

ORDINANCE NO. 1197

AN ORDINANCE TO AMEND AND REENACT SECTIONS 12-0205, 13-0209, AND 13-1506 AND TO CREATE SECTION 12-0205.1 OF THE REVISED ORDINANCES OF 1990 OF THE CITY OF WEST FARGO RELATING TO THEFT OF PROPERTY, DRIVING WITHOUT LIABILITY INSURANCE, WINDOW TINT, AND SHOPLIFTING.

BE IT ORDAINED BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF WEST FARGO, NORTH DAKOTA:

SECTION 1. Section 12-0205 of the Revised Ordinances of 1990 of the City of West Fargo, North Dakota, is hereby amended and reenacted to read as follows:

12-0205. THEFT OF PROPERTY. It is unlawful for any person to:

1. Knowingly takes or exercises unauthorized control over, or make an unauthorized transfer of an interest in, the property of another with intent to deprive the owner thereof;
2. Knowingly obtain the property of another by deception with intent to deprive the owner thereof, or intentionally deprive another of his property by deception; or
3. Knowingly receive, retain, or dispose of property of another which has been stolen, with intent to deprive the owner thereof.

SECTION 2. Section 13-0209 of the Revised Ordinances of 1990 of the City of West Fargo, North Dakota, is hereby amended and reenacted to read as follows:

13-0209. DRIVING WITHOUT LIABILITY INSURANCE PROHIBITED - PENALTY.

1. A person may not drive, or the owner may not cause or knowingly permit to be driven, a motor vehicle in this state without a valid policy of liability insurance in effect in order to respond in damages for liability arising out of the ownership, maintenance, or use of that motor vehicle in the amount required by chapter 39-16.1 of the North Dakota Century Code. Upon being stopped by a law

enforcement officer for the purpose of enforcing or investigating the possible violation of an ordinance or state law or during the investigation of an accident, the person driving the motor vehicle shall provide to the officer upon request satisfactory evidence, including written or electronic proof of insurance, of the policy required under this section. If unable to comply with the request, that person may be charged with a violation of this section. If that person produces a valid policy of liability insurance, including written or electronic proof of insurance in effect at the time of violation of this section to the office of the prosecutor where the matter is pending, that person may not be found in violation of this section. If the driver is not an owner of the motor vehicle, the driver does not violate this section if the driver provides the court with evidence identifying the owner of the motor vehicle and describing circumstances under which the owner caused or permitted the driver to drive the motor vehicle. Violation of this section is a noncriminal offense, and the sentence imposed must include a fine of one hundred fifty dollars (\$150) which may not be suspended.

2. A person convicted for a second or subsequent violation of driving without liability insurance within a thirty-six (36) month period must be fined three hundred dollars (\$300), which may not be suspended.
3. For a violation of this section or equivalent ordinance, the person shall provide proof of motor vehicle liability insurance to the department in the form of a written or electronically transmitted certificate from an insurance carrier authorized to do business in this state. This proof must be provided for a period of three years (3) and kept on file with the department. If the person fails to provide this information, the department shall suspend that person's driving privileges and may not issue or renew that person's operator's license unless that person provides proof of insurance.
4. A person who has violated this section or equivalent ordinance shall surrender that person's operator's license and purchase a duplicate operator's license with a notation requiring that person to keep proof of liability insurance on file with the department. The fee for this license is fifty dollars (\$50), and the fee to remove this notation is fifty dollars (\$50).

5. When an insurance carrier has certified a motor vehicle liability policy, the insurance carrier shall notify the director no later than ten (10) days after cancellation or termination of the certified insurance policy by filing a notice of cancellation or termination of the certified insurance policy; except that a policy subsequently procured and certified shall, on the effective date of its certification, terminate the insurance previously certified with respect to any motor vehicle designated in both certificates.
6. For a second or subsequent violation of subsection 1 or equivalent ordinance, the court shall order the motor vehicle number plates of the motor vehicle owned and operated by the person at the time of the violation to be impounded until that person provides proof of insurance and a twenty dollar (\$20) fee to the court. The person shall deliver the number plates to the court without delay at a time certain as ordered by the court. The court shall deliver the number plates to the office of the police officer that made the arrest and notify the department of the order. A person who does not provide the number plates to the court at the appropriate time is guilty of a class B misdemeanor.

SECTION 3. Section 13-1506 of the Revised Ordinances of 1990 of the City of West Fargo, North Dakota, is hereby amended and reenacted to read as follows:

13-1506. WINDSHIELDS MUST BE UNOBSTRUCTED AND EQUIPPED WITH WIPERS - TINTED WINDOWS.

1. A motor vehicle must be equipped with a windshield. No person shall drive a motor vehicle with any sign, poster, frost, condensation, or other nontransparent material upon or in place of the front windshield, side wings, side or rear windows of such motor vehicle, other than a certificate or other paper required to be so displayed by law.
2. The windshield on every motor vehicle shall be equipped with a device for cleaning rain, snow or other moisture from the windshield, which device shall be so constructed as to be controlled or operated by the driver of the vehicle.
3. Every windshield wiper upon a motor vehicle must be maintained in good working order.

4. An individual may not operate a motor vehicle with any object, material, or tinting displayed, affixed, or applied on the front windshield or any window unless the object, material, or tinting in conjunction with the windshield upon which it is displayed, affixed, or applied has a light transmittance of at least seventy percent or the object, material, or tinting in conjunction with a window other than the windshield upon which it is displayed, affixed, or applied has a light transmittance of at least fifty percent. This subsection does not apply to windows behind the operator if the motor vehicle is equipped with outside mirrors on both sides that meet the requirements of Section 13-1505.

(Source: North Dakota Cent. Code § 39-21-39)

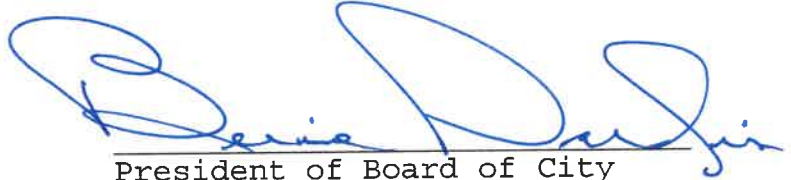
SECTION 4. Section 12-0205.1 of the Revised Ordinances of 1990 of the City of West Fargo, North Dakota, is hereby created and enacted to read as follows:

12-0205.1. - SHOPLIFTING. It is unlawful for any person to commit shoplifting or retail theft as referred to in chapter 51-21 of the North Dakota Century Code within the jurisdiction of the City of West Fargo. Shoplifting or retail theft shall be subject to the following:

1. Presumption. Any person concealing upon his person or among his belongings, or causing to be concealed upon the person or among the belongings of another, unpurchased merchandise displayed, held, offered, or stored for sale in a retail mercantile establishment and removing it to a point beyond the last station for receiving payments in that retail mercantile establishment shall be prima facie presumed to have so concealed such merchandise with the intention of permanently depriving the merchant of possession of the full retail value of such merchandise, all as provided in § 51-21-02 of the North Dakota Century Code.
2. Definitions. For purposes of this chapter, in addition to the definitions contained in this chapter, all of the definitions contained in § 51-21-01 of the North Dakota Century Code are hereby adopted by reference.

3. Detention of Suspect - Procedure - Immunity. The provisions of §§ 51-21-03 and 51-21-04 of the North Dakota Century Code are hereby adopted by reference.

SECTION 5. Effective Date. This ordinance shall be in full force and effect from and after the date of its final passage and publication.



President of Board of City
Commissioners of the City of
West Fargo, North Dakota

ATTEST:



City Auditor

Date of First Reading: October 18, 2021

Date of Second Reading: November 15, 2021

Date of Publication: December 1, 2021