

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. 5177

AN ORDINANCE AMENDING SECTION 8-1009 OF
ARTICLE 8-10 OF CHAPTER 8 OF THE
FARGO MUNICIPAL CODE
RELATING TO PARKING REGULATIONS

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 8-1009 of Article 8-10 of Chapter 8 of the Fargo Municipal Code is 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), 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

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declared to be a public nuisance, and may be impounded by the police department.

- B. From November 1 of each year until April 15 of the following year, within the area of the city outside of the central business district from 19th Avenue North to 13th Avenue South, inclusive, and from the Red River to 25th Street North and South, inclusive, excluding the area between the Red River and 5th Street South, inclusive, from 6th Avenue South to 12th Avenue South, inclusive, and in any other area which is designated by appropriate signs, it shall be unlawful for any person to park any vehicle or trailer on any north-south street between the hours of 1:00 a.m. and 7:00 a.m. on Tuesdays, Thursdays, and Saturdays, or on any east-west avenue between the hours of 1:00 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.

Section 2. Penalty.

A person who violates this ordinance shall be deemed to have committed a non-criminal offense and shall pay a fee of as provided in Section 1-0305 (12) of the Fargo Municipal Code, as the same may be amended from time to time.

Section 3. Effective Date.

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

/s/
Timothy J. Mahoney, Mayor

(SEAL)

Attest:

/s/
Steven Sprague, City Auditor

First Reading: 10-8-18

Second Reading: 11-5-18

Final Passage: 11-5-18

Publication: 11-19-18