

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. 5485

AN ORDINANCE AMENDING SECTION 18-0310 OF ARTICLE 18-03
OF CHAPTER 18 OF THE FARGO MUNICIPAL CODE
RELATING TO PUBLIC WAYS AND PLACES

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 18-0310 of Article 18-03 of Chapter 18 of the Fargo Municipal Code is hereby amended to read as follows:

18-0310. – Performers of sidewalk entertainment.

Performers of sidewalk entertainment may perform on any sidewalk or pedestrian way provided that such performers shall:

1. Not violate the prohibitions on disturbing, annoying and unnecessary noise as set forth in article 11-02 of the Fargo Municipal Code.

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~~2. — Not violate the prohibitions on panhandling as set forth in Fargo Municipal Code section 10-0311.~~

- ~~32.~~ Not obstruct or cause to be obstructed pedestrian or vehicular traffic, including but not limited to not obstructing or causing to be obstructed sidewalks, doorways or other access areas. Entertainer must provide a minimum of 6 feet of pedestrian passageway. If a performer attracts a crowd sufficient to obstruct the public way, a police officer may disperse the crowd if the officer determines the crowd is resulted in an obstructed pathway. The officer may ask the performer to temporarily suspend a performance or to move to a less congested area.
- ~~43.~~ Not sell records, tapes or other products.
- ~~54.~~ Perform only at times between the hours of 9:00 a.m. and 10:00 p.m.
- ~~65.~~ Not consume nor be under the influence of alcoholic beverages or other controlled substances while performing, in compliance with the North Dakota laws and regulations.
- ~~76.~~ Not perform any nearer than 150 feet from another professional sidewalk entertainer who is also performing.
- ~~87.~~ Not perform at locations designated for a community event or festival, unless permitted to play at the community event or festival by the event or festival coordinator, pursuant to section 18-0313.
- ~~98.~~ Comply with all federal, state and local laws when performing within the city, including but not limited to, the panhandling ordinance and the noise ordinance.
- ~~109.~~ Not perform within fifty (50) feet of a pushcart or permitted outdoor eating area.
- ~~110.~~ Maintain the permitted area within a radius of ten feet free of trash and debris.
- ~~1211.~~ Not create a fire hazard or use fire, knives, or dangerous items during a performance.
- ~~1312.~~ Not engage in the application of tattoos or body piercing.

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- ~~1413.~~ Not include obscenity in a performance.
- ~~1514.~~ Not engage in harassment or coercion of passersby.
- ~~1615.~~ Not display or offer food or drink for sale.
- ~~1716.~~ Not display tables, lounge chairs, push carts or mobile display racks.
- ~~1817.~~ Not block access to an entrance to a building.
- ~~1918.~~ Not perform in a street, or not interfere with a motorist, either regarding the passage of a vehicle or the sight of its driver.
- ~~2019.~~ Make no effort to reserve a location for sidewalk entertainment; performance locations shall be on a daily, first-come, first-served basis. Sidewalk entertainers shall abandon the location at the end of the day, including the removal of all personal property by 10:00 p.m.
- ~~2120.~~ Not connect to electric outlets or power sources owned by the city or others without the express written permission to do so.
- ~~2221.~~ Not block or obstruct a curb cut.
- ~~2322.~~ Not perform on any bike path, without prior written approval from the city.
- ~~2423.~~ Not construct a stage or platform.
- ~~2524.~~ Not block a handicap parking spot.
- ~~2625.~~ Not leave any equipment, props, or other items unattended. Unattended items are subject to removal as abandoned property.

Section 2. Effective Date.

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

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

Attest:

/s/
Steven Sprague, City Auditor

First Reading: 6-9-25
Second Reading: 6-23-25
Final Reading: 6-23-25