITY BONDS (RZFBs)

ADOPTED DATE: NOVEMBER 16, 2009

PAGE 1 OF 4

1. Goals of the Recovery Zone Facility Bond Program:

- a. To create/retain jobs;
- b. To encourage private investment;
- c. Increase tax base.

2. Threshold Criteria:

Applicant must meet the following criteria to be considered for RZFBs tax exempt bonds:

- a. Meet the minimum requirements of published IRS guidelines. Those include any trade or business except residential rental, golf course, country club, massage parlor, hot tub facility, suntan facility, racetrack, gambling business, or sale of alcoholic beverages for off-premises consumption;
- b. Investment can only occur after July 20, 2009, the day the Recovery Zone was designated;
- c. Must have an arrangement to purchase the bonds from a financial institution or bond underwriter demonstrating that the project is credit worthy;
- d. Project will be a catalyst for development or for multiple redevelopment opportunities in the County;
- e. Project will create new County property taxes within three years of project commencement.

3. Evaluation Factors:

Proposals for tax exempt bonds which meet the appropriate threshold criteria will be considered based on the extent to which a project addresses the following evaluation factors:

- a. The amount of new property taxes to be generated by the project;
- b. The amount of investment in buildings and equipment;
- c. The project allows a primary sector business to expand in the County, retains a significant number of jobs in the County, and/or will add jobs.

4. Application Procedures:

Cass County has developed certain procedures and forms that must be completed and followed for persons seeking RZFB financing through Cass County. The purpose of the instructions is to help the County facilitate the process through all applicants following the same procedures. It is also the desire of Cass County that applicants check out the legality and feasibility of their projects prior to applying for RZFB financing in Cass County. As a part of that desire, the County requires a \$1,000.00 application fee which is non-refundable.

SUBJECT: RECOVERY ZONE FACILITY BONDS (RZFBs)

ADOPTED DATE: NOVEMBER 16, 2009

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Second, a completed application form, a copy of which is attached to this policy, must be completed at the time of the application. Applications must be filed with the County Commission Office by noon on the 10th day prior to a County Commission meeting to provide time for review of the application prior to the meeting by the county's legal counsel.

The applicant is responsible for retaining their own bond counsel who shall prepare all necessary resolutions to be adopted by the County Commission. Resolutions must be filed with the County Commission Office by noon on the 10th day prior to a County Commission meeting to provide time for review of the resolution prior to the meeting by the county's legal counsel.

5. Fee for Issuing Bonds:

The County has set an issuance fee for RZFB's based on 1% of the size of the issue, with a maximum fee of \$10,000. The application fee and publishing costs are included in the \$10,000 maximum.

6. Other Conditions:

If the bonds are not issued within 120 days after the allocation is given, it expires and goes back into the allocation "pool".

7. The Cass County Commission reserves the right to determine the allocation amount, if any, on a case by case basis.

SUBJECT: RECOVERY ZONE FACILITY BONDS (RZFBs)

ADOPTED DATE: NOVEMBER 16, 2009

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2. Applicant's Nature of Business: _____

3. Number of Full-Time Employees: Current _____
 Proposed _____ (first three years after project completion)

B. PROJECT INFORMATION

1. Description of project to be financed with the bond proceeds:

2. Size of issue requested \$ _____

3. Proposed closing date: _____

4. Start date of project: _____

5. Estimated value of completed project: \$ _____

C. ADDITIONAL INFORMATION

1. Application fee of \$1,000.

2. Resolution and Notice of Hearing.

3. Application must be filed with the County Commission Office by noon on the 10th day prior to a Cass County Commission meeting.

HISTORICAL REFERENCE DATE: NOVEMBER 16, 2009

SUBJECT: REFUND OF OVERPAYMENTS

ADOPTED DATE: DECEMBER 6, 1999

PAGE 1 OF 1

REFUND OF OVERPAYMENTS

In an effort to promote efficiency in the operations of the county departments, the County Commission supports setting a limit on refunds of overpayments made to the county. Refunds of \$5.00 or less on an overpayment will not be sent out by the county unless specifically requested by the payer.

In those cases where the amount can be applied to other debts the payer owes the county, the overpayment will be applied toward those debts.

HISTORICAL REFERENCE DATE: DECEMBER 6, 1999

SUBJECT: FULL OR PARTIAL COUNTY FUNDING PARTICIPATION IN ASPHALT SURFACING OF GRAVEL ROADS

ADOPTED DATE: MARCH 8, 1993

PAGE 1 OF 2

This policy sets forth the criteria under which the County Board will consider participation in the cost of asphalt surfacing of gravel roads. This policy applies to roads on the county road system and to roads which are not on the county system. If the criteria are met, participation is still subject to County Board of Commissioners approval on a project-by-project basis. This policy is not intended to supersede or change the existing Commission Policy, Section 27.00, on special assessment districts for asphalt roads.

Paving of existing gravel surfaced roads will be considered by the County Board of Commissioners only if all of the below listed criteria are met:

1. The average daily traffic, either current or projected within the next 5 years, be a minimum of 400 vehicles per day.
2. The road is classified as a major collector or arterial.
3. The benefits of the improvement are realized by a large sector of the county population as opposed to a small local group, such as a single residential subdivision or individual business.
4. Low property valuations or other factors render special assessments impractical or inappropriate.
5. The segment of road to be improved is not located entirely within the incorporated limits of the cities of Fargo or West Fargo.
6. If the road is not on the current county road system, a written agreement shall be signed between the appropriate officials and the County Board prior to participation outlining future ownership and maintenance responsibilities. The county will not assume any future maintenance responsibilities for roads other than those on the county system.
7. If the road is not on the current county road system, county funds used should not exceed 40% of the project cost or \$100,000, whichever is less.

SUBJECT: FULL OR PARTIAL COUNTY FUNDING PARTICIPATION IN ASPHALT
SURFACING OF GRAVEL ROADS

ADOPTED DATE: MARCH 8, 1993

PAGE 2 OF 2

8. Any county participation on projects not on the county road system will be limited to a one-time payment. The county will not make commitments involving future year funds.
9. Projects will be considered only if county road funds are available. Funds will not be transferred from other areas of the County General Fund to cover project cost.
10. If an urban section is constructed, county participation should not exceed the estimated cost of constructing a similar length of a rural road section.
11. Contract documents for the improvements must be prepared by a professional engineer registered in the State of North Dakota and approved by the Cass County Engineer.

HISTORICAL REFERENCE DATE: MARCH 8, 1993

SUBJECT: SALE OF USED COMPUTER EQUIPMENT

ADOPTED DATE: DECEMBER 20, 1993

PAGE 1 OF 2

It is the policy of Cass County government to maintain functional, efficient, and state-of-the-art computer equipment for the purpose of promoting efficiency and productivity of employees. In furtherance of this policy, there may, from time to time, be used computer equipment available for sale to county employees. It is the express policy of Cass County government that all sales of used computer equipment are subject to the following procedures and conditions.

- a) A list of all used computer equipment available for sale shall be provided to all departments prior to being submitted by the Information Technology Department to the Cass County Commission for its approval.
- b) A detailed description of all used computer equipment available for sale shall be posted on the official county bulletin board for at least five consecutive business days prior to sale. Specific requirements of the sale and bidding information shall also be posted on the official county bulletin board for five consecutive business days.
- c) All used computer equipment available for sale will be sold by sealed bid pursuant to specific procedures and bidding information as posted on the county bulletin board. Cass County government reserves the right to establish minimum sales amounts and the right to reject any or all bids submitted.
- d) All used computer equipment made available for sale will be made available for inspection upon request of an employee at the Information Technology Department at any time after posting on the official bulletin board and prior to sale.
- e) All used computer equipment is specifically sold "AS IS." There shall be no warranties, either express or implied, provided by Cass County government or anyone else to the purchase of used computer equipment.
- f) Cass County government shall provide no installation or support service of any kind to the purchaser of used computer equipment.

SUBJECT: SALE OF USED COMPUTER EQUIPMENT

PAGE 2 OF 2

- g) Only current Cass County employees shall be allowed to participate in the bidding procedure and purchase of used computer equipment pursuant to this policy. Cass County specifically reserves the right to sell, auction, or dispose of used computer equipment outside of Cass County employees at any time the county deems appropriate.

HISTORICAL REFERENCE DATE: DECEMBER 20, 1993

SUBJECT: SNOW AND ICE CONTROL

ADOPTED DATE: DECEMBER 18, 2023

PAGE 1 OF 3

POLICY STATEMENT: It is the policy of Cass County Government to provide reasonable snow and ice control within the budget constraints and consistent with traffic volumes and driver expectations. This document includes general policies followed by the Cass County Highway Department in control of snow and ice. Written department operations procedures may be developed and maintained to implement this policy. Written department operations procedures may be updated as needed by the Department Head and do not require adoption by the Commission.

DEFINITIONS:

NORMAL SNOWFALL: Light to heavy snowfall (up to 1 inch per hour) with up to three inches total accumulation in a 24-hour period.

SUPERVISOR: The County Engineer, Highway Maintenance Superintendent, or Highway Operations Foremen.

OPERATION HOURS: Snow and ice control operations will be conducted between the hours of 5:00 AM and 5:00 PM. The county is only staffed for one shift of snow and ice removal. Exceptions for potential emergencies will be made as determined appropriate by the supervisor. Work at courthouse parking lots may occur outside of normal operations hours. No individual driver should work more than 14 consecutive hours. Drivers should have a minimum of 8 hours between shifts. The supervisor will establish operations hours within the above parameters.

OPERATIONS IN ADVERSE CONDITIONS: Equipment will not be dispatched when, in the judgment of the supervisor, low visibility or other conditions are such that the risk to operators and other motorists outweighs the benefit of snow/ice operations. The general guideline is that equipment will not be dispatched when the estimated visibility in open areas is less than 500 feet. In the event of police, fire or medical emergency, vehicles may be dispatched at the direction of the supervisor.

ROUTE AND LEVELS OF SERVICE: Levels of service are described for normal snowfalls. It is recognized by this policy that objective time of completions listed below are goals and may not always be achieved during normal snowfalls. Completion times for heavier snowfalls or extreme ice conditions are later commensurate with conditions. Bare pavement may not always be achievable, and roads may not be free of snow and ice. Cass County maintains approximately 641 miles of county roads. Snow removal operations are accomplished with 14 units (nine plow trucks and five motor graders). The number and types of equipment used may change over time due to budget constraints. Weekends and holidays will receive a reduced level of service due to lower traffic volumes and the limited resources available.

SUBJECT: SNOW AND ICE CONTROL

ADOPTED DATE: DECEMBER 18, 2023

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1. Key Commuter Routes: Plowing used in combination with abrasives and/or deicing chemicals over entire route as determined appropriate. Objective is to complete first pass in both lanes with plow and/or abrasives/deicing chemicals by 7:00 AM following a normal snowfall. During operations hours, plow when there is a significant accumulation that a plow can remove. These are primary roads with an ADT (Average Daily Traffic) of 1,500. Three plow trucks cover these routes in addition to their specified routes.
2. Secondary Commuter Routes: In addition to plowing of the entire route, abrasives and/or deicing chemicals used at curves, intersections and extensive build-up areas as required. Objective is to complete first pass in both lanes with plow and/or abrasives/deicing by 8:00 AM following a normal snowfall. During operations hours, plow when there is a significant accumulation that a plow can remove.
3. Other County Hard Surfaced Routes: In addition to plowing of the entire route, abrasives and/or deicing chemicals used at curves, intersections and extensive build-up areas as required. Objective is to complete first pass in both lanes with plow and/or abrasives/deicing by 9:00 AM following a normal snowfall. During operations hours, plow when there is a significant accumulation that a plow can remove.
4. Gravel Surfaced County Route: Cleared by plowing. Generally abrasives and deicing chemicals are not used. Objective is to complete a single pass with plow by 1:00 PM following a normal snowfall. Supervisor may elect not to plow for very light snowfalls or when unfrozen gravel conditions exist. Generally, plow when there is an accumulation in excess of three inches.

Work for other political subdivisions and private parties: Snow removal work may be performed for other political subdivisions and private parties on a reimbursable basis as equipment and labor availability permits. Rates should be determined by the department head. Operators should complete the first pass in both directions of assigned routes prior to performing any non-county work. A written agreement should be signed by a representative of the political subdivision or private individual prior to completion of any reimbursable snow removal work.

RESIDENTIAL PLOWING: Landowners are asked not to push snow into the right-of-way, which includes the roadway, in slopes, ditch bottoms, backslopes, and around mailboxes of any public roadway, including the portion of the driveway within the public right-of-way. Keeping snow out of these areas reduces the risk of drifting snow and creates better visibility for motorists and provides room for future snowfall. This includes State, County and Township roadways. Pursuant to NDCC 24-06-28, state law prohibits a person from obstructing, or causing to be obstructed, any public highway or right-of-way.

SUBJECT: SNOW AND ICE CONTROL

ADOPTED DATE: DECEMBER 18, 2023

PAGE 3 OF 3

STRANDED MOTORISTS: Plow operators may assist stranded motorists if contacted by local law enforcement. Plow operators will not attempt to remove a stuck vehicle unless directed by law enforcement or it poses a danger to the traveling public or hinders snow removal operations.

NO TRAVEL ADVISORY: No travel advisories issued by the State Patrol and/or Sheriff's Office shall apply to all County snow and ice removal crews. In accordance with NDCC 39- 10-21.1 Closing Road because of hazardous conditions, County Road 1 O between Mapleton and West Fargo may be closed when conditions warrant the road to be closed for the protection and safety of the general public.

PERSONAL PROPERTY: It is recognized that some damage to mailboxes/roadside signs, etc. is unavoidable. When private property is damaged by County operations, the County will attempt to repair, replace, or restore damaged property, as appropriate, to as close to its original condition as is practical. The damage will be evaluated on a case-by-case basis and only items that were damaged by actual contact with County equipment may be repaired at the County's expense provided they were located and installed properly.

Courthouse Parking Lots:
Objectives are:

1. Clear all parking lots by 7:00 AM Monday through Friday. Daytime clearing will be done when accumulation is sufficient to significantly impede courthouse visitors or employees.
2. Maintain reasonable 24 hour, 7 day per week access and parking to the Jail and Juvenile Detention Facilities.

Weekend clearing of other employee parking areas is not required provided that lots are cleaned by 7:00 AM Monday.

RECORDS: AVL/GPS records are available for time stamps regarding completion times for snow removal activities. Service requests or complaints from citizens should be recorded.

HISTORICAL REFERENCE DATE: NOVEMBER 20, 1995

SUBJECT: SPECIAL ASSESSMENT DISTRICTS

ADOPTED DATE: JULY 1, 1996

PAGE 1 OF 2

ASPHALT ROADS

1. Cass County will receive a petition for the creation of the special assessment district only when the project will cost \$12,000 or more. The petition must contain the signatures of at least sixty (60) percent of the landowners in the proposed district and attached a letter from the appropriate township board of supervisors supporting the petition. In the case of a lot, or lots, within the proposed special assessment district that do not have a residential or business structure located thereon, fifty (50) percent of the estimated cost of the improvement for that lot, or lots, must be deposited with the county prior to approval of the petition. If, however, 80% of the lots in the special assessment district are developed, either by residential or business structures, the deposit on unimproved lots shall not be required.
2. The petitioners must contract with an engineer registered by the state of North Dakota to prepare the improvements' plans and specifications. Prior to preparing plans and specifications, the contracted engineer must consult with the Cass county Engineer to determine the appropriate standards for the improvement. If the special assessment district fails to be approved, any billing by the engineer must be the responsibility of the petitioners. If the special assessment is approved, any billing by the engineer must be added to the project cost.
3. An amount equal to the project engineer's estimated cost of maintenance of the improvement for two years must be added to the project cost to cover the maintenance of the improvement. Said amount must be collected by the county and transferred back to the appropriate township board of supervisors. The township shall have authority over the funds as to how, when, and what maintenance the funds shall be used on maintenance of the improvement.
4. An amount equal to \$1,000 plus 3% of the total project cost (but never to exceed \$10,000) must be added to the project cost to cover administrative expense for the county.
5. Plans and specifications must be submitted to the appropriate township board of supervisors for their consideration and approval.
6. Plans and specifications must be submitted to the Cass County Engineer for his consideration and approval.

ASPHALT ROADS (cont.)

7. The project will not be approved if over 40% of the landowners are opposed to the creation of the special assessment district.
8. If any funds remain after the special assessment improvement bond has been paid, 75% of such funds shall be transferred to the appropriate township board of supervisors for maintenance of the improvement. The township shall have authority over the funds as to how, when, and what maintenance the funds shall be used. The remaining 25% shall be held by the county in a fund to cover future potential deficient special assessments.

SUBJECT: BUDGET POLICY - SPECIAL LEVY REQUIREMENTS

ADOPTED DATE: MAY 4, 1992

PAGE 1 OF 1

SPECIAL LEVY REQUIREMENTS

Funding requests for special levies shall include the following:

Revenue and expenditure statement for the fiscal year prior to the current fiscal year.

Balance sheet for the end of the fiscal year prior to the current fiscal year. (A copy of the most recent audit report would cover these two items, if available)

Statement on what the levy allocation is to be used for in the current budget year and all other funding sources.

All funding requests must be forwarded to the Board of County Commissioners by August 1st of each year.

HISTORICAL REFERENCE DATE: SEPTEMBER 4, 1991

SUBJECT: PLANNING FUNCTION OF CASS COUNTY

ADOPTED DATE: JANUARY 4, 2016

PAGE 1 OF 1

SUBDIVISION APPLICATION FEES

SUBDIVISION FEE SCHEDULE

MINOR SUBDIVISION FEE SCHEDULE		
Lots/Units	Base Fee	Minor Subdivision
1 to 4	\$100.00	\$35.00 each lot/unit

MAJOR SUBDIVISION FEE SCHEDULE	
Lots/Units	Major Subdivision
5 to 12	\$500.00
13+	\$650.00

HISTORICAL REFERENCE DATE: MAY 3, 1993
JULY 21, 2008

SUBJECT: TAX INCENTIVE POLICY

ADOPTED DATE: JANUARY 2, 2018

PAGE 1 OF 5

This policy sets forth the criteria under which the Cass County Board of Commissioners may grant tax exemptions for new or expanding businesses, whether commercial, industrial or service. The Cass County Board of Commissioners states that its purpose in adopting this policy is to sanction, authorize, and encourage activities in the public interest and for the welfare of the State of North Dakota, its political subdivisions, and the people by assisting in the establishment of additional industrial plants, the expansion and retention of existing business, and promotion of economic activities within the State, and thereby increasing production of wealth, and adding to the volume of employment. This policy is a business expansion and jobs creation policy and applies to new and existing businesses as well as new or existing buildings. This tax incentive policy shall apply only to businesses that locate in Cass County, outside of any incorporated city.

New or Expanding Business Exemption/PILOT (N.D.C.C. 40-57.1) [Page 10]

This allows for a 5-year exemption for buildings of certain new or expanding business projects. A 10-year exemption may be granted to projects producing or manufacturing a product from agricultural commodities, at the commission's discretion, evaluated on a case by case basis. In addition to, or instead of a property tax exemption, projects may be granted an option to set up to 20 years of payments in lieu of taxes (PILOT) again at the commission's discretion. The amount of those payments would be determined through negotiations with the County and the project operator.

The following guidelines are recommended:

Cass County will use as a guide the general review criteria below in evaluating the applications for assistance. Each incentive option will be administered according to the appropriate state law in conjunction with the specific policy or guideline adopted by the Cass County Commission.

- 1) A \$100.00 non-refundable fee is required to begin the application process. In addition, the project operator shall publish two notices, the form of which shall be prescribed by the State Board of Equalization. This notice to competitors of such an application for tax exemption shall be published in the official newspaper at least one week apart and not less than 15, nor more than 30 days, before the Board of Commissioners is scheduled to consider such application.
- 2) A new business to the community must not gain unfair advantage with existing competitors using the exemption. The "unfair advantage" argument must be made by a competitive business, in writing, to the Board of Commissioners within 15 days after publication of the official notice.
- 3) An existing business is eligible for tax exemption if expansion of the business includes new jobs and a minimum 20% increase in taxable property value, limited to the assessed valuation of the expansion. Property tax liability on existing buildings are not eligible for the exemption.
- 4) Warehousing and retail projects would not receive exemptions unless the owner could prove need or provide other information to justify granting the exemption.
- 5) Growth projections in the community must be verifiable through either the County Assessor or County Auditor's Office.

SUBJECT: TAX INCENTIVE POLICY

ADOPTED DATE: JANUARY 2, 2018

PAGE 2 OF 5

Economic Impact to the County

The economic impact to the County to be considered will be determined by increased construction activity and the purchase of local equipment, goods and services. Also, consideration will be given in terms of the size of the payroll and the value of the real property which ultimately serves to increase the tax base of the county.

Diversification and Growth of the Economic Base

The County is concerned about attracting and retaining companies that provide diversification from the existing industrial base to bring about a more stable economic environment in the county.

Number and Type of Jobs to be Created

The County is interested in knowing the projection for job creation over the term of the assistance. Consideration will be given to the salary, benefits, and type of jobs to be created or anticipated jobs to be added in the future.

Quality and Growth Potential of the Client

Consideration will be given to the company's reputation in other areas of the country in terms of the client's track record, credit history, stability, and overall industry standing. The County will also be interested in the company's history of growth, potential for future growth, and the general outlook for growth of the industry.

If requested by the County, the developer shall provide adequate financial guarantees to ensure completion of the project, including, but not limited to: assessment agreements, letters of credit, cash escrows, and personal guaranties. If requested by the County, or its consultants, the developer shall provide sufficient financial, environmental, or other data relative to the successful operation of the project.

Kinds of Businesses Targeted for Possible Incentives

The County will typically assist primary sector businesses. Primary sector businesses are those in which at least 70% of the revenues generated by the product or service, they provide come from outside the Fargo trade area (150-mile radius). The product may be completed by another firm (i.e. Cardinal Glass provides glass to Integrity Windows). This information will be provided by the business as part of the application process.

The business must receive "Primary Sector" designation from the North Dakota Department of Commerce and submit that information along with the incentive application. Targeted primary sector businesses are:

1. Those engaged in manufacturing, remanufacturing or processing of a raw material or base product.
2. Those providing packaging and distribution of end products.
3. Service industries that are involved in data processing, data communications, telecommunications services, computer software development, technology support, research facilities, research and development of new technologies, or any form of information processing.

The County is sensitive to concerns of providing assistance if jobs are simply being relocated within the Fargo Trade Area.

SUBJECT: TAX INCENTIVE POLICY

ADOPTED DATE: JANUARY 2, 2018

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Kinds of Businesses Typically Not Eligible for Incentives:

- Retail or any business selling directly to the consumer
- Health Care industry
- Education industry
- Property that is occupied by a public, as opposed to private, school, academy, college or other institution of learning for the use of students in attendance upon such public educational institution would be eligible for incentives.
- Hospitality services (hotels, restaurants, taverns, etc.).
- Professionals (architects, attorneys, physicians, dentists, CPA's, real estate developers, investment advisors, advertising/public relations advisors)
- General office facilities
- General warehousing facilities

Evaluation Point System to Be Used as A Guide

A point system will be utilized as a guide in evaluating primary sector projects for possible incentive programs. Although the point system will not be the final determining factor regarding eligibility for incentives, it will be used as a tool to quantify certain criteria.

A total of 100 points is required for recommended approval under the point system. The following is a breakdown of the criteria evaluated by the point system:

Project Type:

Points Project Description

- +38 Manufacturing
- +25 Support Services
- +13 Distribution
- +25 Primary Sector Distribution
- +38 Primary Sector Service Industry
- +38 Technology Research
- 63 Common Service Industry
- 63 Warehousing
- 63 Retail
- 63 Lodging Industry

Jobs Created (Initial Year):

Points Number of Jobs

- + 0 1-10
- +15 11-50
- +20 51-100
- +25 101-250
- +30 251+

SUBJECT: TAX INCENTIVE POLICY

ADOPTED DATE: JANUARY 2, 2018

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Points Hourly Salary w/o Benefits

- 25 Under \$13.00	
+ 0 \$13.01 - \$15.00	A weighted average of points will be used according to the number of jobs created in each range.
+25 \$15.01 - \$20.00	
+30 \$20.01 - \$28.00	
+35 \$28.01 - \$35.00	
+50 Over \$35.00	

Local Competition:

Points % of Gross Income with Any Local Competition

+25 0% - 10%
+15 11% - 30%
+0 31% - 50%
-25 Over 50%

Value of Proposed Buildings:

Points Proposed Building Value

+ 0 Up to \$80,000
+ 5 \$80,001 - \$100,000
+ 7.5 \$100,001 - \$500,000
+ 10 \$500,001 - \$1,000,000
+12.5 \$1,000,001 - \$5,000,000
+ 15 \$5,000,001 - \$10,000,000
+ 20 \$10,000,000 - \$15,000,000
+ 30 Over \$15,000,000

Startup Firms:

Points Startup
+15 New "startup" projects

Timing of Filing Application:

Points Application Filing
-100 If filed after start of construction on a new building
-100 If filed after occupancy on an existing building

Incentive Agreement and Reporting Requirements

Each company receiving a business incentive shall be subject to a business incentive agreement with the County as well as the State of ND and reporting provisions and requirements set forth by the ND Century Code and summarized below:

1) Progress Reports

The recipient shall file a report annually for two years after receiving the incentive or until all goals set forth in the incentive agreement have been met, whichever is later. Reports shall be completed using the format drafted by the State of ND and shall be filed with the County no later than March 1 of each year for the progress made the previous year.

SUBJECT: TAX INCENTIVE POLICY

ADOPTED DATE: JANUARY 2, 2018

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2) Maintain Facility

The recipient agrees to maintain and operate its facility at the site where the incentive is used for a period of five years after the date the incentive is provided.

3) Failure to Comply

Business failing to comply with the incentive program will be subject to fines and repayment requirements and will be deemed ineligible to receive any future incentives for a period of five years.

Incentive Application Process and Procedure

Application for business incentives must be made on forms provided by the County and include the \$100.00 non-refundable fee. Following a review and evaluation by appropriate County Staff and/or County's consultant, (GFMEDC), the application shall be referred to the Cass County Commission for further action.

The application packet shall include: a detailed description of the project, preliminary site plan, the incentive amount requested, public purpose of the project, number and type of jobs to be created, wages and benefits, verifiable funding sources and uses, projected project financial statements.

Applicants must complete and submit a property tax clearance record which can be obtained from the state tax office. The purpose of this document is to show the applicant is current on existing property tax liabilities.

In those cases, where an application for tax exemption involves new construction, an exemption which has been granted will be considered lapsed and invalid if construction has not begun in 1 year and/or completed in 2 years. Notice will be sent to the project operator 90 days prior to the exemption lapsing. If, however, the business submits information prior to the exemption lapsing outlining circumstances which necessitate a longer construction schedule, the County Commission can vote to extend the construction period.

If an exemption has been granted and the project operator wishes to locate the operation in another facility, the exemption may be transferred to the new building if the value of the new building is no more than 15% higher than that of the building for which the exemption was originally granted or if the capital investment in the project does not increase by more than 20%. If the new building is more than 15% greater in estimated value or the capital investment in the project increases by more than 20%, the County Commission will reconsider the exemption.

HISTORICAL REFERENCE DATE: JUNE 5, 1995
AUGUST 3, 1998
FEBRUARY 21, 2006
JANUARY 2, 2018

SUBJECT: TITLE VI COMPLAINT PROCEDURE

ADOPTED DATE:

PAGE 1 OF 1

This policy outlines the complaint procedure to assure under Title VI of the Civil Rights Act of 1964 and Civil Rights Restoration Act of 1987 that no person or groups of persons shall, on the grounds of race, color, sex, age, national origin, disability or handicap, and income status be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any and all programs, services, or activities administered by Cass County, its recipients, sub-recipients, and contractors.

Since Cass County is a recipient of Federal aid funding for road projects, it must be compliant with Title VI. The complaint procedure is outlined and attached as part of this policy.

HISTORICAL REFERENCE DATE: MARCH 21, 2011

SUBJECT: COUNTY TREASURER TO RECEIVE AND PAY OUT COUNTY MONEY

ADOPTED DATE: MAY 4, 1992

PAGE 1 OF 1

Consistent with NDCC 11-14-06, the county treasurer shall receive all moneys belonging to the county, from whatever source they may be derived, and all other moneys which by law are directed to be paid. The treasurer shall pay out moneys belonging to the county only on a properly drawn county warrant or in any other manner provided by law.

HISTORICAL REFERENCE DATE: APRIL 20, 1992

SUBJECT: USE OF AMERICAN RESCUE PLAN ACT (ARPA) FUNDS

ADOPTED DATE: September 7, 2021

PAGE 1 OF 2

Authorization & Funding Provided:

The American Rescue Plan Act (ARPA) was signed into law on March 3, 2021. The legislation includes authorization of Coronavirus State and Local Fiscal Recovery Funds (SLFRF) distributed directly to local governments, including Cass County.

Cass County Government is scheduled to receive \$35,336,410, distributed in two tranches. The first (\$17,668,205) was received in May of 2021. The second (\$17,668,205) is scheduled for distribution in May of 2022.

Eligible & Prohibited Uses of SLFRF Funds:

Guidance regarding eligible uses of SLFRF funds and reporting requirements is provided by the United States Department of Treasury in the *Interim Final Rules* ([link provided to full document](#)) and is subject to updates. The *Interim Final Rules* describe in great detail examples of eligible expenses as well as prohibited uses of SLFRF funds.

Eligible uses of SLFRF funds generally fall into one of four categories:

- Responding to the public health emergency or its negative economic impacts.
- Providing premium pay to eligible workers
- Providing government services (providing for lost revenue)
- Making necessary investments in infrastructure

Prohibited uses of SLFRF funds include:

- Contributions to pension systems
- Backfilling reserves
- Funding litigation expenses

U.S. Treasury Reporting Requirements:

Reporting requirements vary by size and type of organizations receiving SLFRF Funds.

Reporting requirements applicable to Cass County include:

1. Submission of Interim Report by August 31, 2021 (Activity to July 31, 2021)
2. Submission of first Quarterly Project & Expenditure Reports by October 31, 2021 (Activity to September 30, 2021)
3. Ongoing Quarterly Project and Expenditure Reports are due 30 days after the end of each quarter through June 30, 2026 (due July 31, 2026) or until all funds are expended and reported, whichever occurs first.

SUBJECT: USE OF AMERICAN RESCUE PLAN ACT (ARPA) FUNDS

ADOPTED DATE: September 7, 2021

PAGE 2 OF 2

Commission Authorization Required for Expenditure of SLFRF Funds:

Funding requests to utilize SLFRF funds will be considered in accordance with existing Cass County policy for authorization for use of funds. In addition to all other policy requirements proposing departments or outside agencies will provide a completed Project Description/Eligible Use Worksheet at the time the funding request presented to the Commission for consideration.

Utilization of Funds:

Within the authorized use guidelines provided by the U.S. Treasury, SLFRF fund recipients have wide latitude to identify and fund projects or initiatives that are most beneficial to the recipient organizations. Consideration of an expenditure by the Board of Commissioners or submission of a funding requests/project proposal in no way obligates the Commission to approve and fund a request, even if it is an authorized use according to U.S. Treasury guidelines.

Project Documentation/Auditing:

Projects shall meet all requirements as determined by County Finance Office including completion of a Schedule of Expenditures and Financial Awards as required by law.

HISTORICAL REFERENCE DATE: September 7, 2021



SLFRF Funding & Eligibility Summary
(Project Title)
(Date)
Prepared by: (Author & Position)

- I. Background:** (General information about background and current state pre-COVID.)
- II. Impact of COVID-19:** (How was background & current state was impacted by COVID)
- III. Intended Result Summary:** (Describe the intended result of this SLFRF expenditure)
- IV. Solution Costs:** (Anticipated budget & funding request)
- V. Estimated Beginning & Completion date of project/expenditure:**
- VI. Program area of the American Rescue Plan:**
(*Authorized use category within Interim Final Rules*)
 - i. Responding to the public health emergency or its negative economic impacts
 - ii. Providing premium pay for eligible workers
 - iii. Providing government services (providing for lost revenue) &
 - iv. Making necessary investments in infrastructure

SUBJECT: UTILITY PERMITS

ADOPTED DATE: FEBRUARY 21, 2006

PAGE 1 OF 1

NDCC 49-09-16. RIGHT OF WAY -- TELECOMMUNICATIONS -- ELECTRIC LIGHT -- GAS AND OIL PIPELINE SYSTEMS.

"The governing board of any municipal corporation may grant to any person who is a resident of this state, to any corporation or limited liability company organized under the laws of this state, or to any corporation or limited liability company licensed to do business within this state, the right of way for the construction and operation of a railway, telecommunications line, electric light system, or a gas or oil pipeline system, over or upon any public grounds, streets, alleys, or highways under the care or supervision of the board granting such right of way. Such right of way shall be granted subject to such conditions, restrictions, and regulations as may be prescribed by the board granting the same, relative to the streets, alleys, or highways upon, over, under, or across which the way, line, or system shall be built and operated."

The county engineer shall be authorized to approve said utility permits on the standard form of agreement.

HISTORICAL REFERENCE DATE: MAY 4, 1992

SUBJECT: BUDGET POLICY - WORK PLANS

ADOPTED DATE: MAY 4, 1992

PAGE 1 OF 1

WORK PLANS

In order to facilitate and implement the county's mission, and to progress forward in an orderly fashion with department goals and objectives, each department head shall, by the first day of each calendar year, complete a department work plan for their portfolio commissioner.

The work plans for all departments shall then be consolidated into a single booklet for each commissioner. The work plans will be reviewed at least twice annually.

HISTORICAL REFERENCE DATE: DECEMBER 10, 1990