

ORDINANCE NO. 1203

AN ORDINANCE TO AMEND AND REENACT SECTIONS 12-0601 (RELATING TO THE PENALTY FOR PROCURING TOBACCO PRODUCT FOR PERSON UNDER TWENTY-ONE YEARS OF AGE) AND 13-1403 (RELATING TO WRITTEN REPORT OF AN ACCIDENT TO STATE); TO CREATE SECTION 12-0405 (RELATING TO POSSESSION OF TETRAHYDROCANNABINOL); AND TO REPEAL IN THEIR ENTIRETY SECTIONS 12-0316 (RELATING TO SURREPTITIOUS INTRUSION OR INTERFERENCE WITH PRIVACY), 13-0801 (OPERATION OF MOTOR VEHICLE, TRACTOR OR OTHER VEHICLE PROHIBITED ON FLOOD PROTECTIVE WORKS: EXCEPTION) AND 13-1407 (RELATED TO FALSE REPORTS) OF THE REVISED ORDINANCES OF 1990 OF THE CITY OF WEST FARGO.

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

SECTION 1. Section 12-0601 of the Revised Ordinances of 1990 of the City of West Fargo, North Dakota, is hereby amended and reenacted as follows:

12-0601. PROCURING TOBACCO PRODUCT FOR PERSON UNDER TWENTY-ONE YEARS OF AGE - PENALTY. For the purpose of this section, the definitions in Section 10-0601 shall apply. It is an infraction for any person to sell or furnish to a person under twenty-one (21) years of age, or procure for a person under twenty-one (21) years of age, cigarettes, cigarette papers, cigars, e-cigarettes, electronic cigarettes, electronic smoking devices, snuff, or tobacco products in any other form in which it may be utilized for smoking or chewing. As used in this section, "sell" includes dispensing from a vending machine under the control of the actor. This section does not apply to a vending machine or other coin-operated machine that is permitted under section 10-0603.

SECTION 2. Section 13-1403 of the Revised Ordinances of 1990 of the City of West Fargo, North Dakota, is hereby amended and reenacted as follows:

13-1403. WRITTEN REPORT OF AN ACCIDENT TO STATE. The driver of a vehicle involved in an accident resulting in injury to or death of any person, or property damage to an apparent extent of at least \$4,000, shall immediately give notice of the accident to the local police department if the accident occurs within the municipality, otherwise to the office of the county sheriff or the state highway patrol. Any person who violates this section must be assessed a fine of \$50. The name of the motor vehicle insurance policy carrier and the policy number of the driver, or if the driver is not the owner of the vehicle, then the motor vehicle insurance policy carrier and the policy number of the owner of the vehicle, must be

furnished to the law enforcement officer investigating the accident. If the driver does not have the required information concerning insurance to furnish the investigating law enforcement officer, then within five (5) days of the accident the driver shall supply that information to the Driver's License Division in the form the Division requires. The director may suspend the license or permit to drive and any nonresident operating privileges of any person failing to comply with the duties as provided in Sections 39-08-06 through 39-08-09 of the North Dakota Century Code until those duties have been fulfilled, and the director may extend the suspension not to exceed thirty (30) days.

(Source: North Dakota Cent. Code § 39-08-09)

SECTION 3. Section 12-0405 of the Revised Ordinances of 1990 of the City of West Fargo, North Dakota, is hereby enacted to read as follows:

12-0405. POSSESSION OF TETRAHYDROCANNABINOL.

1. It shall be unlawful to possess Tetrahydrocannabinol. A person in possession of Tetrahydrocannabinol:
  - a. In an amount less than two grams is guilty of an infraction.
  - b. At least two grams but not more than six grams of tetrahydrocannabinol is guilty of a class B misdemeanor.
2. Tetrahydrocannabinols, meaning tetrahydrocannabinols naturally contained in a plant of the genus Cannabis (cannabis plant), as well as synthetic equivalents of the substances contained in the cannabis plant, or in the resinous extractives of such plant, including synthetic substances, derivatives, and their isomers with similar chemical structure and pharmacological activity to those substances contained in the plant; such as the following:
  - a. Delta-1 cis or trans tetrahydrocannabinol, and their optical isomers. Other names: Delta-9-tetrahydrocannabinol.
  - b. Delta-6 cis or trans tetrahydrocannabinol, and their optical isomers. Other names: Delta-8-tetrahydrocannabinol.
  - c. Delta-3,4 cis or trans tetrahydrocannabinol, and its optical isomers. (Since nomenclature of these substances is not internationally standardized,

compounds of these structures, regardless of numerical designation of atomic positions covered.)

3. Tetrahydrocannabinols do not include:

- a. The allowable amount of total tetrahydrocannabinol found in hemp as defined in NDCC chapter 4.1-18.1; or
- b. A prescription drug approved by the United States food and drug administration under section 505 of the Federal Food, Drug, and Cosmetic Act [21 U.S.C. 355].

(NDCC 19-03.1-23(7); NDCC 19-03.1-05)

SECTION 4. Section 12-0316 of the Revised Ordinances of 1990 of the City of West Fargo, North Dakota, is hereby repealed in its entirety and reserved for future use:

12-0316. RESERVED FOR FUTURE USE.

SECTION 5. Section 13-0801 of the Revised Ordinances of 1990 of the City of West Fargo, North Dakota, is hereby repealed in its entirety and reserved for future use:

13-0801. RESERVED FOR FUTURE USE.

SECTION 6. Section 13-1407 of the Revised Ordinances of 1990 of the City of West Fargo, North Dakota, is hereby repealed in its entirety and reserved for future use:

13-1407. RESERVED FOR FUTURE USE.

SECTION 7. 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:

  
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City Auditor

Date of First Reading: January 3, 2022

Date of Second Reading: January 17, 2022

Date of Publication: February 2, 2022