

Fifty-eighth
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1246

Introduced by

Representatives Wieland, Eckre, Herbel, Maragos, Pollert

Senator Lindaas

1 A BILL for an Act to create and enact a new section to chapter 11-09.1 of the North Dakota
2 Century Code, relating to enforcement of criminal violations by a home rule county; and to
3 amend and reenact subsection 5 of section 11-09.1-05 of the North Dakota Century Code,
4 relating to powers of a home rule county.

5 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

6 **SECTION 1. AMENDMENT.** Subsection 5 of section 11-09.1-05 of the North Dakota
7 Century Code is amended and reenacted as follows:

8 5. Provide for the adoption, amendment, repeal, initiative, referral, enforcement, and
9 civil and criminal penalties for violation of ordinances, resolutions, and regulations
10 to carry out its governmental and proprietary powers and to provide for public
11 health, safety, morals, and welfare. However, this subsection does not confer any
12 authority to regulate any industry or activity which is regulated by state law or by
13 rules adopted by a state agency.

14 **SECTION 2.** A new section to chapter 11-09.1 of the North Dakota Century Code is
15 created and enacted as follows:

16 **Enforcement of criminal penalties.** A county that adopts a home rule charter and
17 provides for the enforcement of criminal penalties in the charter may impose a penalty for a
18 violation of an ordinance through a citation, a criminal complaint, or an information through the
19 district court in the county where the offense occurred. The penalty for a violation of an
20 ordinance may be an infraction or a class B misdemeanor.