



Legal Department

DATE: April 9, 2024

FROM: Jannelle Combs, City Attorney

ITEM: Ordinance 6576 regarding equipment of vehicles

REQUEST:

Consider introduction and call for a public hearing on Ordinance 6576 regarding equipment of vehicles.

BACKGROUND INFORMATION:

The police department is requesting an ordinance change to make it clearer regarding the type of equipment violations that an owner could be cited within the City. Our ordinance refers to state law for those violations. This change would provide it in writing that both Century Code and the North Dakota Administrative Code apply for equipment requirements. This has been confusing for some citizens, and the Department would like to make it easier for citizens to understand.

RECOMMENDED CITY COMMISSION ACTION:

First reading and introduction of Ordinance 6576 and call for a public hearing.

STAFF CONTACT INFORMATION:

Jannelle Combs, City Attorney, 701-355-1342, jcombs@bismarcknd.gov

ATTACHMENTS:

1. Ord 6576

**CITY OF BISMARCK
ORDINANCE NO. 6576**

<i>First Reading</i>	_____
<i>Second Reading</i>	_____
<i>Final Passage and Adoption</i>	_____
<i>Publication Date</i>	_____

AN ORDINANCE TO AMEND CHAPTER 12-14 OF THE CITY OF BISMARCK CODE OF ORDINANCES (1986 Rev.), AS AMENDED, RELATING TO THE EQUIPMENT OF VEHICLES

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

Section 1. Amend. Section 12-14-01 of the Code of Ordinances of the City of Bismarck, North Dakota, relating to Equipment of Vehicles Other than Motorcycles is hereby amended to read as follows:

12-14-01. Equipment of Vehicles Other than Motorcycles. The provisions of NDCC Chapter 39-21 and ND Admin Code Chapter 37-12 and all subsequent amendments are hereby incorporated by reference in this ordinance. Any violation of those requirements relating to equipment of motor vehicles shall constitute a violation of this ordinance and is prohibited. Reference: Chapter 39-21, NDCC (1985 Supp.) and Chapter 37-12, ND Admin Code.

(Ord. 4954, 11-10-98; Ord. 6522, 09-27-22)

Section 2. Amend. Section 12-15-01 of the Code of Ordinances of the City of Bismarck, North Dakota, relating to Motorcycle Equipment is hereby amended to read as follows:

12-14-02. Motorcycle Equipment. The provisions of NDCC Chapter 39-27 and ND Admin Code Chapter 37-12 and all subsequent amendments are hereby incorporated by reference in this ordinance. Any violation of those requirements concerning equipment of motorcycles shall constitute a violation of this ordinance and is prohibited. Reference: Chapter 39-21, NDCC (1985 Supp.) and Chapter 37-12, ND Admin Code.

(Ord. 4954, 11-10-98; Ord. 6522, 09-27-22)

Section 3. Severability. If any section, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent remaining portions of this ordinance.

Section 4. Effective Date. This ordinance shall take effect after final passage, adoption and publication.