

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. 5242

AN ORDINANCE AMENDING SECTION 01-0305, OF ARTICLE 01-03 OF CHAPTER 01 OF THE FARGO MUNICIPAL CODE RELATING TO CLASSIFICATION OF ORDINANCE VIOLATIONS

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 01-0305 of Article 01-03 of Chapter 01 of the Fargo Municipal Code is hereby amended to read as follows:

* * *

C. Violations of the following ordinances are noncriminal offenses and shall require payment of a fee as follows:

1. For a violation of the following ordinances, a fee of \$5.00. Section 8-1412 (riders/passengers restricted), section 8-1413 (riding on roadway/bike paths—restrictions), section 8-1414 (operate bicycle too fast for conditions), section 8-1416 (carrying packages—restrictions), section 8-1419 (equipment on bicycles), section 8-1420 (bicycles—age restrictions).
2. For a violation of the following ordinances, a fee of \$20.00. Section 8-0105 (driving wrong way on one-way street), section 8-0106 (obey

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~~temporary traffic sign/barrier); Section 8-0113 (unlawful use of skates/coasters), section 8-0303(B) (parent/guardian allow unlicensed/under 16 to drive), section 8-0303(C) (owner allowing unlicensed/under 16 to drive), section 8-0304 (registration card to be carried in the driver's compartment— inspection of card), section 8-0305(a)(1), section 8-0305(A)(4) (current registration required), section 8-0305(B) (current license required), section 8-0306 (violation of restricted license), section 8-0316 (permit unauthorized person to drive), section 8-0318 (operating motor vehicle on bicycle trail), section 8-0323 (license to be carried and exhibited on demand), section 8-0403 (disobey traffic control device (barriade)), section 8-0405 (traffic control signals), section 8-0406 (pedestrian-control signal), section 8-0407 (flashing signals), section 8-0411 (alter traffic or railroad sign), section 8-0412 (display unauthorized signs, signals or marking), section 8-0506 (impeding traffic), article 8-06 (regulating turning movements), section 8-0707 (pedestrian crossing street where prohibited), section 8-0709(A) (pedestrian walking in roadway), section 8-0710 (pedestrian soliciting rides or business), section 8-0712 (pedestrian obstructing traffic), section 8-0901 (fail to display flag/light rear of load), section 8-0902 (improper tires), section 8-0903 (improper horn), section 8-0904 (brakes required), section 8-0905 (mirrors required), section 8-0906 (obstructed vehicle windshield/windows), section 8-0907 (windshield wipers required), 8-0908 (mufflers/exhaust system required), section 8-0909 (leaking or loose load), section 8-0910 (lights/lamps fail to conform to state law), section 8-0911 (fail to display lighted lamps), section 8-0913 (illegal spotlights), section 8-0914 (improper towing connection), section 8-0915 (reflectors/taillight required on trailer), section 8-0916 (flashing lights prohibited), section 8-0917 (illegal light on vehicle), section 8-0919(A) (riding on exterior of vehicle), section 8-0919(B) (more passengers than capacity), section 8-0919 (C) (allow body to protrude from moving vehicle), section 8-0928 (modified suspension system), section 8-0929 (driving of vehicle in unsafe condition unlawful), section 8-1003 (A) thru (J) and (L) thru (S) (stopping, standing, parking prohibited in specific places), section 8-1010 (motor vehicle left unattended— brakes to be set, engine stopped, and keys removed), section 8-1011 (drive or park on private property), section 8-1013 (improper parking/obstructing traffic), section 8-1111 (vehicle required to stop at railroad crossing), section 8-1201 (following too closely), sections 8-1202 thru 8-1218(D) (general rules of the road), section 8-1301(A) (following fire apparatus), section 8-1301(B) (driving vehicle within block of fire apparatus), section 8-1301(C) (driving over fire hose), section 8-1301(D) (driving through/around barricade), section 8-1302 (driving through parade/funeral procession), section 8-1304 (failure to obtain parade permit), section 8-1305~~

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~~(driving vehicle on sidewalk), section 8-1306 (improper backing), section 8-1307 (opening and closing vehicle doors), 8-1308 (helmet required— operator/passenger), section 8-1309 (number of riders on motorcycle limited), section 8-1310 (clinging to a vehicle or allowing same), section 8-1311 (improper start of parked vehicle), section 8-1313 (unlawful riding on vehicle), section 8-1315 (unlawful towing), section 8-1316(A) (operating motor vehicle with view obstructed by load/passengers), section 8-1316(B) (passenger obstructing driver's view), section 8-1317 (coasting vehicle on downgrade prohibited), section 8-1318 (littering), section 8-1319 (unlawful operation of motor vehicle private property), section 8-1320(A) (operating snowmobile under 16 or allowing when prohibited), section 8-1320(B) (operating snowmobile in restricted area), section 8-1321 (use of seat belts required), section 8-1410 (traffic laws apply to persons riding bicycles), section 8-1411 (bicyclist to obey traffic control devices), section 8-1418 (riding bicycle on sidewalks-restrictions), section 8-1422 (bicycle accidents), section 8-1804 (driving through school patrols), section 8-1902 (cruising prohibited), article 8-20 (motorized scooters).~~

3. For a violation of the following ordinance, a fee of \$25.00. ~~Section 8-0931 (child restraint devices required), s~~ Section 10-0103(B) (tobacco possession by minors prohibited).
4. ~~—For a violation of the following ordinances, a fee of \$30.00. Section 8-0301 (failure to have vehicle under control), section 8-03013 (careless driving), section 8-0501 (speed care required).~~
45. For a violation of the following ordinances a fee of \$40.00. Section 8-0105 (driving wrong way on one-way street), section 8-0106 (obey temporary traffic sign/barrier), section 8-0303(B) (parent/guardian allow unlicensed/under 16 to drive), section 8-0303(C) (owner allowing unlicensed/under 16 to drive), section 8-0305(B) (current license required), section 8-0306 (violation of restricted license), section 8-0316 (permit unauthorized person to drive), section 8-0403 (disobey traffic control device (barricade)), section 8-0405 (traffic control signals), section 8-0407 (flashing signals), section 8-0506 (impeding traffic), article 8-06 (regulating turning movements), section 8-1010 (motor vehicle left unattended— brakes to be set, engine stopped, and keys removed), section 8-1011 (drive or park on private property), Ssection 8-1018 (taking on or discharging passengers), section 8-1111 (vehicle required to stop at railroad crossing), section 8-1201 (following too closely), sections 8-1202 thru 8-1218(D) (general rules of the road), section 8-1301(C) (driving over fire hose), section 8-1301(D) (driving through/around barricade), section 8-1305 (driving vehicle on sidewalk), section 8-

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1306 (improper backing), 8-1308 (helmet required— operator/passenger), section 8-1309 (number of riders on motorcycle limited), section 8-1310 (clinging to a vehicle or allowing same), section 8-1313 (unlawful riding on vehicle), section 8-1315 (unlawful towing), section 8-1316(A) (operating motor vehicle with view obstructed by load/passengers), section 8-1316(B) (passenger obstructing driver's view), section 8-1319 (unlawful operation of motor vehicle private property), section 8-1321 (use of seat belts required), section 8-1804 (driving through school patrols), section 8-1415 (right-of-way emerging from alley or driveway), section 8-1417 (parking restriction).

56. For a violation of the following ordinances, a fee of \$50.00. Section 8-0116 (failure to yield to emergency vehicle), section 8-0311 (open container), section 8-0317(B)(2) (exhibition driving), ~~section 8-0702 (fail yield right-of-way pedestrian)~~, section 8-0801 (immediate notice of accident), ~~section 8-0931 (child restraint devices required), section 8-1108(A) (disobey signal of approaching train), section 8-1108(B) (driving thru/around railroad crossing gate), section 8-1110 (disobey railroad stop sign), section 8-1218(F) (unlawful passing of school bus), section 8-1218(G) (unlawful proceeding past bus in oncoming lane), 8-1219 (use of motor vehicle), section 10-0311(C) (panhandling within the city of Fargo).~~
67. For a violation of the following ordinances, a fee of \$60.00. Section 8-0301 (failure to have vehicle under control), section 8-0313 (careless driving), section 8-0501 (speed-care required), sSection 8-0505 (special speed limitation on bridges), section 8-0409 (traffic engineer to establish and design public carrier stops and stands).
78. For a violation of the following ordinances, a fee of \$100.00. Section 8-0321 (use of a wireless communication device prohibited, Ssection 8-1003(K) (parking in areas reserved handicap), section 8-0322 (Distracted Driving), section 8-0702 (fail yield right-of-way pedestrian), section 8-1108(A) (disobey signal of approaching train), section 8-1108(B) (driving thru/around railroad crossing gate), section 8-1110 (disobey railroad stop sign), section 8-1218(F) (unlawful passing of school bus), section 8-1218(G) (unlawful proceeding past bus in oncoming lane), section 10-0326 (urinating in public), section 25-1513(A) (selling/consuming alcohol in public), section 25-1513(B) (possessing/consuming alcohol in public building).
89. For a violation of the following ordinances, a fee of \$120.00. Section 11-0202 (unnecessary noise prohibited), section 11-0204 (projection of

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sound unlawful), section 11-0205 (motorized vehicles— excessive noise), section 11-0205 Table 2(D) (motorized vehicles - compression brakes prohibited).

~~910.~~ For a violation of the following ordinance, a fee of \$150.00. Section 11-0814 (littering on private property).

10. For a violation of the following ordinance, a fee of \$200.00. Section 8-0321 (use of a wireless communication device prohibited), section 8-0322 (Distracted Driving).

11. For a violation of 08-0502, a fee established as follows:

SPEED ZONES 55 mph or LESS:	
1—5 miles over limit	<u>\$105.00</u>
6—10 miles over limit	\$ 105.00 plus \$ 21.00 /each mph over 5 mph over limit
11—15 miles over limit	\$ 210.00 plus \$ 21.00 /each mph over 10 mph over limit
16—20 miles over limit	\$ 3015.00 plus \$ 42.00 /each mph over 15 mph over limit
21—25 miles over limit	\$ 5025.00 plus \$ 63.00 /each mph over 20 mph over limit
26—35 miles over limit	\$ 840.00 plus \$ 63.00 /each mph over 25 mph over limit
36—45 miles over limit	\$ 1470.00 plus \$ 63.00 /each mph over 35 mph over limit
46+ miles over limit	\$ 2100.00 plus \$ 105.00 /each mph over 45 mph over limit
SPEED ZONES greater than 55 mph:	
1-10 miles over limit	\$ 42.00 /each mph over limit
11 + miles over limit	\$ 240.00 plus \$ 10.00 /each mph over 10 mph over limit
SPEED ZONES greater than 65 mph: a fee of ten <u>five</u> dollars (\$ 105.00) for each mile per hour over the limit.	
SPEEDING IN SCHOOL ZONE with children present:	
1-10 miles over limit	\$ 840.00
11+ miles over limit	\$ 840.00 plus \$ 21.00 /each mph over 10 mph over limit
SPEEDING IN CONSTRUCTION ZONE - workers present and posted "Minimum fee \$80.00"	
1-10 miles over limit	\$ 1680.00
11+ miles over limit	\$ 1680.00 plus \$ 42.00 /each mph over 10 mph over limit

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Section 2. Penalty.

A person who violates this ordinance shall be deemed to have committed a non-criminal offense and shall pay the fee as provided in Section 1-0305.C 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 and approval.

/s/

Timothy J. Mahoney, M.D., Mayor

Attest:

/s/

Steven Sprague, City Auditor

First Reading: 12-2-19
Second Reading: 12-30-19
Final Passage: 12-30-19
Publication: 1-13-20