

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. 5261

AN ORDINANCE AMENDING SECTION 13-1101 AND
REPEALING SECTIONS 13-1102, 13-1103, 13-1104, 13-1105, 13-1106,
13-1107, 13-1108, AND 13-1109 OF ARTICLE 13-11 OF CHAPTER 13
OF THE FARGO MUNICIPAL CODE RELATING TO CHILD CARE
CENTERS

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

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

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

WHEREAS, the Board of City Commissioners deems it necessary and appropriate to implement such authority by the adoption of this ordinance;

NOW, THEREFORE,

Be It Ordained by the Board of City Commissioners of the City of Fargo:

Section 1. Amendment.

Section 13-1101 of Article 13-11 of Chapter 13 of the Fargo Municipal Code is hereby amended to read as follows:

13-1101. Definitions.—

1. “Child Care Facility”: Any facility required by the North Dakota Department of Human Services (NDDHS) to have a health inspection where children receive care and supervision for 24 hours or less per day; unaccompanied by the child’s parent, guardian or custodian.
2. “Electronic Media”: Media that use electronics or electromechanical energy for the end user (audience) to access the content.

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. 5261

3. "Family Child Care": A private residence licensed by NDDHS to provide early childhood services for no more than seven children at any one time, except that the term includes a residence licensed to provide early childhood services to two additional school-age children.
4. "School-age children": Children who are at least five years but less than twelve years of age.

Section 2. Repeal.

Sections 13-1102, 13-1103, 13-1104, 13-1105, 13-1106, 13-1107, 13-1108 and 13-1109 of Article 13-11 of Chapter 13 of the Fargo Municipal Code are hereby repealed in their entirety.

Section 3. Penalty.

A person who willfully violates this ordinance is guilty of an infraction. Every person, firm or corporation violating an ordinance which is punishable as an infraction shall be punished by a fine not to exceed \$1,000; the court to have power to suspend said sentence and to revoke the suspension thereof.

Section 4. Effective Date.

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

/s/
Timothy J. Mahoney, M.D., Mayor

(Seal)

Attest:

/s/
Steven Sprague, City Auditor

First Reading:	7-13-20
Second Reading:	7-27-20
Final Reading:	7-27-20
Publication:	8-5-20