

ORDINANCE NO. 1214

AN ORDINANCE TO REPEAL SECTION 13-1626 AND SECTION 13-2109, TO AMEND AND REENACT SECTION 13-2106, AND TO CREATE AND ENACT SECTION 13-2112 OF THE REVISED ORDINANCES OF 1990 OF THE CITY OF WEST FARGO RELATING TO PARKING CITATIONS.

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

SECTION 1. Section 13-1626 of the Revised Ordinances of 1990 of the City of West Fargo, North Dakota, is hereby repealed in its entirety and reserved for future use:

13-1626. **RESERVED FOR FUTURE USE.**

SECTION 2. Section 13-2106 of the Revised Ordinances of 1990 of the City of West Fargo, North Dakota, is hereby amended and reenacted to read as follows:

13-2106. **PARKING CITATIONS.** Any officer or representative of the police department who finds any motor vehicle located within the City in a place or in a condition which is at the time in violation of this title, may affix a parking citation to any prominent portion of such motor vehicle. The parking citation shall give notice in writing requiring the owner or person in possession of the motor vehicle to pay a parking fine.

1. **Contesting the Citation:** All persons receiving a parking citation have a right to appeal within ten (10) days of receiving the parking citation by completing the Online Appeal Form within ten (10) days of receiving the parking citation. The administrative review involves no court appearance. The review shall be conducted by the Chief of Police or his/her designee within ten (10) days of the request.
2. **Review of Parking Citation:** After said review of the parking citation, if the parking citation is not voided, the owner or person in possession of the motor vehicle will have five (5) days from the date of notification to request a hearing in West Fargo Municipal Court or pay the citation without penalties. Failure to pay the fine amount or request a hearing will result in an increase of the fine amount.
 - a. In the event the owner or person in possession of the motor vehicle requests a hearing in West Fargo Municipal Court, s/he may do so by posting bond

with the Clerk of Municipal Court in the amount equal to the dollar amount of the parking citation.

- b. A copy of the parking citation review form, completed at the time a written request is made to the Police Department, must be submitted to West Fargo Municipal Court at the time a hearing is requested.
 - c. The Clerk of West Fargo Municipal Court shall provide notice of the time and place of the hearing.
 - d. If after the hearing, the West Fargo Municipal Court makes a determination of "not guilty", any sums paid to West Fargo Municipal Court will be returned to the person who posted the bond.
 - e. Sentencing upon a determination of guilt will be in accordance with the fine schedule.
3. The parking citation which is issued pursuant to this section will include a notice that the motor vehicle being cited is subject to a Wheel Immobilization Device (WID), impound, and additional penalties if the owner or person in possession of the motor vehicle neither requests a review, nor pays the fine within the time allotted or after the review, if the parking citation is determined to be valid.
 4. The procedure set forth in this section is not exclusive, but is in addition to any other remedies or procedures provided by law.

SECTION 3. Section 13-2109 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:

13-2109. **RESERVED FOR FUTURE USE.**


SECTION 4. Section 13-2112 of the Revised Ordinances of 1990 of the City of West Fargo, North Dakota, is hereby created and enacted to read as follows:

13-2112. **DELINQUENT PARKING CITATIONS.** Parking citations must be paid within 10 days. Citations not paid within ten (10) days are subject to the following procedure:

1. Late Payment Penalty: There is a \$5 additional fine for citations paid after ten (10) days of the citation issue date. If paid later than 30 days after the citation issue date, an additional \$45 late payment penalty will be applied.
2. Vehicle subject to a WID or impound:
 - a. Multiple Delinquent Parking Citations: Vehicles with two (2) delinquent citations past 30 days of the issue date are subject to a tire boot (WID) or impound and the additional fees and fines.
 - b. The Community Resource Officer(s), or other designee(s), will determine which vehicle(s) have multiple delinquent citations past 30 days and attempt to locate the vehicle(s) to apply a WID or impound the vehicle(s).
3. Release of Vehicle WID or Impounded Vehicle: A vehicle booted pursuant to this section shall be released to the registered owner upon the occurrence of the following:
 - a. All parking citations associated with the vehicle, any additional fines and fees, and any late payment penalty must be paid in full prior to release.
 - b. A boot release fee of \$50 is required to be paid prior to release of a WID.
 - c. An impoundment fee of \$25 is required to be paid to the City of West Fargo prior to release of an impounded vehicle. This fee is separate from any towing or storage fee that may be charged.
 - d. Any towing and/or impound fees must be paid prior to release of an impounded vehicle.
 - e. A vehicle can only be released to the registered owner. If the vehicle is not registered, current registration or proof of pending registration is required before the vehicle will be released.
4. Schedule of Fees: the following fees shall be applicable for the purposes of this section:
 - a. Boot Fees: the fee for the WID removal from a vehicle is \$50.
 - b. Impoundment Fee: the fee for the impoundment of a vehicle is \$25 to the City of West Fargo. This fee is separate from any towing or storage fee that may be charged.

- c. Late payment fine of \$5 if paid past 10 days of citation date.
- d. Late payment penalty: additional \$45 after 30 days of citation date.
- e. Towing and/or storage fees as applicable.

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: September 6, 2022

Date of Second Reading: December 5, 2022

Date of Publication: December 28, 2022