

OFFICE OF THE CITY ATTORNEY  
FARGO, NORTH DAKOTA

ORDINANCE NO. 5339

AN ORDINANCE AMENDING SECTION 8-0309 OF ARTICLE 8-03 OF CHAPTER 8,  
OF THE FARGO MUNICIPAL CODE RELATING TO  
DRIVING WHILE LICENSE SUSPENDED OR REVOKED –  
IMPOUNDMENT OF LICENSE PLATES

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 8-0309 of Article 8-03 of Chapter 8 of the Fargo Municipal Code is hereby amended to read as follows:

8-0309. - Driving while license suspended or revoked—Impoundment of license plates.

It shall be unlawful for any person to drive a vehicle on any ~~public way, street, alley or other public way~~ public or private way, street, alley, parking lot, or area to which the public has a right of access for vehicular use, within the city, at a time when his privilege to do so is suspended or revoked in any jurisdiction. If the suspension or revocation was imposed

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for violation of § 39-08-01 of the North Dakota Century Code or equivalent statute or ordinance or was governed by § 39-06-31 or chapter 39-20 of the North Dakota Century Code, the sentence must be at least four consecutive days' imprisonment and such fine as the court deems proper. Upon conviction for violation of this ordinance, the court may, in addition to the imposition of the penalty, order the motor vehicle number plates of the motor vehicle owned by the offender at the time of the offense to be impounded by the chief law enforcement officer of the city for the duration of the period of suspension of the offender's driver's license or driving privileges by the licensing authority. The impounded motor vehicle number plates may be released, upon the order of the court, to a bona fide purchaser of the offender's motor vehicle, if that purchaser produces a new certificate of title issued by the registrar of motor vehicles.

Section 2. Effective Date.

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

Section 3. Penalty.

Every person, firm, or corporation violating an ordinance which is punishable as a Class B misdemeanor shall be punished by a fine not to exceed \$1,500.00, 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, per Section 1-0301(A) and 1-0305(A)(1) of the Fargo Municipal Code.

/s/  
Dr. Timothy J. Mahoney, Mayor

Attest:

/s/  
Steven Sprague, City Auditor

First Reading:	1-24-22
Second Reading:	2-22-22
Final Passage:	2-22-22
Publication:	3-2-22