

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. 4707

1 AN ORDINANCE AMENDING SECTION 1-0306.D AND SECTION 1-0305.A
2 OF ARTICLE 1-03 OF CHAPTER 1 OF THE FARGO MUNICIPAL CODE
3 RELATING TO ORDINANCE VIOLATIONS

4 WHEREAS, the electorate of the city of Fargo has adopted a home rule charter in
5 accordance with Chapter 40-05.1 of the North Dakota Century Code; and,

6 WHEREAS, Section 40-05.1-06 of the North Dakota Century Code provides that the City
7 shall have the right to implement home rule powers by ordinance; and,

8 WHEREAS, Section 40-05.1-05 of the North Dakota Century Code provides that said
9 home rule charter and any ordinances made pursuant thereto shall supersede state laws in conflict
10 therewith and shall be liberally construed for such purposes; and,

11 WHEREAS, the Board of City Commissioners deems it necessary and appropriate to
12 implement revisions to the City of Fargo ordinance by the adoption of this ordinance;

13 NOW, THEREFORE, Be It Ordained by the Board of City Commissioners of the City of
14 Fargo:

15 Section 1. Amendment.

16 Section 1-0306.D of Article 1-03 of Chapter 1 of the Fargo Municipal Code is amended to
17 read as follows:

18 D. Any person who fails to appear or post bond on a non-criminal, non-traffic
19 offense shall be guilty of ~~an infraction~~ a Class B misdemeanor.

20 Section 2. Amendment.

21 Section 1-0305.A of Article 1-03 of Chapter 1 of the Fargo Municipal Code is
22 amended to read as follows:

23 A. Violations of the following ordinances are Class B misdemeanors, subject to
punishment as hereinabove provided:

1. Section 1-0306(D) (failure to appear or post bond on a non-criminal, non-
traffic offense), ~~Section~~ 8-0305(A)(1) (cancelled or revoked registration), section 8-0305(A)(2)
(fictitious registration), section 8-0305(A)(3) (lending registration plates), section 8-0308
(reproducing operator's or driver's license or permit), section 8-0309 (driving under suspension),

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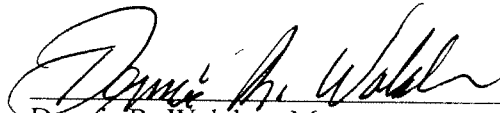
1 section 8-0310 (driving under the influence), section 8-0314 (reckless driving), section 8-0320
2 (driving without liability insurance - \$150.00 minimum fine), section 8-0803 (accidents involving
3 damage to vehicle), section 8-0804 (duty to give information and render aid), section 8-0805 (duty
4 upon striking fixture or other property), section 8-0809 (false reports), section 10-0101 (minor
5 using alcohol), 10-0104 (curfew), section 10-0201 (indecent exposure), section 10-0301
6 (disorderly conduct), section 10-0304 (carrying weapons), section 10-0317 (resisting police
7 officer), section 10-0319 (incendiary devices), section 10-0320 (registration in schools), section
8 10-0321 (criminal mischief), section 10-0322 (harassment), section 10-0323 (simple assault),
9 section 10-0324 (aiding and abetting), section 10-0601 (shoplifting), section 10-0602 (theft),
10 section 10-0702 (order to disperse), section 10-0703 (tenant/owner cooperation required), section
11 13-0511 (removal of wastes), section 13-0513 (fee/permit for hauling waste), section 13-0529
12 (misuse of compost sites), article 13-13 (drug lab cleanup), chapter 17 (sewers and sewerage),
13 article 18-09 (excavation code), section 25-1509(A) (selling alcoholic beverage to minor), section
14 25-1513(A) (selling/consuming alcohol in vehicle/public), section 25-1513(B)
15 (possessing/consuming alcohol in public building), section 25-1513(C) (minor misrepresenting
16 age), and section 25-1513(D) (delivery of alcoholic beverage to minor), section 25-3302 (body
17 art), section 25-3306 (body art unlawful practices); article 25-36 (tanning facilities).

18 Section 3. Penalty.

19 Every person, firm or corporation violating an ordinance which is punishable as a Class
20 B misdemeanor shall be punished by a fine not to exceed \$1,000.00, or by imprisonment not to
21 exceed 30 days, or by both such fine and imprisonment, in the discretion of the court; the court
22 to have power to suspend said sentence and to revoke the suspension thereof.


23 Section 4. Effective Date.

This ordinance shall be in full force and effect from and after its passage, approval and
publication.


Dennis R. Walaker, Mayor

(SEAL)

Attest:


Steven Sprague, City Auditor

First Reading: 05-04-2009
Second Reading: 05-18-2009
Final Passage: 05-18-2009
Publication: 06-01-2009