

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. 5275

AN ORDINANCE AMENDING SECTION 8-0101 AND 8-0109 OF ARTICLE 8-01
OF CHAPTER 8, SECTION 18-0308 OF ARTICLE 18-03 OF CHAPTER 18,
SECTION 10-0311 OF ARTICLE 10-03 OF CHAPTER 10, AND SECTION 11-0201 OR
ARTICLE 11-02 OF CHAPTER 11 OF THE FARGO MUNICIPAL CODE
RELATING TO CENTRAL BUSINESS DISTRICT

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 Century 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 purpose; 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 8-0101 of Article 8-01 of Chapter 8 of the Fargo Municipal Code is hereby amended to read as follows:

8-0101. – Definitions.

* * *

5. "Central business district" shall mean all streets and portions of streets within the area described as follows: All that area bounded by ~~Fourth Street on the east, Seventh Avenue North on the north, First Avenue South on the south, and~~

Eighth Street on the west, 2nd Street North to 4th Street South, 4th Street South to 6th Avenue South, 6th Avenue South to 7th Street South, 7th Street South to 2nd Avenue South, 2nd Avenue South to South University Drive, South University Drive to 7th Avenue North, 7th Avenue North to Broadway North, Broadway North to 9th Avenue North, 9th Avenue North to 4th Street North, 4th Street North to 7th Avenue North, 7th Avenue North to 2nd Street North.

Section 2. Amendment.

Section 8-0109 of Article 8-01 of Chapter 8 of the Fargo Municipal Code is hereby amended to read as follows:

8-1009. – Night parking restrictions.

- A. Within the central business district (~~from the Red River west to University Drive inclusive and from 5th Avenue North [Old Great Northern tracks, presently Burlington Northern Railroad tracks] to First Avenue South, inclusive~~), as defined in §8-0101, it shall be unlawful for any person to park any vehicle or trailer on any north-south street between the hours of 2:00 a.m. and 7:00 a.m. on Tuesdays, Thursdays, and Saturdays, or on any east-west avenue between the hours of 2:00 a.m. and 7:00 a.m. on Mondays, Wednesdays, Fridays, and Sundays. Any vehicle or trailer parked in violation of this section is hereby declared to be a public nuisance, and may be impounded by the police department.

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Section 3. Amendment.

Section 18-0308 of Article 18-03 of Chapter 18 of the Fargo Municipal Code is hereby amended to read as follows:

18-0308. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this article, except where the context clearly indicates a different meaning:

- A. "Central Business District" as defined in §8-0101, ~~shall mean an area within the~~

following boundaries:-

- 1. —On the north by 6th Avenue North;
- 2. —On the east by the Red River of the North;
- 3. —On the south by 1st Avenue South; and,
4. —The westerly boundary shall be Roberts Street from 6th Avenue North to 1st Avenue North; 9th Street from 1st Avenue North to Northern Pacific Avenue and 8th Street from Northern Pacific Avenue to 1st Avenue South.
5. —In addition to the area defined by the foregoing boundaries the Central Business District shall include 7th and 8th Streets South, to 2nd Avenue South.

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Section 4. Amendment.

Section 10-0311 of Article 10-03 of Chapter 10 of the Fargo Municipal Code is hereby amended to read as follows:

10-0311. - Panhandling.

A. Definitions.

1. "Aggressive Panhandling" means engaging in any conduct with the intention of intimidating another person into giving away money or goods, including but not limited to, intentionally approaching, speaking to or following a person in a manner that would cause a reasonable person to fear imminent physical injury or the imminent commission of a criminal act upon the person or upon the property in the person's immediate possession; intentionally touching another person without consent; or intentionally blocking or interfering with the free passage of a person.
2. "~~Downtown~~ Central Business District" ~~as defined in §8-0101.~~ means the area described as follows: Beginning at the corner of Second Street and Seventh Avenue North; thence westerly along Seventh Avenue North to its intersection with Tenth Street; thence southerly along Tenth Street to its intersection with Fifth Avenue South; thence easterly along Fifth Avenue South (which becomes Sixth Avenue South as it runs along the south of Island Park) until its intersection with Fourth Street; thence northerly to its intersection with Second Street South; thence east and northerly along Second Street South to the point of beginning. The boundary line described herein shall run along the outermost edge of the rights-of-way corresponding with the streets and avenues described herein, and shall include all the right-of-way identified herein.

* * *

Section 5. Amendment.

Section 11-0201 of Article 11-02 of Chapter 11 of the Fargo Municipal Code is hereby amended to read as follows:

11-0201. – Definitions.

For purposes of this article, certain words and phrases used herein are defined as follows:

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5. ~~"Downtown Central Business District" as defined in §8-0101.~~ means the area described as follows: Beginning at the corner of Second Street and Seventh Avenue North; thence westerly along Seventh Avenue North to its intersection with Tenth Street; thence southerly along Tenth Street to its intersection with Fifth Avenue South; thence easterly along Fifth Avenue South (which becomes Sixth Avenue South as it runs along the south of Island Park) until its intersection with Fourth Street; thence northerly to its intersection with Second Street South; thence east and northerly along Second Street South to the point of beginning. The boundary line described herein shall run along the outermost edge of the rights-of-way corresponding with the streets and avenues described herein, and shall include all the right-of-way identified herein.

Section 6. Effective Date.

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

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

Attest:

/s/
Steven Sprague, City Auditor

First Reading: 9-21-2020
Second Reading: 10-5-2020
Final Reading: 10-5-2020