

ORDINANCE NO. 431

AN ORDINANCE ADOPTING PROVISIONS RELATED TO THE MUNICIPAL JUDGE OF THE CITY OF BEULAH, MERCER COUNTY, NORTH DAKOTA AND REPEALING ORDINANCES AND SECTIONS OF ORDINANCES IN CONFLICT THEREWITH.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEULAH, MERCER COUNTY, NORTH DAKOTA AS FOLLOWS:

ARTICLE 1 – IN GENERAL

Section 1 – Appointment of Municipal Judge; Alternate Judge.

1. The municipal judge for the city shall be appointed by the mayor of the city and such appointment shall be confirmed by the city council. Such appointment, subject to section 2, shall be for a term of two years or of such other term as is otherwise specified by the city.
2. An alternate municipal judge may be appointed as provided in subsection 1 of this section to serve when the municipal judge is unable to serve due to temporary absence, interest, disqualification, or disability. The alternate municipal judge must be compensated at a rate set by the city council and shall possess the qualification of a municipal judge.

Section 2 – Jurisdiction and Qualifications of Municipal Judge.

1. It is preferred that the judge is licensed to practice law in this state; however, if no such candidate is available an unlicensed individual may be appointed.
2. The offices of municipal judge and district judge may not be held by the same person, except pursuant to assignment of the presiding judge of the judicial district.
3. The municipal judge has jurisdiction to hear, try, and determine offenses against the ordinances of the city.
4. Notwithstanding any other provision of law, the municipal court has no jurisdiction to hear, try, and determine an offense which would be a violation of section 39-08-01 or equivalent ordinance, if the individual charged with the offense has twice previously been convicted of a violation of North Dakota Century Code section 39-08-01 or equivalent ordinance within the seven years preceding the commission of the offense charged or if the individual charged with the offense has three times previously been convicted of a violation of North Dakota Century Code section 39-08-01 or equivalent ordinance within the fifteen years preceding the commission of the offense charged. If such an offense is charged in the municipal court and the municipal judge has notice of a violation of North Dakota Century Code section 39-08-01 or equivalent ordinance twice within the seven years, or three times within the fifteen years, preceding the commission of the offense charged, the municipal judge shall dismiss the charge, without prejudice, and direct that the charge be filed against the individual in district court.
5. Notwithstanding any other provision of law, a municipal court in which the judge is not a person licensed to practice law in this state has no jurisdiction to hear, try, and determine

an offense that would be a violation of North Dakota Century Code section 39-08-01 or equivalent ordinance

Section 3 – Continuing Education of Municipal Judge and Alternate Judge Required

North Dakota Century Code § 40-18-22 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

Each municipal judge and alternate judge shall comply with continuing judicial education requirements established by supreme court rule. The city shall reimburse the judge for necessary expenses of travel and subsistence as other city officials are reimbursed.

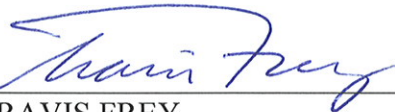
Savings Clause

Should any section, paragraph, sentence, clause, or phrase of this ordinance be declared unconstitutional or invalid for any reason, the remainder of said ordinance shall not be affected thereby.

Effective Date

This ordinance shall be in full force and effect after passage and approval as provided by law.

DATED this 16 day of March, 2020.



TRAVIS FREY
Mayor

ATTEST:



HEATHER FEREBEE
City Auditor

Introduction and First Reading: March 2, 2020

Second Reading: March 16, 2020

Publication Date: N/A

Effective Date: March 16, 2020