

**ORDINANCE NO. 5402**

**AN ORDINANCE AMENDING CHAPTER 1 (GENERAL PROVISIONS), SECTION 1-8 (GENERAL PENALTY) OF THE CODE OF ORDINANCES**

WHEREAS, The City of Minot has previously enacted an ordinance (section 1-8) which provides the general penalty for violations of provisions of the City's Code of Ordinances;

WHEREAS, Section 40-05-06 of the North Dakota Century Code, relating to fines and penalties for violations of ordinances, resolutions, or regulations, was revised during the 2019 North Dakota Legislative Session; and

WHEREAS, The City of Minot wishes to update section 1-8 of the Code of Ordinances to become current with state law regarding penalties for violations of the Code of Ordinances.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MINOT:

§1. Section 1-8 of Chapter 1 (General Provisions) of the Code of Ordinances, City of Minot, North Dakota, is hereby amended to read as follows:

**Sec. 1-8. General Penalty.**

- (a) The doing of an act prohibited or declared to be unlawful by this Code, or the omission or failure to perform any act or duty required by this Code, is, unless another penalty is specified, punishable as follows:
- 1) Except as provided in subsection 2, the fine or penalty for the violation of any ordinance, resolution, or regulation shall not exceed one thousand five hundred dollars, and the imprisonment shall not exceed thirty days for one offense.
  - 2) For every violation of a city ordinance regulating the operation or equipment of motor vehicles or regulating traffic, except those ordinances listed in section 39-06.1-05, N.D.C.C., shall be as set forth in section 39-06.1-06, N.D.C.C. unless specifically defined otherwise by ordinance.
- (b) This section does not prohibit the use of the sentencing alternatives, other than a fine or imprisonment, provided by section 12.1-32-02, N.D.C.C. for the violation of a city ordinance, nor does this section limit the use of deferred or suspended sentences under subsections 3 and 4 of section 12.1-32-02, N.D.C.C.
- (c) Each day any person violates any provision of this Code shall constitute a separate offense.

§2. This Ordinance shall become effective on August 1, 2019.

PASSED FIRST READING: July 1, 2019

PASSED SECOND READING:

ATTEST:

APPROVED:

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Kelly Matalka, City Clerk

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Shaun Sipma, Mayor