

Traffic Citations

505.1 PURPOSE AND SCOPE

This policy outlines the responsibility for traffic citations, the collection of data, the procedure for dismissal, correction and voiding of traffic citations.

505.2 RESPONSIBILITIES

Except for paper citations in which the City Summons form shall be used, employees of this department shall use the North Dakota Uniform Traffic Complaint and Summons form for all traffic and parking offense citations (N.D.C.C. § 29-05-31). Employees shall provide any person issued a citation with an appropriate envelope for use in mailing the bond (N.D.C.C. § 39-07-07).

505.3 DISMISSAL OF TRAFFIC CITATIONS

Employees of this department do not have the authority to dismiss a citation once it has been issued. Only the court has the authority to dismiss a citation that has been issued. Any request from a recipient to dismiss a citation shall be referred to the Shift Commander. Upon a review of the circumstances involving the issuance of the traffic citation, the Shift Commander may request the dismissal of the traffic citation. In those circumstances the citation shall be forwarded to the appropriate prosecutor with a request for dismissal and detailing the reasons for the request. All recipients of traffic citations whose request for dismissal has been denied shall be referred to the appropriate court.

505.4 VOIDING TRAFFIC CITATIONS

Voiding a traffic citation may occur when a traffic citation has not been completed or where it is completed but not issued.

505.5 CORRECTION OF TRAFFIC CITATIONS

When a traffic citation is issued and in need of correction, the officer issuing the citation shall first consult with a supervisor regarding the necessity for correction. If correction is deemed necessary, the supervisor shall notify the Records Unit, Fargo Municipal Court, and the City Prosecutor's office regarding the citation.

505.6 DISPOSITION OF TRAFFIC CITATIONS

All handwritten copies of all traffic citations issued by members of this department shall be forwarded to the Records Unit for processing prior to the end of the shift during which the citation was issued. The citation copies shall then be filed with the Records Unit.

505.7 NOTICE OF PARKING VIOLATION APPEAL PROCEDURE

Disposition of notice of parking violation appeals is conducted pursuant to state and local laws.

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505.7.1 APPEAL STAGES

Appeals may be pursued sequentially at two different levels:

- (a) Administrative reviews are conducted by the Specialized Services Unit (SSU) Administrative Sergeant, who shall review written or documentary data. Requests for administrative reviews are available at the front desk or online located on the Fargo Police Department website. These requests are informal written statements outlining why the parking violation should be dismissed. Copies of documentation relating to the notice of parking violation and the request for dismissal must be submitted to the correct processing agency.
- (b) The appellant may petition the Municipal court for a hearing by filing with the clerk of the Municipal court and posting fees as required.

505.7.2 TIME REQUIREMENTS

Administrative review or appearance before a magistrate will not be available if the violator does not adhere to the mandated time limits.

- (a) Requests for an administrative appeal must be received by the Department within 5 days of issuance of a notice of parking violation. The violator may fill out the City of Fargo Parking Ticket Administrative Appeal form online or in person at the Department.
- (b) The administrative review, conducted by the SSU Administrative Sergeant, shall be completed within 5 days of receiving an appeal notice.
- (c) If a parking ticket appeal is denied, a violator may request an appeal hearing before a magistrate. The appeal must be made in person, to the Fargo Municipal Court and within 5 days of the Department's denial.

505.7.3 COSTS

- (a) There is no cost for an administrative review.
- (b) An appeal through Municipal Court requires prior payment of filing costs, including applicable court charges and fees. These costs will be reimbursed to the appellant, in addition to any previously paid fines, if the appellant's liability is overruled by the Municipal Court.

505.8 JUVENILE CITATIONS

Juvenile citations are similar to adult citations except that certain juvenile offenses, including those involving a criminal offense, would be processed through the juvenile referral procedure. Criminal driving offenses include all Infractions and Misdemeanors.

Juvenile Court does not have jurisdiction over a juvenile for a non-criminal driving offense, regardless whether or not the offender has ever been licensed. Juvenile offenders must be processed through Fargo Municipal Court for any non-criminal driving offense by issuing a citation.

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505.9 TRAFFIC DATA COLLECTION

The Neighborhood Services Division commander shall ensure that department traffic enforcement data is posted monthly on the Department's website for public consumption. Further, working in concert with the Criminal Investigation Division, Intelligence and Analysis Unit, identify accident and dangerous driving hotspots and implement focused traffic enforcement as appropriate.

505.10 REVISION DATE 06/19/2023