

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. 4986

AN ORDINANCE AMENDING SECTION 8-1006 OF ARTICLE 8-10
OF CHAPTER 8 OF THE FARGO MUNICIPAL CODE
RELATING TO TIME-LIMITED PARKING ZONES

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; and,

WHEREAS, the city of Fargo seeks to regulate parking in publicly owned or operated parking lots and ramps.

NOW, THEREFORE,

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

Section 1. Amendment.

Section 8-1006 of Article 8-10 of Chapter 8 of the Fargo Municipal Code is hereby amended to read as follows:

8-1006. ~~Ten minute, fifteen minute, thirty minute, sixty minute, ninety minute, one hundred twenty minute or other time limited parking zones~~ Time-limited parking zones.—

Except as otherwise allowed by a permit issued by the Department of Planning and Development or designee for the Downtown Residential Parking Zone as authorized below, the owner or driver of any motor vehicle of any kind whatsoever shall not cause, permit, or allow such vehicle to be parked or to be re-parked within the same block, or within the same off-street parking

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lot or parking ramp owned or operated by the city of Fargo, for a period longer than the time limit restrictions posted for such area.

For purposes of determining a violation of this ordinance, a vehicle shall be considered to have remained parked or to have been re-parked within the same block, lot, or ramp when it is established ~~to~~ by a preponderance of the evidence that the same vehicle has been found parked along either side of the same street or road between two intersecting roads, or has been parked within the same lot or ramp at any time within a four hour period, regardless of any evidence that the vehicle was moved between the time it was initially parked and later re-parked. Each 10-, 15-, 30-, 60-, 90-, 120-minute or other time-limited period during which a vehicle is parked shall constitute a separate and additional violation of this section.

The Parking Commission, ~~subject to the review and confirmation of the board of city commissioners~~ shall post the time-limited parking zones on city streets, except for time-zones located on the campus of North Dakota State University in which case the University shall post the time-limited parking zones. The Parking Commission is hereby authorized to establish and post time-limited parking zones in publicly owned or operated parking lots or ramps. Time-limited parking zones in publicly operated lots and ramps shall be approved by resolution by the board of commissioners. The police department or its designee shall enforce such time zone restrictions in areas which are so posted.

The Parking Commission if in ~~their~~ its judgment traffic conditions so warrant it ~~and subject to review by the board of city commissioners~~, may extend, change, or adjust the parking zones designated herein, provided said extension, changes, or adjustments are posted or marked.

The Department of Planning and Development or designee shall be authorized to issue a permit to residents of the Downtown Residential Parking Zone in accordance with an approved program as adopted by resolution of the board of city commissioners.

Decisions of the Parking Commission are subject to review and confirmation or approval by the board of city commissioners by request of any interested person submitted in writing to the director of planning and development within ten days of such decision.

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Section 2. Effective Date.

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

s/
Dr. Timothy J. Mahoney, Mayor

Attest:

s/
Steven Sprague, City Auditor

First Reading: 5-26-15
Second Reading: 6-8-15
Final Passage: 6-8-15