

**CHAPTER 40-20**  
**CITY ATTORNEY, ENGINEER, CHIEF OF POLICE, AND POLICE OFFICERS**

**40-20-01. City attorney - Duties - Docket.**

The city attorney shall:

1. Conduct all law business in which the city or any of its departments is interested.
2. Furnish written opinions, when requested, upon all questions submitted to the city attorney by the governing body or any of the departments of the city.
3. Draft all ordinances, bonds, contracts, leases, conveyances, and other instruments that may be required by the officers of the city.
4. Examine tax and assessment rolls and all proceedings in reference to the levying and collecting of city taxes.
5. Keep a docket of all cases to which the city may be a party in any court of record in which must be entered briefly all steps taken in each such case and such docket must be open to public inspection at all reasonable hours.
6. Perform all other duties that may be prescribed by the governing body or by the ordinances of the city or the statutes of the state.

**40-20-02. Assistant city attorneys - Appointment - Special counsel authorized.**

With the consent and approval of the governing body of the city, the city attorney may appoint assistants to do any or all of the acts which the city attorney is required to do under this chapter, but the city attorney shall be responsible to the city for the acts of such assistants. The governing body of the city, however, may employ and pay special counsel when it deems such counsel to be necessary for the best interests of the city.

**40-20-03. City engineer - Qualifications - Duties - Compensation - Plans or surveys - Preservation and transfer to successor.**

The city engineer must be a practical surveyor and engineer. The city engineer shall keep an office in some convenient place in the city and the governing body, by ordinance, shall prescribe the city engineer's duties and compensation for services performed for the city. All surveys, profiles, plans, or estimates made by the city engineer for the city are the property of the city and must be carefully preserved in the office of the engineer and must be open to the inspection of all interested persons. The surveys, profiles, plans, estimates, and all books and papers pertaining to the city engineer's office shall be delivered by the engineer at the expiration of the city engineer's term of office to the successor city engineer or to the governing body of the city.

**40-20-04. When city engineer or chief of police to be street commissioner.**

In cities having no street commissioner, the city engineer shall perform the duties and have the authority of street commissioner, and in cities having no street commissioner or city engineer, the chief of police shall perform the duties and have the authority of street commissioner.

**40-20-05. Chief of police and police officers - Powers and duties - Hot pursuit.**

1. The chief of police shall perform such duties as shall be prescribed by the governing body for the preservation of the peace. The chief of police shall have the authority to administer oaths to police officers under the chief's supervision. Within the city limits, and for a distance of one and one-half miles [2.41 kilometers] in all directions outside the city limits, the police officers and watchmen of the city shall perform the duties and exercise the powers of peace officers as defined and prescribed by the laws of this state.
2. A police officer in "hot pursuit" may continue beyond the one and one-half mile [2.41 kilometer] limit to make an arrest, in obedience to a warrant or without a warrant under the conditions of section 29-06-15, whenever obtaining the aid of peace officers having jurisdiction beyond that limit would cause a delay permitting escape. As used in this

subsection, "hot pursuit" means the immediate pursuit of a person who is endeavoring to avoid arrest.

3. Police officers shall serve and execute any warrant, writ, process, order, or notice issued to them by a municipal judge within the city in any civil or criminal action or proceeding for or on account of a violation of any city ordinance or in any action or proceeding in which the city is a party or is interested beneficially. The police, within the limits prescribed in this section, may serve and execute all writs and process issued by justices in civil actions. In addition to the duties set out in this section, the police shall perform such other duties as may be prescribed by ordinance or statute.

**40-20-06. Arrest by chief of police or policeman outside of city - Fees.**

No chief of police or policeman shall receive any fee for going outside of the city to make an arrest for violation of a state law unless the board of county commissioners is satisfied that a delay in obtaining the sheriff or a sheriff's deputy to make the arrest would have permitted an escape.

**40-20-07. Municipalities to furnish blue uniforms to police officers.**

Any municipality of this state which employs full-time police officers shall furnish each such police officer with a summer-weight and a winter-weight uniform. The uniforms must be blue in color.