

ORDINANCE NO. 1408

An ordinance amending Chapter 21 of the Code of the City of Jamestown, North Dakota, by amending Section 21-04-05 which sets forth regulations and penalties concerning driving with a suspended or revoked license in the City of Jamestown.

WHEREAS, the North Dakota Legislative Assembly has enacted new regulations and penalties to the offense of driving with a suspended or revoked license.

WHEREAS, to allow enforcement of the new provisions the City Code of the City of Jamestown requires updating.

NOW, THEREFORE, be it ordered by the City Council of the City of Jamestown, North Dakota, that Chapter 21, Section 21-04-05, be amended and re-enacted as follows:

Sec. 21-04-05. Driving while license suspended or revoked; impoundment of vehicle number plates; penalty.

(1) Except as provided in Section 39-06.1-11 of the North Dakota Century Code, any person who drives a motor vehicle on a highway or on public or private areas to which the public has a right of access for vehicular use in this state, while that person's license or privilege so to do is suspended or revoked in any jurisdiction, is guilty of a Class B misdemeanor for the first, second or third offense within a five-year period. Any subsequent offense within the same five-year period is a Class A misdemeanor.

(2) If the suspension or revocation was imposed for violation of Section 21-04-06 or was governed by Section 30-06-31 or Chapter 39-20 of the North Dakota Century Code, the sentence must be at least four (4) consecutive days' imprisonment and such fine as the court deems proper. The execution of sentence may not be suspended or the imposition of sentence deferred under subsection 3 or 4 of Section 12.1-32-02 of the North Dakota Century Code. Forfeiture of bail is not permitted in lieu of the defendant's personal appearance in open court for arraignment on a charge under this subsection.

(3) A court may dismiss a charge under this Section upon motion by the defendant if the defendant's operator's license is reinstated within sixty days of the date of the offense and the defendant provides to the court satisfactory evidence of the reinstatement.

(4) In addition to any other punishment imposed, the court may order the number plates of the motor vehicle owned and operated by the offender at the time of the offense to be destroyed by the chief of police. If a period of suspension has been extended under Section 21-04-03, the court may order the number plates to be destroyed under this section. The offender shall deliver the number plates to the court without delay at a time

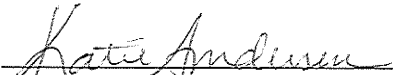
certain as ordered by the court following the conviction. The court shall deliver the number plates to the chief of police and notify the department of the order. An offender who does not provide the number plates to the court at the appropriate time is subject to revocation of probation.

ATTEST:

APPROVED:



Jeff Fuchs, City Administrator



Katie Andersen, Mayor

Introduced by Council Member Brubakken
Seconded by Council Member Kourajian
First Reading: July 1, 2013
Second Reading: July 26, 2013
Final Passage: July 26, 2013

Consent Roll Call No. 1, Item 8, showed: 3 ayes, 0 nays, 2 absent.