

ORDINANCE NO. 1558

An ordinance amending Chapter 1 of the Code of the City of Jamestown, North Dakota, by amending Section 1-9 which sets forth general penalties for violations of the City Code in the City of Jamestown.

WHEREAS, the North Dakota Legislative Assembly modified the penalty from certain offenses to infractions and the ability to increase an infraction to a B misdemeanor;

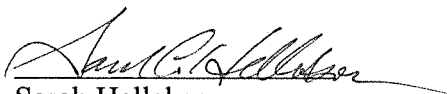
WHEREAS, to allow enforcement, the City Code of the City of Jamestown requires updating.

NOW THEREFORE, be it ordered by the City Council of the City of Jamestown, North Dakota, that Chapter 1, Section 1-9, be amended and re-enacted as follows:

**Sec. 1-9. - General penalty; continuing violations.**

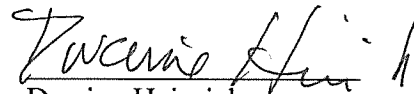
Whenever in this Code or in any ordinance of the city or in any rule or regulation promulgated pursuant thereto any act is prohibited or is made or declared to be unlawful or an offense, or whenever in this Code or any ordinance or in any rule or regulation promulgated pursuant thereto the doing of any act is required or the failure to do any act is declared to be unlawful, or is declared to be a class B misdemeanor, and where no specific penalty is provided therefore, any person, upon conviction for the violation of any such provision of this Code or any ordinance or any such rule or regulation, shall be punished by a fine not to exceed one thousand five hundred dollars (\$1,500.00) or by imprisonment not to exceed thirty (30) days or by both such fine and imprisonment for each such offense. Each day any violation of any provision of this Code or of any ordinance or of any such rule or regulation shall continue shall constitute a separate offense except with respect to section 21-16-17 wherein each time period violation shall constitute a separate and additional parking violation. In the construction and interpretation of this section, the revocation of a license or permit shall not be considered as a recovery or penalty so as to bar any other penalty being enforced. For an infraction, a maximum fine of one thousand dollars (\$1,000.00) may be imposed. Any person convicted of an infraction who, within one year before commission of the infraction of which the person was convicted, has been convicted previously at least twice of the same offense classified as an infraction may be sentenced as though convicted of a class B misdemeanor. If the prosecution contends that the infraction is punishable as a class B misdemeanor, the complaint must specify the offense is a misdemeanor.

ATTEST:



Sarah Hellekson  
City Administrator

APPROVED:



Dwaine Heinrich  
Mayor

Introduced by Council Member Schloegel  
Seconded by Council Member Steele  
First Reading: March 7, 2022  
Second Reading: April 4, 2022  
Final Passage: April 4, 2022  
Roll Call No. 5 showed: 5 ayes, 0 nays, 0 absent.