

ORDINANCE NO. 3

AN ORDINANCE AMENDING ARTICLE 9.1410 OF THE ORDINANCES FOR THE CITY OF WISHEK, NORTH DAKOTA REGARDING THE ON STREET PARKING EXCEEDING 48 HOURS.

WHEREAS, the City Council of the City of Wishek, North Dakota ("City Council") finds and declares it has a substantial interest in ensuring that that streets of the City of Wishek, North Dakota ("City") remain accessible and that employees of the City have full ability to perform necessary city services, including but not limited to maintenance and snow removal;

WHEREAS, the City Council further finds and declares that permitting unlimited on street parking in Wishek is a detrimental to ability of the City to maintain the safety and integrity of its roads and ensure passage and access of emergency services; and

WHEREAS, the City Council believes that the current ordinance is ineffectual in protecting the above interests of the City and the constituents thereof because does not provide for either a specific fine as a deterrence nor ability to remove any violating vehicle in the case of continual non-compliance;

NOW, THEREFORE, THE COUNCIL OF THE CITY OF WISHEK, NORTH DAKOTA DOES HEREBY ORDAIN AS FOLLOWS:

Section 9.1410 is amended to read as follows:

9.1410 Stopping – Parking – Over 48 Hours. Except for those locations for which a different time has specified elsewhere in the ordinances, it shall be unlawful for anyone to park or leave standing on any public street or highway in the City any vehicle for a period longer than forty-eight (48) consecutive hours. Any vehicle found to have remained stationary for over the forth-eight hour period will be ticketed by the Wishek Police Department with a fine of \$20.00. If the ticketed vehicle is not moved within forty-eight hours of when the ticket is issued, then a second ticket will be issued by the Wishek Police Department with an additional fine of \$20.00. If the vehicle has not been moved within twenty-four hours of when the second ticket was issued then a member of the Wishek Police Department may cause the vehicle to be towed to the City impound lot and place the vehicle in impound. The cost of any vehicle towed under this ordinance shall be assessed against the owner. The following provisions control in the case of any vehicle towed under this section:

1. Whenever an officer removes a vehicle from a street as authorized in this section, the registered owner of the vehicle, if the owner can be identified and located through reasonable means, must be served as soon as practicable, personally or by leaving at his residence with a member of the household, 14 years of age or older, or by mailing, by certified mail, to his mailing address as shown by the records of the State Motor Vehicle Department written notice that a vehicle registered to him has been impounded, together

with the description of the vehicle, the reason for the impoundment and place found, and the place to which the vehicle has been removed.

2. While in impound, the owner of the vehicle will be assessed a impound fee as established by resolution of the City of Wishek.
3. Any vehicle removed pursuant to the provisions of this section must be held until the all fines, and the cost and expense of such removal and storage are paid.

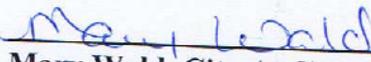
PASSED by the City Council for the City of Wishek, North Dakota on the 1st day of April, 2019 by a vote of:

- 6 voting for the ordinance,
- 0 voting against the ordinance,
- 0 absent from the vote, and
- 0 abstaining from the vote.



Les Otto, Mayor

ATTEST:



Mary Wald, City Auditor

First Reading: 3-4-19
Second Reading: 4-1-19

STATE OF NORTH DAKOTA

CITY OF WISHEK, NORTH DAKOTA

The foregoing instrument was filed for record in my office on the 2nd
day of May, 2019, at 2:45 o'clock PM, and was
recorded in the Ordinance Book on page _____ thereof.

Mary Wald

City Auditor, Mary Wald



WISHEK STAR

AFFIDAVIT OF PUBLICATION

STATE OF NORTH DAKOTA

THE WISHEK STAR

COUNTY OF MCINTOSH

MELANIE JENNER of said County and State, being duly sworn on her oath, says that The Wishek Star is a weekly newspaper of general circulation printed in Garrison, ND and published in the city of Wishek, ND. In said County and State, and is duly qualified to publish legal notices pursuant to the provision of the statute in such case be made and provided, and has been such newspaper at and all times hereinafter mentioned; that the undersigned is, and during all such time hereinafter mentioned has been an office manager of said newspaper; and has personal knowledge of all the facts in this affidavit and that the advertisement entitled:

Parking Ordinance

a printed copy of which is hereto attached, was printed and published in said newspaper for a period of 1 successive weeks in each and every number of the regular and entire issues of said paper on:

<u>4/10</u> 20 <u>19</u>	_____ 20__
_____ 20__	_____ 20__
_____ 20__	_____ 20__
_____ 20__	_____ 20__

Subscribed and sworn to before me this 2 day of May, 2019.

Melanie Jenner
OFFICE MANAGER, MELANIE JENNER

(Seal)

Joan Wishek

NOTARY PUBLIC IN AND FOR
MCINTOSH COUNTY, NORTH DAKOTA

JOAN WISHEK Notary Public State of North Dakota My Commission Expires July 31, 2020
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MY COMMISSION EXPIRES, 20__

RATES:

FIRST PUBLICATION

STRAIGHT MATTER 32 LINES @ 1.00 = 19.20

OPEN DISPLAY _____ COL. INCH @ _____ = _____

ADDITIONAL PUBLICATIONS

STRAIGHT MATTER _____ LINES @ _____

X _____ Insertions = _____

OPEN DISPLAY _____ COL. INCH @ _____

X _____ Insertions = _____

New parking ordinance
Section 9.1410 is amended to read as follows:
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