



ORDINANCE NO. 5949

**AN ORDINANCE AMENDING ARTICLE VI (RESERVED) AND ENACTING SECTION 28-250 OF ARTICLE VII (ENCROACHMENTS) OF CHAPTER 28 (STREETS, SIDEWALKS, AND PUBLIC GROUNDS) OF THE CITY OF MINOT CODE OF ORDINANCES RELATING TO ARTICLE VII'S APPLICABILITY TO ENCROACHMENTS ON PROPERTY OWNED BY THE CITY.**

WHEREAS, the City of Minot is a political subdivision lawfully recognized in the state of North Dakota as a home rule city and has adopted a home rule charter in accordance with North Dakota Century Code (NDCC) § 40-05.1; and

WHEREAS, NDCC § 40-05.1-06 provides that the City shall have the power to implement home rule powers by ordinance, including the power to enact ordinances regarding streets, sidewalks, and public grounds within city limits; and

WHEREAS, NDCC § 40-05.1-05 provides that a ratified home rule charter and any ordinances made pursuant thereto shall supersede state laws in conflict therewith and shall be liberally construed for such purposes; and

WHEREAS, the City of Minot now desires to modify ordinances relating to streets, sidewalks, and public grounds to clarify that the provisions of Article VII, Chapter 28 regarding encroachments is applicable to encroachments on property owned by the City; and

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MINOT:**

**§1. That Article VI (Reserved) of Chapter 28 (Streets, Sidewalks, and Public Grounds) of the Code of Ordinances, City of Minot, North Dakota, is hereby amended to read as follows:**

ARTICLE VI. – RESERVED

Secs. 28-231 – 28-250~~49~~. Reserved.

**§2. That Section 28-250 of Article VII (Encroachments) of Chapter 28 (Streets, Sidewalks, and Public Grounds) of the Code of Ordinances, City of Minot, North Dakota, is hereby enacted to read as follows:**

Sec. 28-250 – Applicability

The provisions of this Article VII (Encroachments) shall apply to any encroachment on property owned by the City of Minot.

**§3. This Ordinance shall become effective upon final passage and approval.**

PASSED FIRST READING: March 4, 2024

PASSED SECOND READING: March 18, 2024

ATTEST:

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Mikayla McWilliams, City Clerk

APPROVED:

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Tom Ross, Mayor