

FARGO CITY COMMISSION AGENDA
Monday, March 2, 2026 - 5:00 p.m.

City Commission meetings are broadcast live on TV Fargo Channel 56 and online at www.FargoND.gov/Streaming. They are rebroadcast Mondays at 5:00 p.m., Thursdays at 7:00 p.m. and Saturdays at 8:00 a.m. They are also included in the video archive at www.FargoND.gov/CityCommission.

- A. Pledge of Allegiance.
- B. Roll Call.
- C. Approve Order of Agenda.
- D. Minutes (Regular Meeting, February 17, 2026).

CONSENT AGENDA – APPROVE THE FOLLOWING:

- 1. Letter of Support for Fettes Moving and Storage to the ND Opportunity Fund Consortium.
- 2. Appointment of Rammie Olson as an alternate to the ND Opportunity Fund Loan Committee.
- 3. Application for Abatement or Refund of Taxes #4639 for property located at 2665 Meadow Creek Circle South requesting a reduction in value for 2025 from \$711,200.00 to \$331,800.00; staff is recommending a reduction in value to \$331,800.00 for 2025.
- 4. Amendment to the Findings of Fact, Conclusions and Order for property located at 1544 3rd Avenue South to allow a 60-day extension of time to 3/27/26.
- 5. Site Authorizations for Games of Chance.
- 6. Applications for Games of Chance.
- 7. Contract Amendment No. 1 in the amount of \$8,963.50 (\$2,987.83 City of Fargo Share) for Project No. MS-25-B0.
- 8. Contract Amendment No. 2 in the amount of \$70,000.00 (\$35,000.00 City of Fargo Share) for Project No. QN-23-B0.
- 9. Bid advertisement for Project No. SR-26-B.
- 10. Create Improvement District No. BN-26-C and adopt Resolution of Necessity (New Paving and Utility Construction).
- 11. Create Improvement District No. BR-26-B and adopt Resolution of Necessity (Paving and Utility Rehab/Reconstruction).
- 12. Create Improvement District No. PN-26-A and adopt Resolution of Necessity (Asphalt Wear Course).
- 13. Bid awards for Improvement District No. NR-26-A1:
 - a. Key Contracting, Inc. in the amount of \$468,200.00 (general construction contract).

- b. JDP Electric, Inc. in the amount of \$148,051.00 (electrical construction contract).
14. Bid award and Agreement with Osgood Cleaning Services, LLC in the amount of \$129,600.00 for cleaning services at Carlson Library (RFP26099).
15. Agreements between Owner and Contractor for Construction Contract (Stipulated Price) with Gast Construction Co., Inc. and Peterson Mechanical, Inc. for the HVAC Project at the Police Department Headquarters (ITB26052).
16. Items from the FAHR Meeting:
 - a. Receive and file - Sales Tax Revenue.
 - b. Budget adjustment in the amount of \$18,435.00 for replacement of the Zamboni pit drain line P-trap at the FARGODOME (EX26111).
 - c. Acceptance of the Hometown Heroes Foundations donation in the amount of \$4,038.90 to use for the purchase of equipment and supplies, and related budget adjustment.
 - d. Acceptance of a \$33,000.00 donation from the Fargo Police Foundation to purchase a 2026 subscription to the Magnus One Wellness application and associated training, and related budget adjustment (RFQ26097).
 - e. Purchase of one used 2025 Bomag BC672RB compactor from the Polk County Landfill utilizing the Landfill Capital Improvement funds.
17. Notice of Grant Award Amendment from the ND Department of Health and Human Services for Title X Family Planning Program (CFDA #93.217).
18. Management Control Agreement between the Red River Regional Dispatch Center and the City of Fargo regarding the FBI Criminal Justice Information Systems (CJIS).
19. Bid award to Braun Intertec Corporation in an amount not to exceed \$67,000.00 for Professional Environmental Consultant Services (RFP26027).
20. Resolution approving Plat of Horace Mann School Addition.
21. Piggyback purchase through the ND State Contract with Nelson's Auto Center in the amount of \$138,995.76 for three 2026 Ford Police Interceptors (PBC26116).
22. Master Professional Services Agreement with Stone Group Architects, Inc. (RFP25215).
23. Resolution of Governing Body of Applicant authorizing the filing of application with the ND Department of Environmental Quality for a loan under the Clean Water Act and/or the Safe Drinking Water Act.
24. Bid Advertisement for Project Nos. WA2508, WA2509, WA2510, WA2511, WA2512 and WA2513.
25. Reject and readvertise the bids for Project Nos. WA2504, WA2505 and WA2506.
26. Task Order No. 26-01 with Houston Engineering, Inc. in the amount of \$198,774.00 for Project No. WA2403.
27. Task Order No. 26-02 with Houston Engineering, Inc. in the amount of \$240,948.00 for Project No. WA2403.

28. Task Order No. 43 with AE2S, LLC in the amount of \$161,750.00 for Project No. WA2451.
29. Bills.

REGULAR AGENDA:

PUBLIC HEARINGS - 5:05 pm:

30. **PUBLIC HEARING** – CONTINUED to 3/30/26 - Application for a Class “GH” Alcoholic Beverage License for Moonrise Café LLC d/b/a Moonrise Café LLC to be located at 111 Broadway North; continued from the 2/2/26 Regular Meeting.
31. **PUBLIC HEARING** – CONTINUED to 3/30/26 - Application for a Class “VWB” Alcoholic Beverage License for Cellar 624, LLC d/b/a Cellar 624 to be located at 624 Main Avenue, Suite 5; continued from the 2/2/26 Regular Meeting.
32. **PUBLIC HEARING** – CONTINUED to 3/30/26 - Application for a Class “FA-RZ” Alcoholic Beverage License for Dakota Food Group LLC d/b/a Teddy’s to be located at 624 Main Avenue, Suite 4; continued from the 2/2/26 Regular Meeting.
33. **PUBLIC HEARING** – Mehl/First Addition (2506 35th Avenue South); approval recommended by the Planning Commission on 2/3/26:
 - a. Zoning Change from MR-3, Multi-Dwelling Residential to LC, Limited Commercial with a C-O, Conditional Overlay.
 - b. 1st reading of rezoning Ordinance.
34. **PUBLIC HEARING** – Renaissance Zone New Construction Project for Central at the Horizon, LP (Project 374-F) located at 11 12th Street North.

PUBLIC HEARING - 5:15 pm:

35. **PUBLIC HEARING** – Special Assessments for nuisance abatement fees.
36. Presentation by Gate City Bank of the 2026 Neighborhood Revitalization Initiative (NRI) Program.
37. Recommendation for appointment to the Civil Service Commission.
38. Applications for Property Tax Exemptions for Improvements Made to Buildings:
 - a. Jamie and Mary Alderman (5 years).
 - b. Richard and Lisa Osborne (5 years).
 - c. Stacy Belehar (5 years).
 - d. Jeremy Johnson (5 years).
 - e. Daniel and Nancy Hull (5 years).
 - f. Wayne and Kathleen Henjum (5 years).
39. Recommendation to grant a 60-day extension to the Human Rights Commission.
40. Recommendation regarding the proposed transition plan for the Native American Commission.
41. Receive and file an Ordinance Relating to Sale of Tobacco Products; Relating to Definitions; and Relating to Classification of Ordinance Violations.

42. Liaison Commissioner Assignment Updates.
43. **PUBLIC COMMENTS (2.5 minutes will be offered for comment with a maximum of 30 minutes total for all public comments. Individuals who would like to address the Commission, whether virtually or in person, must sign-up at FargoND.gov/VirtualCommission).**

People with disabilities who plan to attend the meeting and need special accommodations should contact the Commission Office at 701.241.1310 at least 48 hours before the meeting to give our staff adequate time to make arrangements.

Minutes are available on the City of Fargo website at www.FargoND.gov/CityCommission.

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City of Fargo Staff Report			
Title:	Mehl / First Addition	Date:	January 28, 2026 February 23, 2026
Location:	2506 35 Ave South	Staff Contact:	Chelsea Levorsen, Planner
Legal Description:	Lot 1 exc S ½ & W 30' of N ½, Block 2, Mehl / First Addition		
Owner(s)/Applicant:	Northview Church & Kozy Kove Childcare	Engineer:	N/A
Entitlements Requested:	Zoning Change (from MR-3, Multi-Dwelling Residential to LC, Limited Commercial with CO, Conditional Overlay)		
Status:	City Commission Public Hearing: March 2, 2026		

Existing	Proposed
Land Use: Commercial, School-religious	Land Use: Daycare
Zoning: MR-3, Multi-Dwelling Residential	Zoning: LC, Limited Commercial with C-O, Conditional Overlay
<p>Uses Allowed: MR-3 allows detached houses, attached houses, duplexes, multi-dwelling structures, daycare centers up to 12 children or adults, group living, parks and open space, religious institutions, safety services, schools, and basic utilities.</p> <p>CUP, Conditional Use Permit: (terminated) To allow a waiver of Section 20-0402.1.2 of the Land Development Code to be exempt from the minimum base site area for schools in SR, Single Dwelling Residential and MR, Multi-Dwelling Residential zoning districts.</p>	<p>Uses Allowed: Allows colleges, community service, daycare centers of unlimited size, health care facilities, parks and open space, religious institutions, safety services, basic utilities, offices, off-premise advertising signs, commercial parking, retail sales and service, self-service storage, vehicle repair, limited vehicle service, and certain telecommunications facilities.</p> <p>CO, Conditional Overlay: Will require the use of quality building materials on future development, require added pedestrian connectivity, and prohibit some uses</p>
Maximum Density: 24 units per acre	Maximum Density Allowed (Residential): N/A Maximum Building Coverage Allowed: 55%

Proposal:
<p>The applicant requests one entitlement: Zone Change from MR-3, Multi-Dwelling Residential to LC, Limited Commercial with C-O, Conditional Overlay.</p> <p>This project was reviewed by the City's Planning and Development, Engineering, Public Works, and Fire Departments ("staff"), whose comments are included in this report.</p> <p>Surrounding Land Uses and Zoning Districts: North: P/I, Public and Institutional, with a religious institution. East: SR-4, Single-Dwelling Residential, with single-dwelling residential. South: LC, Limited Commercial, with Medical office. West: LC, Limited Commercial, with office. MR-3, Multi-Dwelling Residential, with multi-dwelling residential to the west of LC driveway</p>

Staff Analysis:

Site History: Prior to 2021, the subject property was used as an office building. At the time of occupancy, the office use was an existing legal nonconformity because it was built prior to the 1998 Land Development Code. Office use is not permitted in the MR-3, Multi-Dwelling Residential Zoning District. It would however, be permitted in the LC, Limited Commercial zoning district.

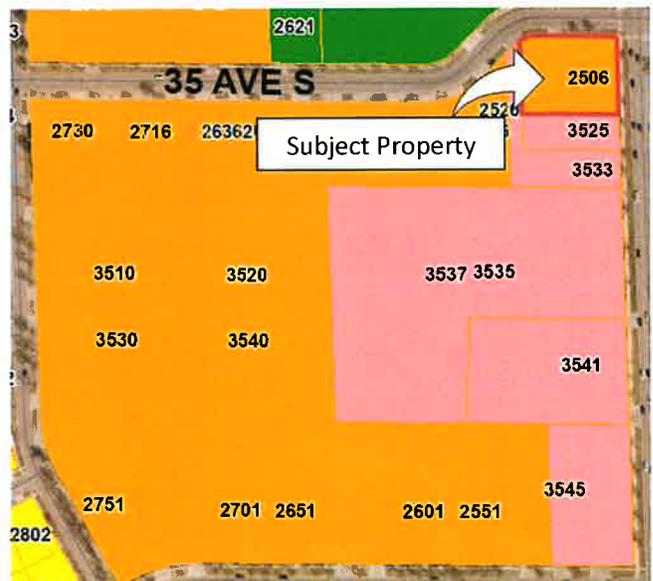
In 2021, a Conditional Use Permit was obtained by Capstone Classical Academy. The CUP allowed for a waiver of Section 20-0402.1.2 in the Land Development Code (LDC) to be exempt from the minimum base site area of 10 acres for schools in MR, Multi-Dwelling zoning districts. One of the conditions of the Conditional Use Permit was that the CUP will cease if the land use changes from a school for a period of more than 12 consecutive months. Capstone Classical Academy relocated in December of 2024, therefore, the Conditional Use Permit terminated in December of 2025.

Proposed Use: The applicant is planning to lease the property for use as a daycare center, with a minimum of 75 children. The MR-3, Multi-Dwelling Residential zoning district permits daycares with less than twelve children by right and daycares with thirteen or more children may be permitted by Conditional Use Permit.

Zone Change: The property is approximately 0.74 acres. The structure was built in 1989 for office use. Upon staff review, it was noticed that the subject property is the only property on the east side of the block not zoned LC, Limited Commercial. At the request of the City, to provide zoning continuity to the east side of the block, the applicant has chosen to apply for a zone change. The LC, Limited Commercial zoning district permits daycares of all sizes by right, with the only use-specific standard stating that all signage must comply with the City's sign code.

Conditional Overlay: A Conditional Overlay will be included with the zone change of the property. The Conditional Overlay will include design and building standards for future development on the site, and is currently being coordinated with the applicant and property owner.

Site Access: The property is accessed by a driveway on 35th Avenue South. During the Conditional Use Permit process, the City's Engineering Department had requested a second driveway be added along the West side of the property to assist with circulation and queueing during pick-up and drop-off times. The daycare plans to use the west side of the property as a fenced playground. The City's Traffic



Engineer has reviewed the proposed use and site plan and has agreed that the additional access to the West can be removed as the daycare center will not have the same structured drop-off and pick-up schedule as the school.

Zoning

Section 20-906. F (1-4) of the LDC stipulates the following criteria be met before a zone change can be approved:

Is the requested zoning change justified by a change in conditions since the previous zoning classification was established or by an error in the zoning map?

Staff is unaware of any error in the zoning map as it relates to this property. The property is currently zoned MR-3, Multi-Dwelling Residential. The applicant requests a zoning change to LC, Limited Commercial with a C-O, Conditional Overlay. Staff are coordinating with the applicant and property owner to ensure the Conditional Overlay will align with the existing structure and not create any nonconformities. The Conditional Overlay, similar to other Conditional Overlays in South Fargo, will require the use of quality building materials on future development, require added pedestrian connectivity, and prohibit some uses. **(Criteria Satisfied)**

Are the City and other agencies able to provide the necessary public services, facilities, and programs to serve the development allowed by the new zoning classifications at the time the property is developed?

City staff and other applicable review agencies have reviewed this proposal. Staff finds no deficiencies in the ability to provide all of the necessary services to the site. The subject property fronts on an existing public right-of-way. **(Criteria satisfied)**

Will the approval of the zoning change adversely affect the condition or value of the property in the vicinity?

Staff has no documentation or evidence to suggest that the approval of this zoning change would adversely affect the condition or value of the property in the vicinity. Written notice of the proposal was sent to all property owners within 300 feet of the subject property. To date, Planning staff has received one inquiries, with no noted concern. Staff finds that the approval of the zoning change will not adversely affect the condition or value of the property in the vicinity. **(Criteria satisfied)**

Is the proposed amendment consistent with the purpose of this LDC, the Growth Plan, and other adopted policies of the City?

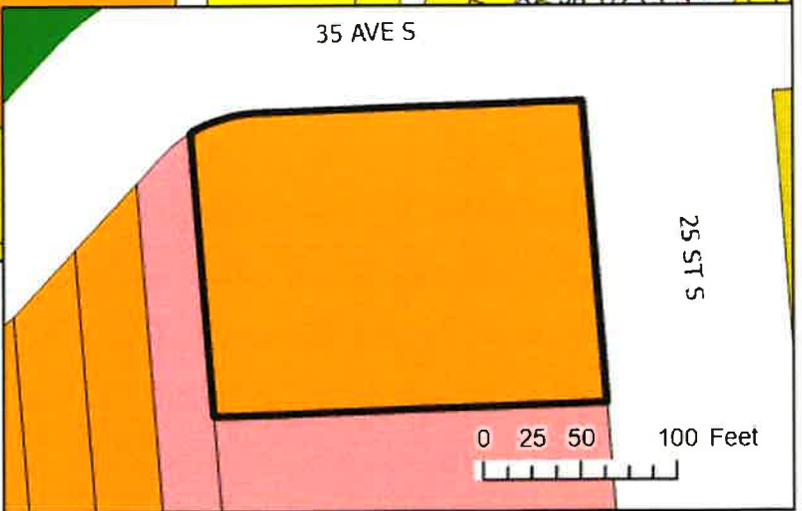
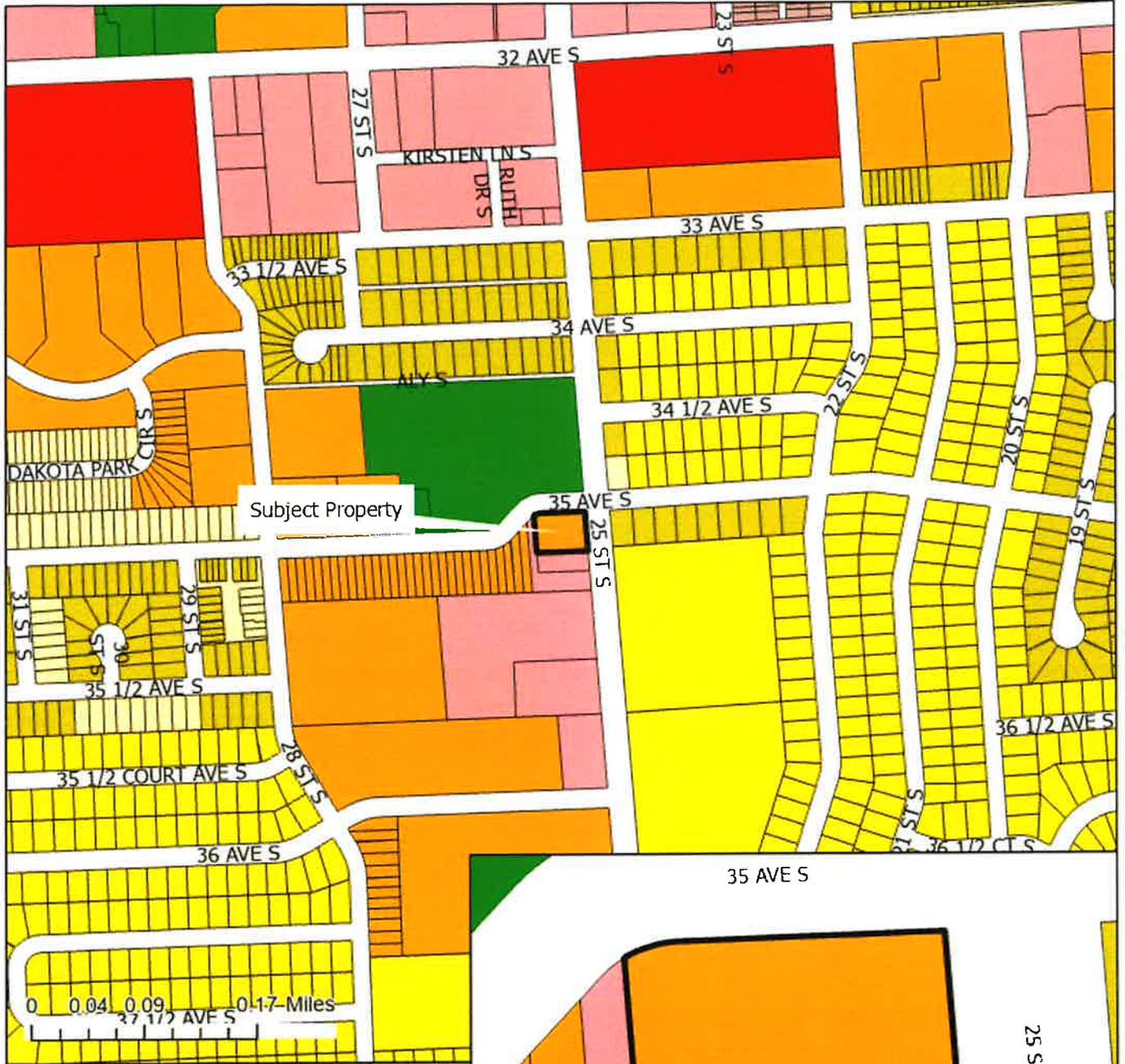
The LDC states "This Land Development Code is intended to implement Fargo's Comprehensive Plan and related policies in a manner that protects the health, safety, and general welfare of the citizens of Fargo." The 2024 Fargo Growth Plan designates this area as a Suburban Neighborhood place type with primary uses listed as small to medium lot, single-family detached housing, townhomes (with limited massing up to four units per building), duplex, triplex, quadplex, ADU's, places of worship, schools, daycare centers, and home office. The property is also located within the C5 Community Center. Community Centers focus on moderate density mixed-use development with a user radius of 0.5 to 1 mile. The proposed LC, Limited Commercial zoning, as well as the previous use of Office and the proposed use of a daycare center would be consistent with these land uses and place types. **(Criteria satisfied)**

Recommendation:
Suggested Motion: "To accept the findings and recommendations of the Planning Commission and staff and move to approve the proposed zoning change from MR-3, Multi-Dwelling Residential to LC, Limited Commercial with a C-O, Conditional Overlay as outlined in the staff report, as the proposal complies with the 2024 Growth Plan, Section 20-0906.F (1-4) of the LDC and all other applicable requirements of the LDC."
Planning Commission Recommendation: February 3, 2026
At the February 3 rd , 2026 Planning Commission hearing, that Commission, by a vote of 7-0 with 4 Commissioners absent, moved to accept the findings and recommendations of staff and recommended approval to the City Commission of the proposed zone change from MR-3, Multi-Dwelling Residential to LC, Limited Commercial with a C-O, Conditional Overlay for a portion of Lot 1, Block 2, Mehl / First Addition , as outlined in the staff report, as the proposal complies with the 2024 Growth Plan, Section 20-0906.F (1-4) of the LDC and all other applicable requirements of the Land Development Code.
Attachments:
Zoning Map Location Map

Zoning Change from MR-3, Multi-Dwelling Residential to LC, Limited Commercial with a C-O, Conditional Overlay

Mehl/First Addition

2506 35th Avenue South



Legend

AG	LC	MR-3	SR-3
DMU	LI	NC	SR-4
GC	MHP	NO	SR-5
GL	MR-1	P/I	UMU
GO	SR-2	City Limit	



Zoning Change from MR-3, Multi-Dwelling Residential to LC, Limited Commercial with a C-O, Conditional Overlay

Mehl/First Addition

2506 35th Avenue South



Legend
City Limit



Fargo Planning Commission
February 3, 2026

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OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

AN ORDINANCE REZONING A CERTAIN PARCEL
OF LAND LYING IN MEHL/FIRST ADDITION
TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA

WHEREAS, the Fargo Planning Commission and the Board of City Commissioners of the City of Fargo have held hearings pursuant to published notice to consider the rezoning of certain parcels of land lying in Mehl/First Addition to the City of Fargo, Cass County, North Dakota; and,

WHEREAS, the Fargo Planning Commission recommended approval of the rezoning request on February 3, 2026; and,

WHEREAS, the rezoning changes were approved by the City Commission on March 2, 2026,

NOW, THEREFORE,

Be It Ordained by the Board of City Commissioners of the City of Fargo:

Section 1. The following described property:

Lot One (1) excluding South 1/2 and West 30' of North 1/2, Block Two (2) of Mehl/First Addition to the City of Fargo, Cass County, North Dakota;

is hereby rezoned from "MR-3", Multi-Dwelling Residential, District, to "LC", Limited Commercial, District with a "C-O", Conditional Overlay as follows:

1. This Conditional Overlay is intended to provide for a higher quality of design than is afforded by the City of Fargo Land Development Code regarding the future commercial development.
2. All primary buildings shall be constructed or clad with materials that are durable, economically- maintained, and of a quality that will retain their appearance over time, including but not limited to natural or synthetic stone; brick; stucco; integrally- colored, textured or glazed concrete masonry units; high-quality pre- stressed concrete systems; or

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

glass. Natural wood or wood paneling shall not be used as a principal exterior wall material, but durable synthetic materials with the appearance of wood may be used.

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3 3. Color schemes shall tie building elements together, relate pad buildings within the same
4 development to each other, and shall be used to enhance the architectural form of a
5 building.
- 6
7 4. All building facades greater than 150 feet in length, measured horizontally, shall
8 incorporate wall plane projections or recesses having a depth of at least three percent of
9 the length of the facade and extending at least 20 percent of the length of the facade. No
10 uninterrupted length of any facade shall exceed 150 horizontal feet. An articulated façade
11 would emphasize elements on the face of a wall including change in setback, materials,
12 roof pitch or height.
- 13 5. Flat roofs and rooftop mechanical equipment, such as HVAC units, shall be concealed
14 from public view at ground level by parapets or other enclosures. The average height of
15 such parapets shall not exceed fifteen percent of the height of the supporting wall.
- 16 6. Loading facilities shall not be located at the front of structures where it is difficult to
17 adequately screen them from view. All loading and service areas shall be screened from
18 the view of adjacent public streets through a structure and/or landscaping.
- 19 7. Dumpsters and outdoor storage areas must be completely screened from view. Collection
20 area enclosures shall contain permanent walls on three (3) sides. The fourth side shall
21 incorporate a gate to visually screen the dumpster or compactor.
- 22 8. Site Design.
23
Separate vehicular and pedestrian circulation systems shall be provided. Adjacent
properties may share pedestrian circulation systems that connect to public sidewalks with
Zoning Administrator approval. An on-site system of pedestrian walkways shall be
provided between building entrances and the following:
 - a. Parking lots or parking structures
 - b. Any public sidewalk or multi-use path along the perimeter of the lot

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FARGO, NORTH DAKOTA

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- 1 c. Where practical and appropriate, adjacent land uses and developments, including
2 but not limited to residential developments, retail shopping centers, office
3 buildings.

4 Upon redevelopment, the following shall also apply:

- 5 1. Ground floor facades that face public streets shall have arcades, display windows, entry
6 areas, awnings, or other such features along no less than 50 percent of their horizontal
7 length. If the facade facing the street is not the front, it shall include the same features
8 and/or landscaping in scale with the facade.

- 9 2. Dumpsters and outdoor storage areas must be completely screened from view. Collection
10 area enclosures shall contain permanent walls on three (3) sides. The fourth side shall
11 incorporate a gate to visually screen the dumpster or compactor.

- 12 3. The following use(s) are prohibited:

- 13 a. Detention Facilities
14 b. Adult Entertainment Center
15 c. Vehicle Repair
16 d. Vehicle Service
17 e. Industrial Service
18 f. Manufacturing and Production
19 g. Warehouse and Freight Movement
20 h. Aviation/Surface Transportation
21 i. Self-service Storage
22 j. Outdoor Entertainment

- 23 4. The following types of Signage are prohibited:

- a. Portable signs; as defined by section 20-1308 of the Land Development Code
 b. Off-premise Advertising
 c. Pylon or Pole freestanding signs

Section 2. The City Auditor is hereby directed to amend the zoning map now on file in his
office so as to conform with and carry out the provisions of this ordinance.

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

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Section 3. This ordinance shall be in full force and effect from and after its passage and approval.

Timothy J. Mahoney, M.D., Mayor

(SEAL)

Attest:

Angie Bear, Deputy City Auditor
on behalf of City Auditor

First Reading:
Second Reading:
Final Passage:



PLANNING & DEVELOPMENT

FARGO CITY HALL
225 4th Street North
Fargo, ND 58102
Office: 701.241.1474 | Fax: 701.241.1526
Email: Planning@FargoND.gov
FargoND.gov



MEMORANDUM

TO: CITY COMMISSION

FROM: NICOLE CRUTCHFIELD, PLANNING DIRECTOR 

DATE: FEBRUARY 25, 2026

RE: RENAISSANCE ZONE APPLICATION FOR CENTRAL AT THE HORIZON, LP (374-F) FOR A PROJECT LOCATED AT 11 12TH STREET NORTH

The City received a Renaissance Zone (RZ) application from Central at the Horizon, LP to construct a new five-story multi-family building with approximately 262 units, above indoor ground level parking at 11 12th Street North. The attached documents provide more detailed information and include copy of the staff report, application, and corresponding materials.

As indicated in the attached documentation, the project meets all state and local requirements for approval and is consistent with goals and objectives as established in the Fargo Renaissance Zone Development Plan. The application indicates an investment of approximately \$93,700,000 which is approximately \$262 per square foot and exceeds the minimum investment threshold as set forth in the plan.

The RZA recommended approval unanimously on September 24, 2025.

Recommended Action: Approve the Renaissance Zone application for Central at the Horizon, LP and grant property tax exemptions and State income tax exemptions, allowed by the ND Renaissance Zone law contingent upon completion of the project and verification of costs.



EQUAL HOUSING
OPPORTUNITY

**Staff Report
Renaissance Zone Application for
Central at the Horizon, LP (374-F)
11 12 Street North**

Project Evaluation:

The City of Fargo received a Renaissance Zone application from Central at the Horizon, LP for a new construction project at 11 12th Street North. Pursuant to the application, the project will encompass construction of a 5-story residential apartment building with approximately 262 units above indoor ground-level parking. The building will include one, two, and three-bedroom apartments and include amenities such as community rooms, fitness area, outdoor patios, and more. The applicant is proposing affordable housing for households earning 60% AMI (area median income).

The Planning Department has reviewed the application and has provided a project ranking based on the analysis below.

1. **Renaissance Zone Plan Goals:** Use consistent with the RZ Plan (as per Visions and Goals): As noted in the Renaissance Zone Development Plan. *(portions of responses are from application)*
 - a. *Grow as a Neighborhood:* Invest in housing to increase the population living Downtown and maintain Downtown's diversity.
The application states that the project will increase Downtown's population by providing affordable housing for households earning 60% AMI, helping to ensure that lower- and moderate-income residents can live near jobs, transit, and services, and that the mix of units support a diverse range of households, including families, and helps maintain Downtown's social and economic diversity.
 - b. *Prosper as a Business Center:* Increase the number and types of jobs Downtown.
That application notes that the project will create an estimated four permanent on-site jobs through property management and maintenance staff, and supports a growing workforce by allowing more residents to live close to job opportunities across the city.
 - c. *Thrive as a Destination:* Create a unique Downtown experience with an activated riverfront and vibrant sidewalks and public spaces that serve as the backdrop of the community's social life.
According the application, the project will contribute to a vibrant Downtown experience by activating the street level with community-oriented amenities (such as fitness center, indoor playroom for children, pet wash, bike storage, and business center), along with a leasing office and a community room, which create daily foot traffic and opportunities for social interaction, enhancing the public realm and supporting a lively, inclusive streetscape.
 - d. *Be a model for Inclusive Growth and Development:* Protect Downtown's diversity and evolve as a model for equitable growth and development.
The project will provide affordable units of 60% AMI in the Downtown core. All estimated 262 units will be in this threshold. The application states that the project ensures Downtown remain accessible to a diverse range of residents, including working families and individuals often priced out of urban cores, and that by prioritizing affordability, housing choice, and community-focused amenities, the project serves as a model for equitable development that promotes long-term stability and social inclusion Downtown.

- e. *Complete our Streets:* Make complete streets common place and encourage trips by foot, bicycle, and bus, as well as car.

The project includes 258 parking spaces (246 interior and 12 exterior) and bike parking and storage. MATBUS route 13 runs along the property on NP Avenue North, with two bus stops within the block, and the GCT (Ground Transportation Center) is located a few blocks to the east. Additionally, there have been major street reconstructions on all three sides bounding the project (11th Street, 12th Street, and Northern Pacific Avenue North) in the last several years, making improvements to parking, sidewalks, and a separated bike facility on NP Avenue North.

- f. *Park Smart:* Manage parking resources to meet the needs of drivers, while also making room for new development and activity.

Parking is provided on site on the ground floor of the building. Of the 258 spaces, 12 are located along the alley, with the remainder internal to the building. There is also street parking on both sides of all three adjacent streets, and the reconstruction of 11th and 12th Streets converted parallel parking to diagonal directly adjacent to the site, providing additional parking.

- g. *Play with purpose:* Develop a system of connected all-season green spaces designed for people (of a range of ages and interests) and purpose (as infrastructure that absorbs stormwater).

The project includes outdoor spaces of interior courtyards, and can be seen on floor plans.

(16/20 points)

- 2. **Investment Thresholds:** Does the investment comply with minimum investment thresholds (locally determined) for residential and commercial projects as set forth in this RZ Plan?

According to the application, the structure will be 357,750 square feet. The application estimates a total capital investment of \$93,711,019. This equates to approximately \$262 / square foot investment for the new construction, which requires a minimum of \$100 / square foot.

(10/10 points)

- 3. **High Priority Land Use:** The new construction or proposed improvements are representative of “High Priority Land Uses” as defined by this RZ Plan (page 9).

- a. **Primary Sector Business:**
Staff is not aware that the proposed business is considered primary sector business.
- b. **Active Commercial, Specialty Retail or Destination Commercial:**
The project is not active commercial, specialty retail or destination commercial
- c. **Mixed Use Development:**
The project is not mixed use.

(0/20 points)

- 4. **Targeted Areas:** Is the investment located in a “Targeted Area” as defined by this RZ Plan? Consideration shall be given to whether this property has been vacant or underutilized for a period of time and/or whether the property is specifically targeted for clearance.

- a. **Parcels that have been vacant or underutilized for an extended period of time:**

An apartment building was demolished sometime between 2018 and 2020. However, historically it was the location of a gas plant. At the time of demolition, work was done to aid in clean up the site for future redevelopment.

- b. **Parcels specifically targeted for clearance:**

The RZ Plan identifies Block 36 in this location for redevelopment for mixed-use, commercial/retail and/or housing.

(10/10 points)

5. **Urban Design:** Is the project representative of strong urban design principles?

The project includes strong urban design principles, including density, form, and proximity to amenities. The design contemplates the interface of the structure to the right-of-way particularly along NP Avenue, as site amenities are located primarily along that façade. Facades facing 11th and 12th Street do not have as much attention to detail in terms of the public interface, however, there is ground floor parking internal to the structure and parking spaces are located just inside the wall. The facades will need to meet DMU, Downtown Mixed-Use zoning requirements related to transparency and other façade treatment, and this comment has been extended to the applicant.

(8/10 points)

6. **Investment Analysis:** Consideration and analysis as to the total actual investment.

As proposed, the redevelopment project costs exceed the \$100 per square foot requirement for new construction projects. The application represents a total estimated capital investment of \$93,711,019, which equates to approximately \$262 / square foot of investment.

(10/10 points)

7. **Business Relocation:** Consideration as to whether the project will include or accommodate the relocation of a business from another North Dakota community?

The project is residential.

(criteria does not apply)

8. **Street Activation:** Will the project fit contextually and will the project contribute or enhance the area from an architectural perspective?

The project is architecturally designed and provides interest with varying use of glazing, materials, and color, and long facades are broken up by these changes. Renaissance Zone projects are anticipated to be conscience of four-sided design, which has been seen with other projects in Downtown. The north façade is a bit more “blank” than other facades, however it is internal to the site and does not face a public street. There is a public alley on part of the block, and staff has expressed a desire to explore the possibility of vacating it, as it only serves the adjacent property owners, and the applicant is looking into this. Street activation can be challenging without commercial on the ground floor, and with parking, even more so. The project activates a site that has been vacant for several years, and places the amenities along the street, which creates an active interface.

(8/10 points)

Summary:

This application received a score of 62 on a 90-point scale. The proposed project surpasses the local capital improvement requirement of \$100 per square foot requirement for new construction. The amount invested in the project exceeds state and local guidelines.

Staff is recommending approval as this project is a benefit to the downtown community and will positively contribute to the health of the surrounding neighborhood and nearby businesses. The project is consistent with criteria set forth in the RZ plan.

Minimum Criteria (New Construction Proposals)			
Criteria:		Staff Rating	Possible Points
1	Consistency with Plan Goals	16	20
2	Investment Thresholds	10	10
3	High Priority Land Use	0	20
4	Consistency with Targeted Areas	10	10
5	Urban Design	8	10
6	Investment Analysis	10	10
7	Business Relocation	N/A	N/A
8	Street Activation	8	10
Total Rating (90 possible points)		62	90

Suggested motion:

Recommend approval to the Fargo City Commission to approve the application submitted by Central at the Horizon, LP and to grant the property tax exemption and the State income tax exemptions, as allowed by the ND Renaissance Zone law contingent upon completion of the project and verification of costs.



These data are provided on an "AS-IS" basis, without warranty of any type, expressed or implied, including but not limited to any warranty as to their performance, merchantability, or fitness for any particular purpose.

<h1>11 12 St N</h1>	
1:2,257	9/17/2025 12:32 PM
This map is not a substitute for accurate field surveys or for locating actual property lines and any adjacent features.	





Planning & Development
 225 4th Street North
 Fargo, North Dakota 58102
 Office: 701.241.1474 | Fax: 701.241.1526
 Email: Planning@FargoND.gov
www.FargoND.gov

APPLICATION FOR RENAISSANCE ZONE PROJECT

Property owners, business owners, developers or investors interested in pursuing a Renaissance Zone project should review the 2024 RZ Plan. The RZ Plan delineates the current geographical boundaries of the program (only certain blocks within the downtown core are included) and provides additional detail on minimum investment requirements and applicable program goals and objectives that must be met.

Application submitted for (check all that apply):

- | | |
|---|---|
| <input checked="" type="checkbox"/> New Construction | <input type="checkbox"/> Commercial Lease |
| <input type="checkbox"/> Purchase with Major Improvements | <input type="checkbox"/> Rehabilitation: <input type="checkbox"/> Commercial <input type="checkbox"/> Residential |
| <input type="checkbox"/> Primary Residential Purchase | <input type="checkbox"/> Block Addition |

Property Owner Information
Name (printed): Justin Berg
Name (printed):
Address:
304 10th St. N Fargo, ND 58102-4315

Contact Person Information (if different than owner)
Name (printed): David Wesner
Address:
8680 Edison Plz Dr, Fishers, IN 46038

Parcel Information
Address: 11 12th Street N, in the City of Fargo, Cass County, North Dakota
Unit Number: N/A
Renaissance Zone Block Number: 36
Legal Description (attach separate sheet if more space is needed):
Sheet Attached
Parcel Number: 01238204070000

Is this property listed on or a contributing structure to the National Register of Historic Places? Yes No
 Do you intend to apply for a Historic Preservation Tax Credit in conjunction with this project? Yes No

Project Information	
Total Project Cost: (Qualified Capital Improvements) \$93,711,019	
Current Use of Property: Field	
Anticipated Use Upon Completion: Multi-family Housing	
Expected Date of Purchase: 03.27.2026	Expected Date of Occupancy: 04.27.28
Estimated Property Tax Benefit: \$1,660,000.00 (Over five year exemption period)	Estimated State Income Tax Benefit: \$10,000.00 (Over five year exemption period)
Current Employees: (Full-time equivalent) N/A	Anticipated Employees: (Full-time equivalent) 4

Scope of Work

The project involves the new construction of a 262-unit multifamily residential building located at 11 12th St N in Fargo, North Dakota. The five-story structure will feature a ground-floor parking garage with four floors of residential units above, offering a mix of one, two, and three-bedroom apartments. Building amenities will include fitness areas and community rooms for resident use. Construction is scheduled to begin in the second quarter of 2026.

Additional Project Information

New Construction/Rehabilitation/Purchase with Improvements Only

Current Building Value: (Taxable Improvement Value)	Estimated Building Value Upon Completion: (Taxable Improvement Value) \$93,711,019
Building Area Upon Completion (SF): 357,750 SF	Number of Stories Upon Completion: 5

Commercial Lease Only

Lease Area Upon Completion (SF):			
Type of Business:			
<input type="checkbox"/> New business moving to the Renaissance Zone	<input type="checkbox"/> Expanding Business moving to the Renaissance Zone	<input type="checkbox"/> Existing Business Expanding within the Renaissance Zone	<input type="checkbox"/> Continuation of a lease moving from one Renaissance Zone Project to another Renaissance Zone Project

Residential Purchase Only

Will this be your primary place of Residency?:

Acknowledgement – We hereby acknowledge that we have familiarized ourselves with the rules and regulations to the preparation of this submittal and that the forgoing information is true and complete to the best of our knowledge.

DocuSigned by:
 Justin Berg
 963334F2A6874B9...

Owner (Signature): _____ Date: 8/6/2025
 Joint Owner (Signature): _____ Date: _____
 Representative (Signature): _____ Date: _____

THE FOLLOWING CHECKLIST MUST BE COMPLETED AND SUBMITTED WITH THE APPLICATION FORM:

		Submitted	N/A
Renaissance Zone Project	Current photos of property, relevant to project scope and proposed renderings of the proposed project	<input checked="" type="checkbox"/>	
	<u>Certificate of Good Standing</u> from the Office of the State Tax Commissioner	<input checked="" type="checkbox"/>	
	For residential purchases provide proof of ownership and closing date	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Goals and objectives as outlined in the 2024 Fargo Renaissance Zone Development Plan (Attachment A)	<input checked="" type="checkbox"/>	<input type="checkbox"/>

APPLICATION DEADLINES:

The Renaissance Zone Authority regularly meets on the Fourth Wednesday of each month at 8:00 am in the in the City Commission Chambers at 225 4th Street North, Fargo, ND 58102. For consideration during a monthly meeting:

- **Renaissance Zone** applications are due by 4:30 pm on the **last weekday of each month**, the month prior to the meeting.

REQUIREMENTS, POLICIES, AND GUIDELINES:

The Renaissance Zone is administered according to the following written documents, each of which are available on the City of Fargo's website.

- **Renaissance Zone Designation**
 - o City of Fargo Renaissance Zone Development Plan
 - o North Dakota Renaissance Zone Program Guidelines

CERTIFICATION:

Applicant certifies that, to the best of their knowledge and belief, the information contained in the application and attached hereto is true and correct. Applicant also certifies that they understands all written requirements, policies, and guidelines of the Fargo Renaissance Zone Authority, the City of Fargo, and/or the State of North Dakota governing the use of the procedure or program being applied for:

David Wesner (Applicant's Signature) David Wesner (Printed Name) _____ (Date)

If the property owner(s) and applicant are different, the property owner certifies that they has full knowledge of this application and consents to its submission:

Justin Berg (Applicant's Signature) Justin Berg (Printed Name) 8/6/2025 (Date)

 (Applicant's Signature) _____
 (Printed Name) _____
 (Date)

Goals of the Fargo Renaissance Zone Plan

Is the proposed use of the project consistent with the RZ Plan? As noted in the Renaissance Zone Development Plan the desired land use will contribute to a number of goals:

1. *Grow as a Neighborhood.* How will this project invest in housing to increase the population living Downtown and maintain Downtown's diversity?

This 262-unit development at 11 12th St N will increase Downtown Fargo's population by providing affordable housing for households earning 60% AMI, helping ensure that lower- and moderate-income residents can live near jobs, transit, and services. The mix of one-, two-, and three-bedroom units supports a diverse range of households, including families, and helps maintain Downtown's social and economic diversity.

2. *Prosper as a Business Center.* How will this project increase the number and type of jobs Downtown (or accessible from Downtown)?

This project will create permanent on-site jobs through property management and maintenance staff, with an estimated four employees. Additionally, by providing affordable housing near major employers and transit, it supports a growing Downtown workforce by allowing more residents to live close to job opportunities across the city.

3. *Thrive as a Destination.* How will this project create a unique Downtown experience with an activated riverfront and vibrant sidewalks and public spaces that serve as the backdrop to the community's social life?

This project will contribute to a vibrant Downtown experience by activating the street level with community-oriented amenities such as a fitness center, indoor playroom for kids, pet wash, bike storage, and business center. These features, along with a welcoming leasing office and community room, create daily foot traffic and opportunities for social interaction, enhancing the public realm and supporting a lively, inclusive streetscape near the riverfront.

4. *Be a Model for Inclusive Growth and Development.* How will this project protect Downtown's diversity and evolve as a model for equitable growth and development?

This project supports inclusive growth by offering all 262 units at 60% AMI, ensuring that Downtown remains accessible to a diverse range of residents, including working families and individuals often priced out of urban cores. By prioritizing affordability, housing choice, and community-focused amenities, the project serves as a model for equitable development that promotes long-term stability and social inclusion in Downtown Fargo.

5. *Complete our Streets.* How will this project make complete streets common place and encourage trips by foot, bicycle, and bus, as well as car?

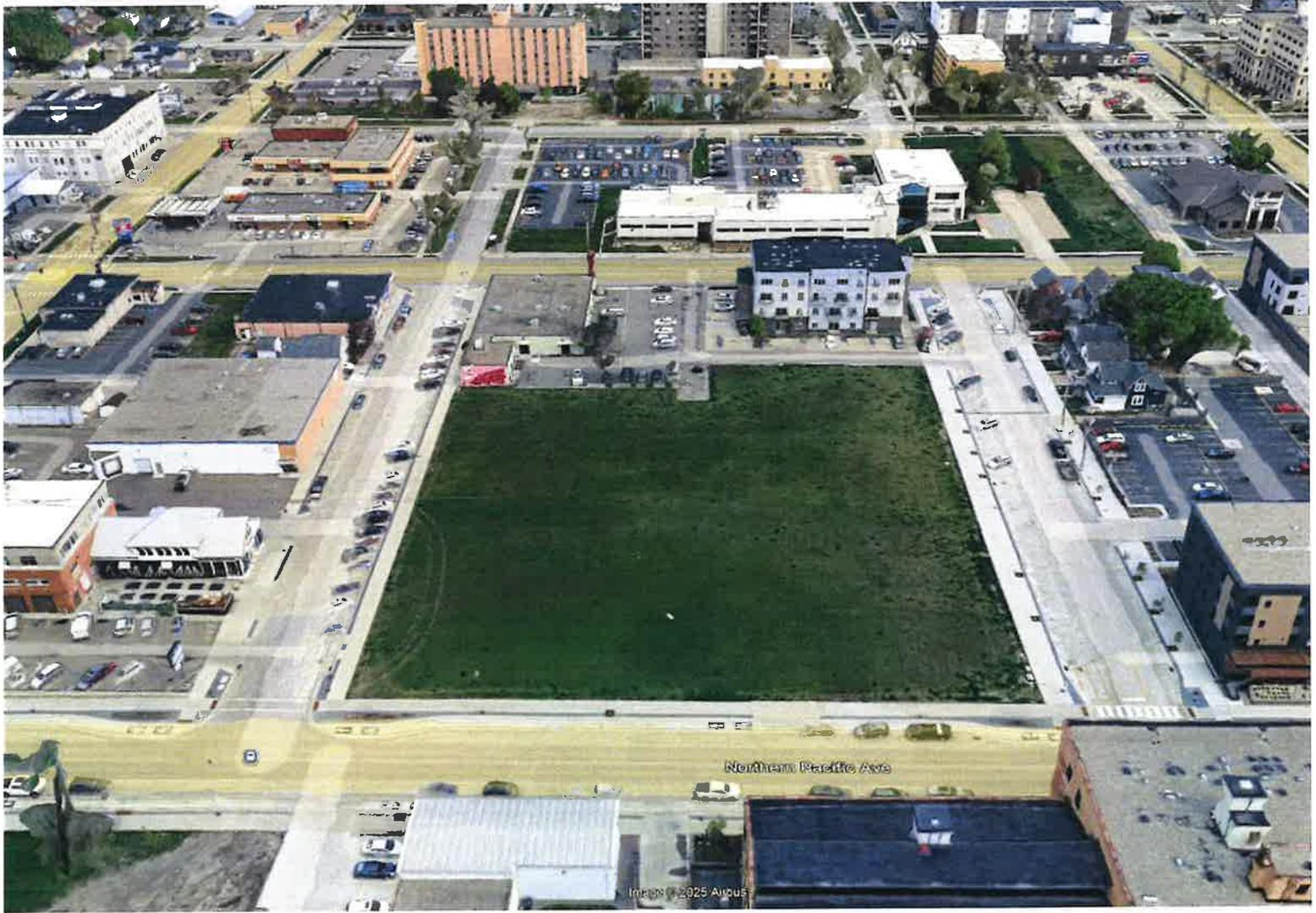
This project supports complete streets by offering secure bike storage, convenient access to nearby bus stops, and a walkable location that encourages trips by foot. With 258 parking stalls, it also accommodates drivers while promoting transportation choice. The combination of multimodal access and street-level amenities helps create a safe, active environment for all types of travel.

6. *Park Smart.* How will this project manage parking resources to meet the needs of drivers, while also making room for new development and activity?

This project balances parking needs and smart growth by providing approximately 258 parking stalls within a ground-floor garage, efficiently using space while preserving the street level for active community amenities. This approach meets resident demand without overwhelming the site, allowing for a more vibrant and development-friendly urban environment.

7. *Play with Purpose*. Will this project develop a system of connected all-season green spaces designed for people (of a range of ages and interests) and purpose (as infrastructure that absorbs stormwater)?

Yes, this project will feature interior courtyards that provide connected, all-season green spaces for residents of all ages to gather, play, and relax. These landscaped areas will also serve an important environmental purpose by helping manage stormwater, supporting both community wellbeing and suitable infrastructure.

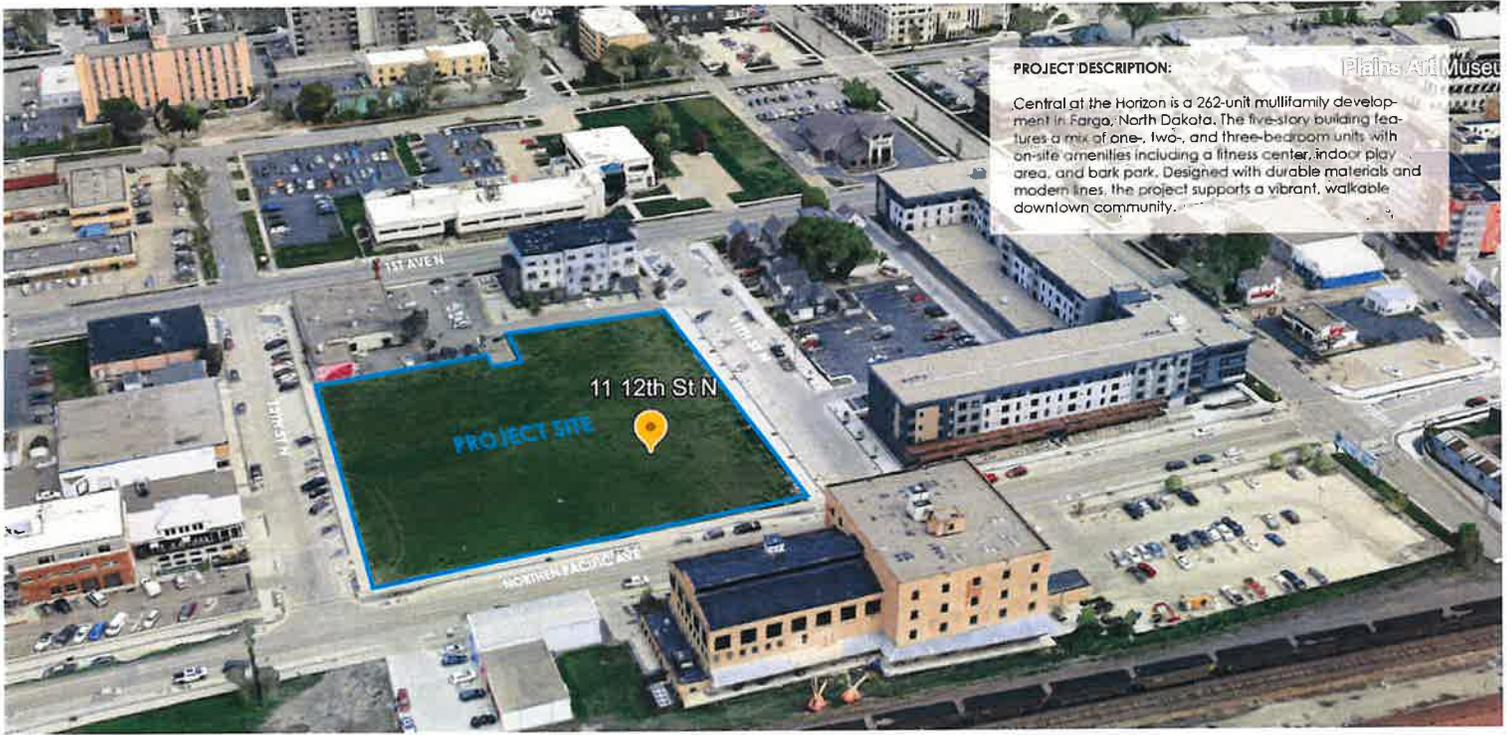












CENTRAL AT THE HORIZON

11 12TH ST N
FARGO, ND

PROJECT SUMMARY

SITE ADDRESS

11 12th St N, Fargo, ND

ZONING DATA

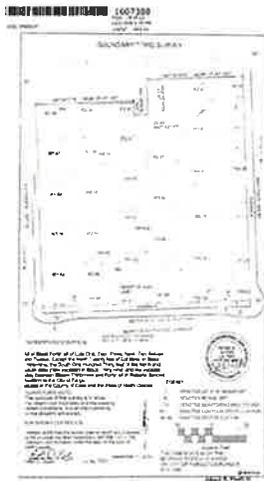
DMU - Downtown Mixed Use District

SITE AREA

Gross Site Area: 1.96 AC (85,378 SF)

UNIT COUNT

1 Bed	76
2 Bed	138
3 Bed	48
Total	262



ACCESSIBILITY REQUIREMENTS

IBC 1107.6.2

Section 504 of the Rehabilitation Act Implemented via 24 CFR §8.22 (HUD's regulation)

- All units must follow FHA Type B equivalent: 248 units
- 5% fully accessible Type A units: 14 units
- 2% sensory impaired units: 6 units

Fair Housing Act Accessibility Requirements

Universal Design Standards

- See attachment for Architect's Letter of Compliance

ANSI A117.1 2017

APPLICABLE CODES

- 2021 International Building Code
- 2021 International Residential Code
- Fire Protection and Prevention Ordinance 5354
- 2021 International Energy Conservation Code
- 2021 International Property Maintenance Code
- 2021 International Fuel Gas Code
- 2021 International Mechanical Code
- 2021 International Building Code
- 2018 North Dakota State Plumbing Code Uniform Plumbing Code - 2018
- 2023 National Electrical Code
- 2023 Laws, Rules, and Wiring Standards of North Dakota
- Fargo Sign Code
- Portions of the Land Development Code
- Portions of the Fargo Municipal Code

DMU DISTRICT ARCHITECTURAL COMPLIANCE CHECKLIST

MATERIALS

All walls fronting a public street are finished with approved architectural materials:

- Brick, glass, stone, ceramic, stucco, precast panels, EIFS (e.g., Dryvit), or curtain walls.
- For detached/attached single-family or small-scale multi-dwelling: residential grade vinyl siding, composite brick, or residential grade steel siding accepted.

Prohibited materials are not used on street-visible walls.

- Non-architectural metal panels or non-residential grade metal siding.
- Non-residential grade wood-based materials.
- Asphalt.
- Concrete blocks/cinder blocks except burnished, standing flute, or sculptured.
- Mirrored or one-way glass with >40% reflectance does not cover more than 40% of exterior walls.
- Residential grade metal siding and wood-based materials are prohibited except on single-family or small-scale multi-dwelling residential developments.

- Architectural metal panels and metal panels for mechanical enclosures allowed.
- Wood-based materials limited to architectural treatments only.

GROUND-FLOOR TRANSPARENCY

- Minimum 35% of ground-floor facade along sidewalks is transparent (windows, doors, glass block).
- Transparent elements are at least 4 feet in height.
- Existing buildings undergoing interior renovations meet or exceed existing transparency percentage if below 35%.
- If transparency is less than 35%, architectural features provide visual relief (texture, recessed patterns, etc.), approved by Zoning Administrator.
- Residential first floors are exempt from transparency requirements.

PARKING

- Surface parking lots visible from public rights-of-way (excluding alleys) are screened by fence, wall, or landscaping.
- Screening materials and details are compatible with surrounding structures.
- Screening height is between 2.5 feet (min) and 3 feet (max).
- If screening exceeds 3 feet in height, at least 50% of it is transparent.

LIGHTING

- Parking lots and vacant lots from demolition are illuminated to sidewalk level.

PARKING STRUCTURE SCREENING

- Parked vehicles are screened from adjacent streets by walls at least 2.5 feet tall.

FIRST FLOOR PLAN



PARKING PROVIDED

- 258 PARKING (7 ADA STALL REQUIRED - 8 PROVIDED)
- 12 UNCOVERED
- 60 COMPACT
- 186 REGULAR)

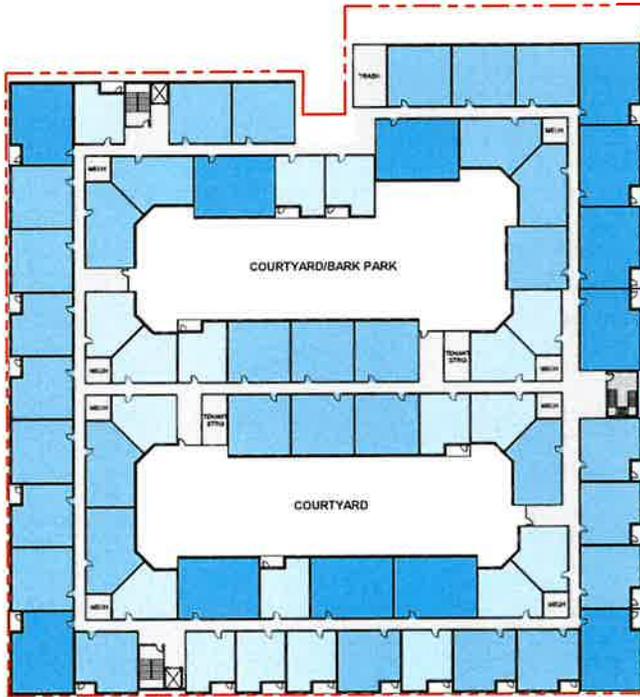
AMENITIES

- LEASING OFFICE
- MAIL
- TENANT STORAGE
- PET WASH
- INDOOR PLAY
- BIKE STORAGE
- FITNESS

SUPPORT

- ELECTRICAL
- MECHANICAL
- TRANSFORMER
- PUMP ROOM
- MAINTENANCE ROOM
- TRASH

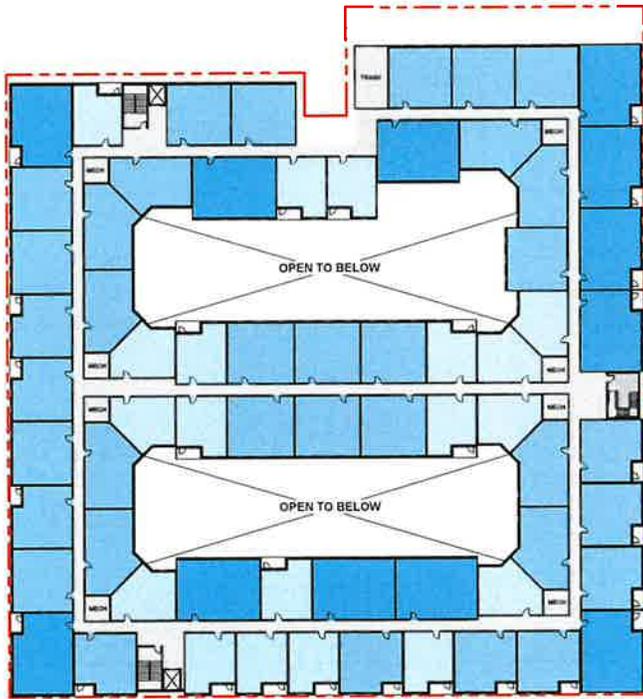
SECOND FLOOR PLAN



	1 BED	2 BED	3 BED	NO. UNITS	GROSS AREA
LEVEL 1	258 PARKING (12 UNCOVERED + 60 COMPACT + 186 REGULAR)				97,600 SF
LEVEL 2	18	33	12	64	88,000 SF
LEVEL 3	18	35	12	66	89,000 SF
LEVEL 4	18	35	12	66	89,000 SF
LEVEL 5	18	35	12	66	89,000 SF
	78	188	48	262	388,600 SF

- 1 BED
- 2 BED
- 3 BED

THIRD-FIFTH FLOOR PLAN



	1 BED	2 BED	3 BED	NO. UNITS	GROSS AREA
LEVEL 1	258 PARKING (12 UNCOVERED + 60 COMPACT + 186 REGULAR)				
LEVEL 2	19	33	12	64	68,000 SF
LEVEL 3	19	35	12	66	68,000 SF
LEVEL 4	19	35	12	66	68,000 SF
LEVEL 5	19	35	12	66	68,000 SF
	76	138	48	262	208,000 SF

- 1 BED
- 2 BED
- 3 BED

PROGRAM UNIT MATRIX

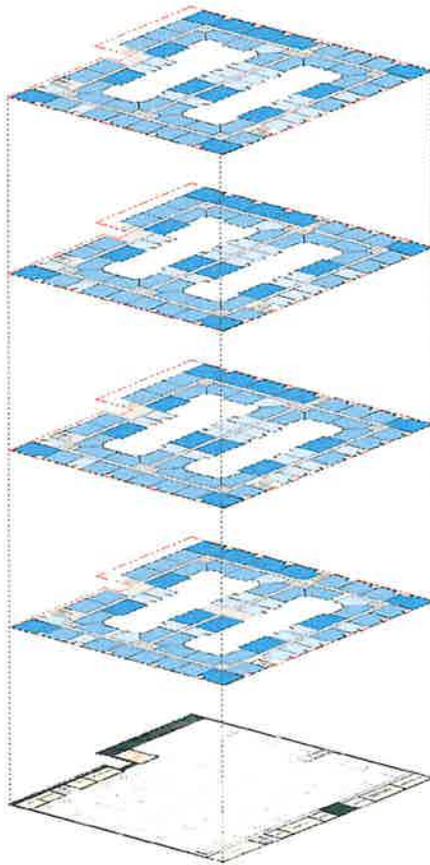
FIFTH FLOOR PLAN

FOURTH FLOOR PLAN

THIRD FLOOR PLAN

SECOND FLOOR PLAN

FIRST FLOOR PLAN



	1 BED	2 BED	3 BED	NO. UNITS	GROSS AREA
LEVEL 1	256 PARKING (12 UNCOVERED + 80 COMPACT + 136 REGULAR)				87,500 SF
LEVEL 2	18	33	12	64	68,000 SF
LEVEL 3	13	25	12	50	68,000 SF
LEVEL 4	13	25	12	50	68,000 SF
LEVEL 5	13	25	12	50	68,000 SF
	76	136	48	262	329,500 SF

- 1 BED
- 2 BED
- 3 BED



SOUTH ELEVATION

MATERIALITY

The material palette for emphasizes durability and contextual sensitivity. A sleek grey Hardie board defines the primary facade, with white Hardie board accenting balcony infill areas to create subtle contrast and depth. At the ground level, a warm tan brick base anchors the building and echoes the historic Union Station across the street. The integrated parking garage features a carefully composed mix of brick and perforated metal panels, providing both visual continuity and natural cross ventilation.

Glazing, entry doors, and parking garage perforated metal panel screening collectively achieve a 50% opening on the first floor, contributing to an active and porous pedestrian experience.



1 - NICHHA WOOD PANEL



2 - TAN BRICK



3 - CHARCOAL FIBER CEMENT PANEL



4 - LIGHT GREY FIBER CEMENT PANEL



5 - PERFORATED METAL SCREENING



NORTH ELEVATION

NICHIHA WOOD PANEL
TAN BRICK
CHARCOAL FIBER CEMENT PANEL
LIGHT GREY FIBER CEMENT PANEL
PERFORATED METAL SCREENING



WEST ELEVATION



EAST ELEVATION

By introducing quality low-income housing into the heart of the city, this project directly supports Fargo's vitality and inclusivity. It brings new residents within walking distance of transit, jobs, and local businesses, helping to sustain a lively, diverse urban core. Thoughtfully designed and contextually grounded, the building contributes to a more equitable and vibrant downtown for all.

35

NOTICE OF HEARING FOR SPECIAL ASSESSMENT OF
NUISANCE ABATEMENT FEES

The Board of City Commissioners of the City of Fargo, North Dakota, will conduct a Public Hearing on special assessments for Nuisance Abatement fees, provided in the list below, on Monday, March 2, 2026 at 5:15 o'clock p.m. in the City Commission Room, City Hall, Fargo, North Dakota.

Parcel Address	Parcel No	Assessment	Reason
2120 12 ST N	01-0010-00153-000	\$212.50	Mowing
1109 UNIVERSITY DR S	01-0020-00950-000	\$265.00	Mowing
1222 15 ST S	01-0020-01460-000	\$197.00	Mowing
1108 18 ST N	01-0100-00430-000	\$590.25	Mowing
426 14 AVE S	01-0120-00420-000	\$287.00	Mowing
317 ELMWOOD AVE S	01-0120-01880-000	\$300.00	Mowing
1546 9 ST N	01-0380-00820-000	\$210.00	Mowing
1137 12 ST N	01-0440-01520-000	\$245.00	Mowing
1134 27 ST N	01-0480-00400-000	\$312.00	Mowing
1029 29 ST N	01-0480-01010-000	\$400.00	Mowing
1030 27 ST N	01-0480-01100-000	\$247.00	Mowing
701 14 ST S	01-0540-00700-000	\$460.00	Mowing
1648 8 AVE S	01-0560-01370-000	\$467.00	Mowing
209 14 ST S	01-0700-01420-000	\$325.00	Mowing
1427 4 AVE S	01-0700-01790-000	\$379.00	Mowing
1345 4 AVE S	01-0710-00210-000	\$430.00	Mowing
417 22 ST S	01-0740-02180-000	\$309.00	Mowing
1701 5 ST S	01-0820-00010-000	\$357.00	Mowing
5401 18 ST S	01-1060-00391-000	\$225.00	Mowing
2012 28 AVE S	01-1115-00531-000	\$600.00	Mowing
924 8 ST N	01-1130-00700-000	\$225.00	Mowing
1302 21 ST S	01-1240-00010-000	\$449.00	Mowing
1406 21 ST S	01-1240-01460-000	\$955.00	Mowing
2920 35 AVE S	01-1395-00230-000	\$256.00	Mowing
2116 31 AVE S	01-1405-00310-000	\$296.00	Mowing
1212 36 ST S	01-1420-00200-000	\$375.00	Mowing
414 7 AVE S	01-1440-01030-000	\$367.00	Mowing
815 COLLEGE ST N	01-1620-00540-000	\$212.50	Mowing
1606 6 ST S	01-1720-00780-000	\$250.00	Mowing
707 3 ST N	01-1760-00100-000	\$350.00	Mowing
707 1 ST N	01-1760-00600-000	\$297.50	Mowing
2202 6 AVE S	01-1940-00070-000	\$1,057.00	Mowing
1501 15 ST S	01-2040-04450-000	\$458.00	Mowing
517 23 AVE N	01-2080-00580-000	\$375.00	Mowing

1822 3 ST N	01-2100-02210-000	\$390.00	Mowing
1422 10 ST N	01-2220-03920-000	\$221.25	Mowing
1405 4 AVE N	01-2340-00710-000	\$450.00	Mowing
1514 5 AVE N	01-2340-00770-000	\$478.75	Mowing
1119-1121 3 AVE N	01-2382-03670-000	\$285.00	Mowing
114 36 AVE N	01-3590-00293-000	\$350.00	Mowing
335 9 AVE S	01-4100-00340-000	\$295.00	Mowing
1846 50 ST S	01-5050-00465-000	\$945.00	Mowing
6086 24 ST S	01-6350-00660-000	\$220.00	Mowing
3150 42 ST S	01-7050-00203-000	\$250.00	Mowing
4731 13 AVE S	01-7370-00100-000	\$450.00	Mowing
4900 23 AVE S	01-7680-00103-000	\$362.50	Mowing
4245 RUSSET AVE S	01-8400-00443-000	\$278.95	Mowing
6091 66 ST S	01-8449-00560-000	\$550.00	Mowing
5497 28 AVE S	01-8523-00200-000	\$450.00	Mowing
6819 17 ST S	01-8659-00100-000	\$244.00	Mowing
1501 69 AVE S	01-8659-02630-000	\$202.00	Mowing
6582 28 ST S	01-8742-01090-000	\$180.00	Mowing
2932 74 AVE S	01-8774-00610-000	\$330.00	Mowing
7306 29 ST S	01-8774-01020-000	\$400.00	Mowing
6726 27 ST S	01-8806-00150-000	\$175.00	Mowing
4325 28 AVE N	01-8819-01100-000	\$445.00	Mowing
5213 VETERANS BLVD S	01-8845-00100-000	\$387.00	Mowing
1638 9 ST N	01-0380-02440-000	\$843.75	DED
821 8 ST N	01-1130-00440-000	\$337.50	DED
1025 4 ST N	01-1160-02130-000	\$1,200.00	DED
902 15 ST N	01-1500-00014-000	\$250.00	DED
1325 11 ST N	01-2220-03240-000	\$19,650.00	DED
1346 10 ST N	01-2220-03340-000	\$725.00	DED
605 11 ST S	01-2400-00011-000	\$1,012.50	DED
519 UNIVERSITY DR S	01-0700-02770-000	\$2,400.00	DED-5YR
1125 1 ST N	01-1160-01160-000	\$6,000.00	DED-5YR
910 UNIVERSITY DR N	01-1620-00580-000	\$3,500.00	DED-5YR
1636 PLUMTREE RD N	01-2360-00600-000	\$5,600.00	DED-5YR
1449 4 AVE S	01-0340-00030-000	\$200.00	CODE ENF
1102 1 AVE S	01-2240-01860-000	\$30,000.00	CODE ENF
3522 32 ST S	01-1396-00110-009	\$135.00	Dog Waste
1846 50 ST S	01-5050-00465-000	\$785.00	Dog Waste

Any person aggrieved may appeal from the action of the Board of City Commissioners by filing with the City Auditor, prior to March 2, 2026, a written Notice of Appeal stating therein the grounds upon which the appeal is based. Any person having filed such a Notice may

appear before the Board of City Commissioners to present reasons why the action of the Board of City Commissioners should not be confirmed.



Forum Communications Company

ND Affidavit No. VuaI67DynwF2zFJVAk0p

See Proof on Next Page

AFFIDAVIT OF PUBLICATION

State of Florida, County of Orange, ss:

Edmar Corachia, being first duly sworn, deposes and says: That (s)he is a duly authorized signatory of Column Software, PBC and duly authorized agent of the The Forum of Fargo-Moorhead (ND), a newspaper printed and published in the City of Fargo, County of Cass, State of North Dakota.

1. I am the designated agent of The The Forum of Fargo-Moorhead (ND), under the provisions and for the purposes of, Section 31-04-06, NDCC, for the newspaper listed on the attached exhibit.
2. The newspaper listed on the exhibit published the advertisement of: **ND General Public Notice Notice**; (2) time: *Wednesday, February 11, 2026, Wednesday, February 18, 2026*, as required by law or ordinance.
3. All of the listed newspapers are legal newspapers in the State of North Dakota and, under the provisions of Section 46-05-01, NDCC, are qualified to publish any public notice or any matter required by law or ordinance to be printed or published in a newspaper in North Dakota.

Edmar Corachia

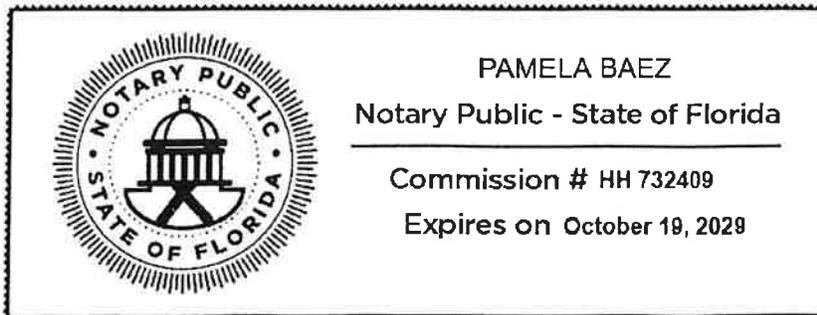
(Signed) _____

VERIFICATION

State of Florida
County of Orange

Subscribed in my presence and sworn to before me on this: 02/19/2026

Notary Public
Notarized remotely online using communication technology via Proof.



NOTICE OF HEARING FOR SPECIAL ASSESSMENT OF
NUISANCE ABATEMENT FEES

The Board of City Commissioners of the City of Fargo, North Dakota, will conduct a Public Hearing on special assessments for Nuisance Abatement fees, provided in the list below, on Monday, March 2, 2026 at 5:15 o'clock p.m. in the City Commission Room, City Hall, Fargo, North Dakota.

Parcel Address	Parcel No	Assessment	Reason
2120 12 ST N	01-0010-00153-000	\$212.50	Mowing
1109 UNIVERSITY DR S	01-0020-00950-000	\$265.00	Mowing
1222 15 ST S	01-0020-01460-000	\$197.00	Mowing
1108 18 ST N	01-0100-00430-000	\$590.25	Mowing
426 14 AVE S	01-0120-00420-000	\$287.00	Mowing
317 ELMWOOD AVE S	01-0120-01880-000	\$300.00	Mowing
1546 9 ST N	01-0380-00820-000	\$210.00	Mowing
1137 12 ST N	01-0440-01520-000	\$245.00	Mowing
1134 27 ST N	01-0480-00400-000	\$312.00	Mowing
1029 29 ST N	01-0480-01010-000	\$400.00	Mowing
1030 27 ST N	01-0480-01100-000	\$247.00	Mowing
701 14 ST S	01-0540-00700-000	\$460.00	Mowing
1648 8 AVE S	01-0560-01370-000	\$467.00	Mowing
209 14 ST S	01-0700-01420-000	\$325.00	Mowing
1427 4 AVE S	01-0700-01790-000	\$379.00	Mowing
1345 4 AVE S	01-0710-00210-000	\$430.00	Mowing
417 22 ST S	01-0740-02180-000	\$309.00	Mowing
1701 5 ST S	01-0820-00010-000	\$357.00	Mowing
5401 18 ST S	01-1060-00391-000	\$225.00	Mowing
2012 28 AVE S	01-1115-00531-000	\$600.00	Mowing
924 8 ST N	01-1130-00700-000	\$225.00	Mowing
1302 21 ST S	01-1240-00010-000	\$449.00	Mowing
1406 21 ST S	01-1240-01460-000	\$955.00	Mowing
2920 35 AVE S	01-1395-00230-000	\$258.00	Mowing
2116 31 AVE S	01-1405-00310-000	\$296.00	Mowing
1212 36 ST S	01-1420-00200-000	\$375.00	Mowing
414 7 AVE S	01-1440-01030-000	\$367.00	Mowing
815 COLLEGE ST N	01-1620-00540-000	\$212.50	Mowing
1606 6 ST S	01-1720-00780-000	\$250.00	Mowing
707 3 ST N	01-1760-00100-000	\$350.00	Mowing
707 1 ST N	01-1760-00600-000	\$297.50	Mowing
2202 6 AVE S	01-1940-00070-000	\$1,057.00	Mowing
1501 15 ST S	01-2040-04450-000	\$458.00	Mowing
517 23 AVE N	01-2080-00580-000	\$375.00	Mowing
1822 3 ST N	01-2100-02210-000	\$390.00	Mowing
1422 10 ST N	01-2220-03920-000	\$221.25	Mowing
1405 4 AVE N	01-2340-00710-000	\$450.00	Mowing
1514 5 AVE N	01-2340-00770-000	\$478.75	Mowing
1119-1121 3 AVE N	01-2382-03670-000	\$285.00	Mowing
114 36 AVE N	01-3590-00293-000	\$350.00	Mowing
335 9 AVE S	01-4100-00340-000	\$395.00	Mowing
1846 50 ST S	01-5050-00465-000	\$945.00	Mowing
6086 24 ST S	01-6350-00660-000	\$220.00	Mowing
3150 42 ST S	01-7050-00203-000	\$250.00	Mowing
4731 13 AVE S	01-7370-00100-000	\$450.00	Mowing
4900 23 AVE S	01-7680-00103-000	\$362.50	Mowing
4245 RUSSET AVE S	01-8400-00443-000	\$278.95	Mowing
6091 66 ST S	01-8449-00560-000	\$550.00	Mowing
5497 28 AVE S	01-8523-00200-000	\$450.00	Mowing
6819 17 ST S	01-8659-00100-000	\$244.00	Mowing
1501 69 AVE S	01-8659-02630-000	\$202.00	Mowing
6582 28 ST S	01-8742-01090-000	\$180.00	Mowing
2932 74 AVE S	01-8774-00610-000	\$330.00	Mowing
7306 29 ST S	01-8774-01020-000	\$400.00	Mowing
6726 27 ST S	01-8806-00150-000	\$175.00	Mowing
4325 28 AVE N	01-8819-01100-000	\$445.00	Mowing
5213 VETERANS BLVD S	01-8845-00100-000	\$387.00	Mowing
1638 9 ST N	01-0380-02440-000	\$843.75	DED
821 8 ST N	01-1130-00440-000	\$337.50	DED
1025 4 ST N	01-1160-02130-000	\$1,200.00	DED
902 15 ST N	01-1500-00014-000	\$250.00	DED
1325 11 ST N	01-2220-03240-000	\$19,650.00	DED
1348 10 ST N	01-2220-03340-000	\$725.00	DED
605 11 ST S	01-2400-00011-000	\$1,012.50	DED
519 UNIVERSITY DR S	01-0700-02770-000	\$2,400.00	DED-5YR
1125 1 ST N	01-1160-01160-000	\$6,000.00	DED-5YR
910 UNIVERSITY DR N	01-1620-00580-000	\$3,500.00	DED-5YR
1636 PLUMTREE RD N	01-2360-00600-000	\$5,600.00	DED-5YR
1449 4 AVE S	01-0340-00030-000	\$200.00	CODE ENF
1102 1 AVE S	01-2240-01860-000	\$30,000.00	CODE ENF
3522 32 ST S	01-1396-00110-009	\$135.00	Dog Waste
1846 50 ST S	01-5050-00465-000	\$785.00	Dog Waste

Any person aggrieved may appeal from the action of the Board of City Commissioners by filing with the City Auditor, prior to March 2, 2026, a written Notice of Appeal stating therein the grounds upon which the appeal is based. Any person having filed such a Notice may appear before the Board of City Commissioners to present reasons why the action of the Board of City Commissioners should not be confirmed. (Feb. 11 & 18, 2026)



**PLANNING &
DEVELOPMENT**

36

FARGO CITY HALL
225 4th Street North
Fargo, ND 58102
Office: 701.241.1474 | Fax: 701.241.1526
Email: Planning@FargoND.gov
FargoND.gov

MEMORANDUM

TO: BOARD OF CITY COMMISSIONERS

FROM: NICOLE CRUTCHFIELD, PLANNING DIRECTOR *NC*

DATE: FEBRUARY 26, 2026

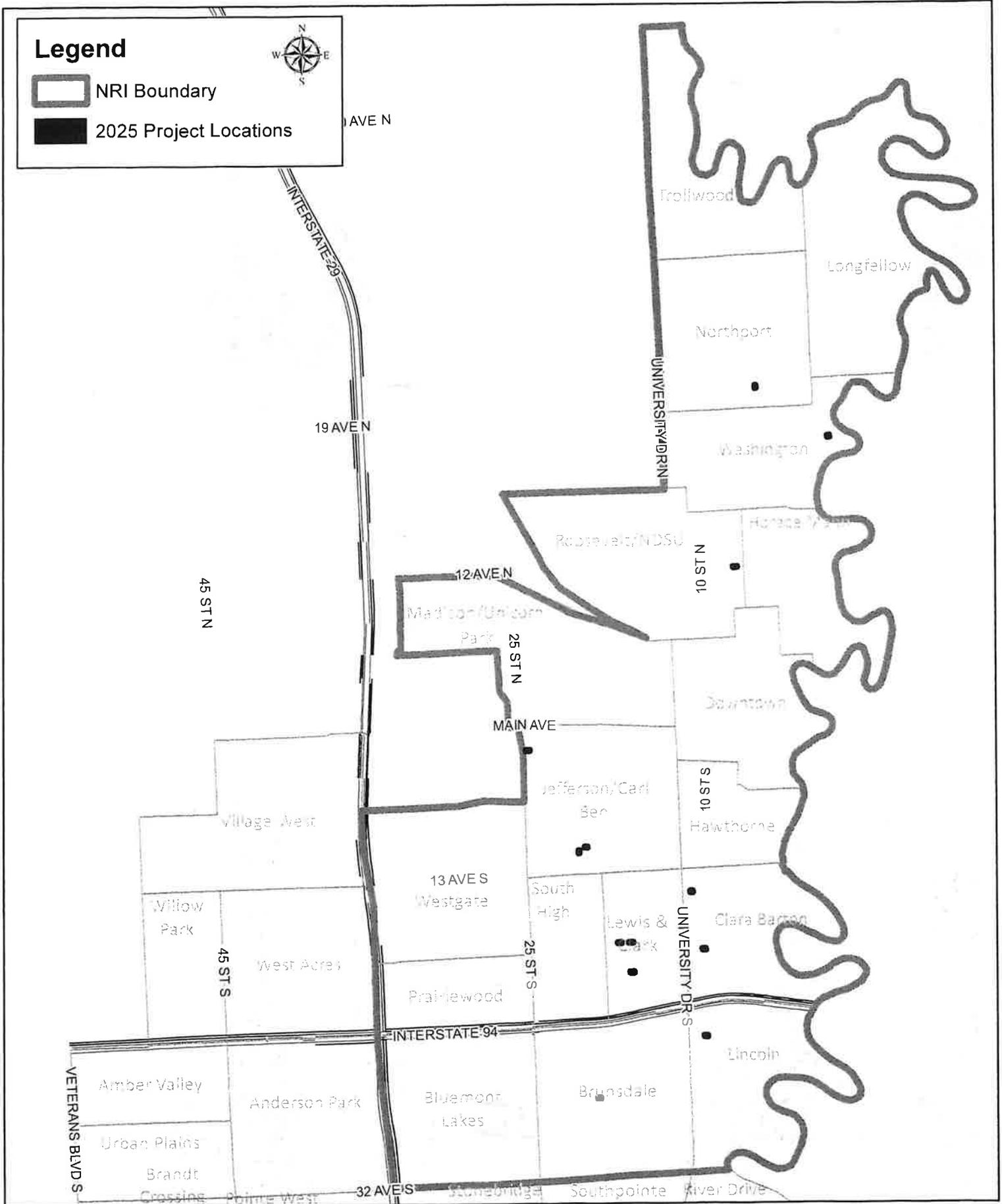
RE: GATE CITY BANK ANNOUNCES 2026 NRI PROGRAM FUNDING

At the March 2nd City Commission meeting, Gate City Bank will present information about the next round of funding for the Neighborhood Revitalization Initiative Program. Details about the program and information on how residents can apply are available on the City of Fargo's website at www.FargoND.gov/nri.

Once again, the Planning Department is proud to be part of the administration of this program. We see evidence every day on the benefits it provides to our residents as households diligently maintain and improve their homes. In 2025, there were a total of 42 applications submitted and 13 completed projects (a map of completed project locations is attached) totaling \$535,332.99 in home improvements. The average NRI loan obtained was \$41,179.46.

This program remains a necessary community development tool towards implementing goals as described in the City's Core Neighborhoods Plan.







Better **Together.**

**Low rates for repairs
and improvements**

**\$10,000 - \$100,000 for
qualified projects***

**Flexible terms to
fit your budget**

As a mutual bank, we're proud to partner with local communities to offer low-interest loans to homeowners – helping preserve the beauty of older homes across ND and MN.

Visit [GateCity.Bank/CityPrograms](https://www.gatecitybank.com/CityPrograms) to see if you qualify!

 **Gate City Bank**
For a Better Way of Life.®

701-293-2400 • 800-423-3344

Member FDIC 

*Terms, conditions and program limitations apply. Contact your local city, or visit GateCity.Bank/CityPrograms for details. Applications are reviewed on a first-come, first-served basis as funds are available.



**OFFICE OF
THE MAYOR**

DR. TIM MAHONEY
FARGO CITY HALL
225 Fourth Street North
Fargo, ND 58102
Phone: 701.241.1310 | Fax: 701.476.4136
FargoND.gov

31

MEMORANDUM

TO: BOARD OF CITY COMMISSIONERS
FROM: MAYOR DR. TIMOTHY J. MAHONEY 
DATE: MARCH 2, 2026
SUBJECT: CIVIL SERVICE COMMISSION APPOINTMENT

A vacancy has existed on the Civic Service Commission since the resignation of Mike Wenaas. His term ended on June 30, 2025.

Nancy Mansouri has submitted an application indicating interest in serving on the Board and I am recommending her appointment. I have attached a copy of her application for your information.

Your favorable consideration of this recommendation will be greatly appreciated.

RECOMMENDED MOTION: To approve the appointment of Nancy Mansouri to the Civil Service Commission for a term ending June 30, 2028.

Attachments
mmapt26csc

Kember Anderson

From: noreply@cityoffargo.com
Sent: Thursday, January 18, 2024 12:22 AM
To: Commissions Applications
Subject: New Form Submission: Getting involved in government
Attachments: NMANSOURI_RESUME_120723.pdf

Name:
[Nancy J Mansouri]

Mailing Address:
[REDACTED]

City:
[Fargo]

State:
[ND]

Zip:
[58104]

Work Phone:
[REDACTED]

Home Phone:
[REDACTED]

E-mail:
[REDACTED]

Which boards or commissions would you like to be considered for?

[Civil Service Commission]

Briefly state why you would like to be on this panel:

[To participate in city government in a human resources capacity.]

How many hours per month could you volunteer as a panel member?

[As required.]

Please list any past experience you have with city government here or in other cities:

[I have applied through and been appointed as a Southeast Human Services Advisory Board member. My term recently ended.]

Please describe any professional experience you have related to the responsibilities of the panel you are interested in:

[I have over thirty years in financial and human resource management and am currently certified as an SHRM-CP.]

We will retain your application for three years and consider you for the board you have indicated interest in when a vacancy arises.



38a

February 6, 2026

Board of City Commissioners
City Hall
Fargo, ND 58102

Dear Commissioners:

Chapter 57-02.2 of the North Dakota Century Code provides for a property tax exemption for certain types of improvements made to existing buildings.

I have attached a copy of an application for real estate tax exemption of building improvements submitted by Jamie and Mary Alderman. A description of the types of improvements to be made are indicated on the application.

It is my opinion that the value of some of the improvements, referred to in the application, qualifies for the exemption. This exemption would be for 5 years.

The estimated annual tax revenue lost by granting the exemption, based upon the estimated cost of the improvements, would be about \$197 with the City of Fargo's share being \$34.

Sincerely,

A handwritten signature in blue ink that reads "Mike Splonskowski".

Mike Splonskowski
City Assessor

nlb
attachment

Application For Property Tax Exemption For Improvements To Commercial And Residential Buildings

N.D.C.C. ch. 57-02-2

(File with the city assessor or county director of tax equalization)

Property Identification

1. Legal Description of the property for which exemption is claimed _____
 2. Address of Property _____
 3. Parcel Number _____
 4. Name of Property Owner ALDERMAN, JAMIE L & MARY K Phone No. _____
 5. Mailing Address of Property Owner _____

Description Of Improvements For Exemption

6. Describe type of renovating, remodeling, alteration or addition made to the building for which exemption is claimed (attach additional sheets if necessary).
Refinish Lower Level
 7. Building permit No. 24100680 8. Year built (residential property) 1977
 9. Date of commencement of making the improvements 1/3/25
 10. Estimated market value of property before the improvements \$ 315,800
 11. Cost of making the improvement (all labor, material and overhead) \$ 89,836.00
 12. Estimated market value of property after the improvements \$ 330,500

Applicant's Certification And Signature

13. I certify that the information contained in this application is correct to the best of my knowledge.
 Applicant [Signature] Date 1-25-26

Assessor's Determination And Signature

14. The assessor/county director of tax equalization finds that the improvements described in this application do do not meet the qualifications for exemption for the following reason(s): _____
 Assessor/Director of Tax Equalization [Signature] Date 2-12-2020

Action Of Governing Body

15. Action taken on this application by the governing board of the county or city: Approved Denied
 Approval is subject to the following conditions: _____
 Exemption is allowed for years 20____, 20____, 20____, 20____, 20____.
 Chairperson _____ Date _____



386

February 6, 2026

Board of City Commissioners
City Hall
Fargo, ND 58102

Dear Commissioners:

Chapter 57-02.2 of the North Dakota Century Code provides for a property tax exemption for certain types of improvements made to existing buildings.

I have attached a copy of an application for real estate tax exemption of building improvements submitted by Richard and Lisa Osborne. A description of the types of improvements to be made are indicated on the application.

It is my opinion that the value of some of the improvements, referred to in the application, qualifies for the exemption. This exemption would be for 5 years.

The estimated annual tax revenue lost by granting the exemption, based upon the estimated cost of the improvements, would be about \$160 with the City of Fargo's share being \$27.

Sincerely,

A handwritten signature in blue ink that reads "Mike Splonskowski".

Mike Splonskowski
City Assessor

nlb
attachment

Application For Property Tax Exemption For Improvements To Commercial And Residential Buildings

N.D.C.C. ch. 57-02-2

(File with the city assessor or county director of tax equalization)

Property Identification

1. Legal Description of the property for which exemption is claimed _____

2. Address of Property _____

3. Parcel Number _____

4. Name of Property Owner **OSBORNE, RICHARD S & LISA M** Phone No. _____

5. Mailing Address of Property Owner _____

Description Of Improvements For Exemption

6. Describe type of renovating, remodeling, alteration or addition made to the building for which exemption is claimed (attach additional sheets if necessary).
Remove & install New Vinyl siding

7. Building permit No. 24100920 8. Year built (residential property) 1976

9. Date of commencement of making the improvements 11/14/2024

10. Estimated market value of property before the improvements \$ 277,200

11. Cost of making the improvement (all labor, material and overhead) \$ 23,200

12. Estimated market value of property after the improvements \$ 289,100

Applicant's Certification And Signature

13. I certify that the information contained in this application is correct to the best of my knowledge.

Applicant Richard S Osborne Date 2/3/26

Assessor's Determination And Signature

14. The assessor/county director of tax equalization finds that the improvements described in this application do do not meet the qualifications for exemption for the following reason(s): _____

Assessor/Director of Tax Equalization Mike Stanulski Date 2-2-2026

Action Of Governing Body

15. Action taken on this application by the governing board of the county or city: Approved Denied

Approval is subject to the following conditions: _____

Exemption is allowed for years 20__ , 20__ , 20__ , 20__ , 20__ .

Chairperson _____ Date _____



380

February 6, 2026

Board of City Commissioners
City Hall
Fargo, ND 58102

Dear Commissioners:

Chapter 57-02.2 of the North Dakota Century Code provides for a property tax exemption for certain types of improvements made to existing buildings.

I have attached a copy of an application for real estate tax exemption of building improvements submitted by Stacy Belehar. A description of the types of improvements to be made are indicated on the application.

It is my opinion that the value of some of the improvements, referred to in the application, qualifies for the exemption. This exemption would be for 5 years.

The estimated annual tax revenue lost by granting the exemption, based upon the estimated cost of the improvements, would be about \$142 with the City of Fargo's share being \$24.

Sincerely,

A handwritten signature in blue ink that reads "Mike Splonskowski".

Mike Splonskowski
City Assessor

nlb
attachment

Application For Property Tax Exemption For Improvements To Commercial And Residential Buildings

N.D.C.C. ch. 57-02-2

(File with the city assessor or county director of tax equalization)

Property Identification

1. Legal Description of the property for which exemption is claimed _____

2. Address of Property _____

3. Parcel Number _____

4. Name of Property Owner BELEHAR, STACY L Phone No. _____

5. Mailing Address of Property Owner _____

Description Of Improvements For Exemption

6. Describe type of renovating, remodeling, alteration or addition made to the building for which exemption is claimed (attach additional sheets if necessary). _____

Remove old siding & replace with new siding

7. Building permit No. 25110018 8. Year built (residential property) 1958

9. Date of commencement of making the improvements 11/12/25

10. Estimated market value of property before the improvements \$ 251,700

11. Cost of making the improvement (all labor, material and overhead) \$ 10,600

12. Estimated market value of property after the improvements \$ 262,300

Applicant's Certification And Signature

13. I certify that the information contained in this application is correct to the best of my knowledge.

Applicant *Stacy Belihar* Date 1/26/26

Assessor's Determination And Signature

14. The assessor/county director of tax equalization finds that the improvements described in this application do do not meet the qualifications for exemption for the following reason(s): _____

Assessor/Director of Tax Equalization *Matej G. ...* Date 2-12-2026

Action Of Governing Body

15. Action taken on this application by the governing board of the county or city: Approved Denied

Approval is subject to the following conditions: _____

Exemption is allowed for years 20____, 20____, 20____, 20____, 20____.

Chairperson _____ Date _____



38d

February 6, 2026

Board of City Commissioners
City Hall
Fargo, ND 58102

Dear Commissioners:

Chapter 57-02.2 of the North Dakota Century Code provides for a property tax exemption for certain types of improvements made to existing buildings.

I have attached a copy of an application for real estate tax exemption of building improvements submitted by Jeremy Johnson. A description of the types of improvements to be made are indicated on the application.

It is my opinion that the value of some of the improvements, referred to in the application, qualifies for the exemption. This exemption would be for 5 years.

The estimated annual tax revenue lost by granting the exemption, based upon the estimated cost of the improvements, would be about \$583 with the City of Fargo's share being \$99.

Sincerely,

A handwritten signature in blue ink that reads "Mike Splonskowski".

Mike Splonskowski
City Assessor

nlb
attachment

Application For Property Tax Exemption For Improvements To Commercial And Residential Buildings

N.D.C.C. ch. 57-02.2

(File with the city assessor or county director of tax equalization)

Property Identification

1. Legal description of the property for which exemption is claimed _____

2. Address of Property _____

3. Parcel Number _____

4. Name of Property Owner Jeremy Johnson Phone No. _____

5. Mailing Address of Property Owner _____

Description Of Improvements For Exemption

6. Describe type of renovating, remodeling, alteration or addition made to the building for which exemption is claimed (attach additional sheets if necessary). _____
Major Remodel of Main Level

7. Building permit No. 22050011 8. Year built (residential property) 1950

9. Date of commencement of making the improvements 02/15/2025

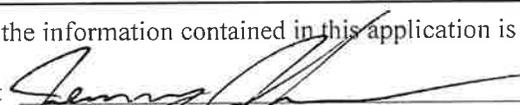
10. Estimated market value of property before the improvements \$ 190,800.00

11. Cost of making the improvement (all labor, material and overhead) \$ 38,000

12. Estimated market value of property after the improvements \$ 234,300.00

Applicant's Certification And Signature

13. I certify that the information contained in this application is correct to the best of my knowledge.

Applicant  Date 1-26-2026

Assessor's Determination And Signature

14. The assessor/county director of tax equalization finds that the improvements described in this application do do not meet the qualifications for exemption for the following reason(s): _____

Assessor/Director of Tax Equalization  Date 2-12-2026

Action Of Governing Body

15. Action taken on this application by the governing board of the county or city: Approved Denied

Approval is subject to the following conditions: _____

Exemption is allowed for years 20____, 20____, 20____, 20____, 20____.

Chairperson _____ Date _____



38e

February 6, 2026

Board of City Commissioners
City Hall
Fargo, ND 58102

Dear Commissioners:

Chapter 57-02.2 of the North Dakota Century Code provides for a property tax exemption for certain types of improvements made to existing buildings.

I have attached a copy of an application for real estate tax exemption of building improvements submitted by Daniel and Nancy Hull. A description of the types of improvements to be made are indicated on the application.

It is my opinion that the value of some of the improvements, referred to in the application, qualifies for the exemption. This exemption would be for 5 years.

The estimated annual tax revenue lost by granting the exemption, based upon the estimated cost of the improvements, would be about \$431 with the City of Fargo's share being \$73.

Sincerely,

A handwritten signature in blue ink that reads "Mike Splonskowski".

Mike Splonskowski
City Assessor

nlb
attachment

Application For Property Tax Exemption For Improvements To Commercial And Residential Buildings

N.D.C.C. ch. 57-02.2

(File with the city assessor or county director of tax equalization)

Property Identification

1. Legal description of the property for which exemption is claimed _____

2. Address of Property _____

3. Parcel Number _____

4. Name of Property Owner Daniel + Nancy Hull Phone No. _____

5. Mailing Address of Property Owner _____

Description Of Improvements For Exemption

6. Describe type of renovating, remodeling, alteration or addition made to the building for which exemption is claimed (attach additional sheets if necessary). Remodel (3) existing Bathrooms

7. Building permit No. 2508-0052 8. Year built (residential property) 1985

9. Date of commencement of making the improvements 8/5/25

10. Estimated market value of property before the improvements \$ 380,200

11. Cost of making the improvement (all labor, material and overhead) \$ 125,000

12. Estimated market value of property after the improvements \$ ~~380,200~~ 412,300

Applicant's Certification And Signature

13. I certify that the information contained in this application is correct to the best of my knowledge.

Applicant Daniel S. Hull Date 1-29-26

Assessor's Determination And Signature

14. The assessor/county director of tax equalization finds that the improvements described in this application do do not meet the qualifications for exemption for the following reason(s): _____

Assessor/Director of Tax Equalization Heidi Splonendo Date 2-12-2026

Action Of Governing Body

15. Action taken on this application by the governing board of the county or city: Approved Denied

Approval is subject to the following conditions: _____

Exemption is allowed for years 20 __, 20 __, 20 __, 20 __, 20 __.

Chairperson _____ Date _____



38f

February 6, 2026

Board of City Commissioners
City Hall
Fargo, ND 58102

Dear Commissioners:

Chapter 57-02.2 of the North Dakota Century Code provides for a property tax exemption for certain types of improvements made to existing buildings.

I have attached a copy of an application for real estate tax exemption of building improvements submitted by Wayne and Kathleen Henjum. A description of the types of improvements to be made are indicated on the application.

It is my opinion that the value of some of the improvements, referred to in the application, qualifies for the exemption. This exemption would be for 5 years.

The estimated annual tax revenue lost by granting the exemption, based upon the estimated cost of the improvements, would be about \$200 with the City of Fargo's share being \$34.

Sincerely,

A handwritten signature in blue ink that reads "Mike Splonskowski".

Mike Splonskowski
City Assessor

nlb
attachment

Application For Property Tax Exemption For Improvements To Commercial And Residential Buildings

N.D.C.C. ch. 57-02-2

(File with the city assessor or county director of tax equalization)

Property Identification

1. Legal Description of the property for which exemption is claimed _____

2. Address of Property _____

3. Parcel Number _____

4. Name of Property Owner HENJUM, WAYNE D & KATHLEEN P Phone No. _____

5. Mailing Address of Property Owner _____

Description Of Improvements For Exemption

6. Describe type of renovating, remodeling, alteration or addition made to the building for which exemption is claimed (attach additional sheets if necessary).
Reside Dwelling

7. Building permit No. 25010541 8. Year built (residential property) 1961

9. Date of commencement of making the improvements 5/7/25

10. Estimated market value of property before the improvements \$ 296,400

11. Cost of making the improvement (all labor, material and overhead) \$ 47,000

12. Estimated market value of property after the improvements \$ 311,300

Applicant's Certification And Signature

13. I certify that the information contained in this application is correct to the best of my knowledge.

Applicant [Signature] Date 1-25-26

Assessor's Determination And Signature

14. The assessor/county director of tax equalization finds that the improvements described in this application do do not meet the qualifications for exemption for the following reason(s): _____

Assessor/Director of Tax Equalization [Signature] Date 2-12-2026

Action Of Governing Body

15. Action taken on this application by the governing board of the county or city: Approved Denied

Approval is subject to the following conditions: _____

Exemption is allowed for years 20____, 20____, 20____, 20____, 20____.

Chairperson _____ Date _____

39

Administration
Brenda Derrig, PE
225 4th Street North
Fargo, ND 58102
Phone: 701.241.1549
Email: bderrig@FargoND.gov
www.FargoND.gov

March 2, 2026

Board of City Commissioners

Re: Human Rights Commission 60-day Extension

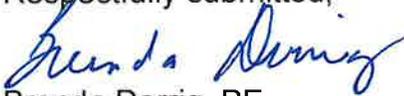
On January 5, 2026 the City Commission approved the conclusion of the Human Rights Commission, allowing for two months to create a transition plan and since that date, the Human Rights Commission has held several working sessions. The Board is close to developing a transition plan and they have drafted a resolution for consideration; however, following their February 19th meeting, a majority of the members of the Human Rights Commission are requesting a 60-day extension to allow for additional working sessions to complete the restructuring of the Board.

Commissioner Strand and I are providing guidance and oversight for the working sessions, incorporating additional input from former Board members and the Executive Director of the North Dakota Human Rights Coalition.

Recommended Motion:

Grant a 60-day extension to the Human Rights Commission to allow for additional working sessions to complete the restructuring of the Board.

Respectfully submitted,



Brenda Derrig, PE
Assistant City Administrator

RESOLUTION NO. 002

A Resolution of the Fargo Human Rights Commission Regarding Its Legal Status and Continuation

WHEREAS,

The Fargo Human Rights Commission (HRC) was established by Ordinance of the City of Fargo to serve as an advisory body dedicated to promoting awareness, education, and dialogue on matters relating to civil and human rights within the community; and

WHEREAS,

The HRC has, in good faith and consistent with its charter, conducted public education, community engagement, advocacy, recognition programs, and advisory reporting for the benefit of the residents of Fargo; and

WHEREAS,

On January 5, 2026, the Fargo City Commission voted to discontinue several advisory bodies, including the Fargo Human Rights Commission, and granted the HRC a two-month extension to consider restructuring options; and

WHEREAS,

The HRC has undertaken consultative meetings, strategic discussions, and restructuring proposals during this extension period in an effort to respond constructively and responsibly to the City Commission's directive; and

WHEREAS,

The HRC was created by City ordinance and therefore may only be formally dissolved, repealed, or rescinded through legislative action of the Fargo City Commission; and

WHEREAS,

Institutional clarity, transparency, and public trust are strengthened when legislative bodies directly exercise their authority regarding the creation or dissolution of advisory commissions;

NOW, THEREFORE, BE IT RESOLVED:

1. That the Fargo Human Rights Commission reaffirms its commitment to serving the residents of Fargo in accordance with its mission and vision, and acknowledges the consultative work undertaken during the two-month extension period.
2. That the HRC respectfully states that it is not within its mandate to recommend or engineer its own dissolution, as such authority properly rests with the Fargo City Commission pursuant to the ordinance establishing the Commission.

3. That if the Fargo City Commission determines that the continuation of the HRC is no longer aligned with its legislative priorities, the Commission should formally rescind or repeal the enabling ordinance directly and transparently.
4. That this Resolution is adopted in the interest of institutional integrity, good governance, and clarity for the residents of Fargo.
5. That the HRC remains prepared to continue its advisory role, consistent with City direction and community need, unless and until formally dissolved by legislative action.

BE IT FURTHER RESOLVED,

That this Resolution be transmitted to the Fargo City Commission and made part of the public record.

Adopted on this 19th day of February 2026.

Fargo Human Rights Commission

Signed:

Sekou Sirleaf, Chair of the Commission	_____
Nancy Boyle, Vice-chair of the Commission	_____
Code Severson, Commission Member	_____
Carolyn Becraft, Commission Member	_____
Ritchell Aboah, Commission Member	_____
Tambah Saah, Commission Member	_____
Xavier Welty, Commission Member	_____

MEMORANDUM

TO: BOARD OF CITY COMMISSIONERS

FROM: NICOLE CRUTCHFIELD, PLANNING DIRECTOR *NC*
ASHLEY LITTLEWOLF, NATIVE AMERICAN COMMISSION CHAIR

DATE: FEBRUARY 26, 2026

RE: NATIVE AMERICAN COMMISSION TRANSITION PLAN & RECOMMENDATION

On June 19, 2006, the Fargo City Commission voted to adopt a resolution to create a Native American Commission (NAC). The purpose of the NAC is to develop recommendations for City participation in Native American projects/programs; inventory local Native American cultural assets; evaluate existing information on local Native American assets and needs; and provide oversight to City-funded Native American projects/programs/facilities.

Since its inception, several tireless leaders and community members have initiated activities including:

- Co-operated the Native American Center with the Cultural Diversity Resource Center.
- Received national recognition from the National League of Cities Cultural Diversity Award (2011)
- Sponsored annual Tri-Cities powwows honoring Indigenous high school graduates.
- Established a public sweat lodge to support cultural preservation and community healing.
- Helped found the Indigenous Association.
- Advanced Native education initiatives within Fargo and West Fargo Public Schools.
- Conducted outreach and advocacy on public health initiatives at local, state, and national levels.
- Supported Indigenous Peoples Day, Savanna Greywind Day, and Missing and Murdered Indigenous Women (MMIW) awareness efforts.
- Maintained active subcommittees focused on housing, health, education, and cultural awareness.

As the City has conducted a review of several of its volunteer advisory boards over the past year, an opportunity has emerged for the Native American Commission to transition to a broader, community-based governance model. This opportunity is the result of current and former Indigenous NAC participants envisioning a more flexible structure – one that can better navigate geographic boundaries and bureaucratic systems while reducing reliance on City staffing and overhead. The proposed transition plan is attached and will be presented at the March 2 City Commission meeting, where current and past NAC members will speak to the vision and next steps.

RECOMMENDED MOTION: To support the proposed transition plan and to authorize coordination of the City Attorney's Office, Planning Department, and City Administration to retrofit all associated processes and resolutions to implement the new governance model.

Native American Commission Transition Development - February 23, 2026

Developed by current and past NAC members – WORKING DRAFT

Purpose

Establish a sustainable, community-led Native American Commission that continues serving Native residents while maintaining clear partnership and accountability from the City of Fargo.

Background

The mission of the Fargo Native American Commission (NAC) is to work together to strengthen the Native American community to promote understanding, recognition, and respect for cultures and to enrich the community as a whole. The NAC and its members are committed to a shared vision that nurtures Native American culture and values. While city staffing is no longer available, the need for representation, coordination, and advocacy remains strong.

Proposed Action

The Native American Commission will continue to serve in its essential advisory role, providing guidance and recommendations to the Mayor and the City of Fargo on matters impacting Native American communities. At the same time, the Commission will transition to operating as an informal, volunteer-led body that functions independently of City administrative oversight for its internal operations and administrative duties. This structure preserves the Commission's advisory relationship with City leadership while allowing greater flexibility, community responsiveness, and self-directed governance. The NAC has always been and continues to be a conduit to inform and represent City-sponsored opportunities and activities and continues to see a need in that effort.

Goals

- Maintain consistent Native representation in city decision-making
- Provide structured civic input and open forums
- Advance economic development and entrepreneurship
- Support sovereign partnerships with tribal nations
- Promote cultural awareness, tourism, and education
- Ensure ongoing access and accountability to City leadership

Operating Model

- Volunteer-led and community-driven
- Rotating roles (Facilitator, Recorder, Communications Lead)
- Bi-monthly public meetings
- Consensus-based decisions
- Low-cost, simple structure
- City liaison (no staffing)

Scope of Work & Operational Structure

The Native American Commission Will:

- Provide a collective Native community voice
- Share concerns and recommendations
- Engage City Commission, School Board, and partners
- Support cultural events and education
- Connect residents with services and resources
- Support continued funding alignment with the Indigenous Association
- Submit periodic recommendations and reports to City leadership

The Native American Commission Will Not:

- Operate as a nonprofit
- Replace City services or responsibilities

City Partnership & City Commission Role:

- Appoint an official liaison
- Provide meeting space at City Hall as needed for education or awareness (2–3 times annually)
- Offer communication platforms for announcements and calls to action
- Receive and consider recommendations
- Collaborate on outreach and engagement

Community & Economic Impact Recognition:

Economic Strength

- Contributions to workforce, small business, housing, and education
- Supports entrepreneurship and supplier participation
- Tribal nations are key regional economic partners

Tourism & Regional Branding

- Cultural events, arts, and Native-owned businesses drive visitor spending
- Strengthens Fargo's identity and destination appeal

Timeline

Transition to the community-led model gradually ensuring uninterrupted engagement and continued partnership with the City of Fargo.



41

TO: BOARD OF CITY COMMISSIONERS

DATE: MARCH 2, 2026

**RE: RECEIVE AND FILE AN ORDINANCE REPEALING AND ENACTING
CHAPTER 35 OF THE FARGO MUNICIPAL CODE RELATING TO SALE OF
TOBACCO PRODUCTS; AND AN ORDINANCE AMENDING SECTION 10-
1001 OF ARTICLE 10-10 OF CHAPTER 10 RELATING TO DEFINITIONS;
AND AN ORDINANCE AMENDING SECTION 10-1301 OF ARTICLE 10-13
OF CHAPTER 10 RELATING TO DEFINITIONS; AND AN ORDINANCE TO
AMEND SECTION 1-0305 OF ARTICLE 1-03 OF CHAPTER 1 RELATING TO
CLASSIFICATION OF ORDINANCE VIOLATIONS**

Dear Mayor Mahoney and Commissioners,

Fargo Cass Public Health requested permission from the commission on July 31, 2025 to work with the City of Fargo attorney's office to review and revise the Tobacco Ordinance, Chapter 35.

Fargo Cass Public Health presented an informational session regarding e-cigarette, vaping and tobacco/nicotine pouch use at the Board of Health on October 3rd, 2025.

Fargo Cass Public Health hosted a joint meeting between the Board of Health and City of Fargo Commission on January 15th, 2026 to discuss elements of a comprehensive tobacco and nicotine ordinance.

Fargo Cass Public Health requested permission to work with the legal team on January 20, 2026 to examine the components of a comprehensive tobacco ordinance, to include but not limited to licensing and flavor policies.

Presented for your consideration and approval are numerous ordinance changes pursuant to Fargo Cass Public Health's development of a comprehensive tobacco and nicotine ordinance.

Also presented for your consideration is a resolution created by Fargo Cass Public Health and approved by the Fargo Cass Public Health Board of Health.

Suggested Motion:

Move to receive and file above stated ordinances and amendments.

Regards,

Jenn Faul, Director of Public Health

JF/lls (Attachments)

**RESOLUTION FROM THE FARGO CASS BOARD OF HEALTH REGARDING PROTECTING YOUTH
FROM FLAVORED TOBACCO AND NICOTINE PRODUCTS**

WHEREAS, the Fargo Cass Board of Health is committed to ensuring the health and safety of our youth, residents and communities; and

WHEREAS, we have a substantial interest in protecting youth from the health consequences of tobacco use; and

WHEREAS, nicotine is a highly addictive drug, and adolescents are especially vulnerable to its effects. According to the U.S. Surgeon General, nicotine can harm the parts of the adolescent brain responsible for attention, learning, mood, and impulse control, and can prime the brain for addiction to other drugs;¹ and

WHEREAS, youth addiction to nicotine increases the likelihood of ongoing use into adulthood and contributing to chronic health risks;² and

WHEREAS, menthol cigarettes and other flavored tobacco products have been shown to be “starter” products for youth and help establish tobacco habits that can lead to long-term addiction;³ and

WHEREAS, menthol cools and numbs the throat and reduces the harshness of tobacco, increasing smoking initiation among youth and young adults;⁴ and

WHEREAS, tobacco and nicotine products are available in more than 15,500 kid-friendly flavors like cotton candy, gummy bear and pink lemonade;⁵ and

WHEREAS, eight out of ten youth who have ever used a tobacco product initiated with a flavored product;⁶ and

WHEREAS, over 1.6 million US middle and high school students nationwide are current e-cigarette users;⁷ and

WHEREAS, nearly 90 percent of youth e-cigarette users use flavored products;⁸ and

WHEREAS, 18.2% percent of North Dakota high school students are current e-cigarette users with flavored products driving use;⁹ and

WHEREAS, 7.6% of North Dakota high school students report frequent use of e-cigarettes,¹⁰ and

WHEREAS, in North Dakota, 19.6% of high school students and 8.6% of middle school students report current use (on at least 1 day during the 30 days prior) of cigarettes, cigars, smokeless tobacco or electronic vapor products;¹¹ and

WHEREAS, each year, 900 kids in North Dakota try their first cigarette¹² and half of all youth who have ever tried smoking started with menthol cigarettes¹³; and

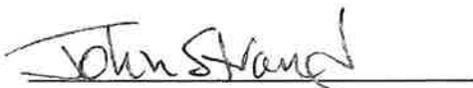
WHEREAS, the tobacco industry has targeted youth, especially in communities of color, with marketing for menthol cigarettes and flavored cigars;¹⁴ and

WHEREAS, prohibiting the sale of flavored tobacco and nicotine products will eliminate one of the tobacco industry's key strategies for targeting youth and prevent the next generation from suffering the long-term consequences of tobacco and nicotine use;

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Fargo Cass Board of Health supports local efforts to adopt and implement ordinances that reduce youth access to tobacco and nicotine products.
2. The Board encourages consideration of evidence-based policy strategies, which may include (as applicable):
 - a. Strengthening or implementing local retail licensing requirements.
 - b. Ending the sale of all flavored tobacco and nicotine products.
 - c. Implementing strict enforcement of age-of-sale laws.
 - d. Adopting other measures shown to reduce youth access and initiation.
3. The Board respectfully recommends that local elected officials throughout Cass County consider policies that prioritize the health of youth, residents and the community.
4. The Board affirms its commitment to ongoing education and collaboration with community partners regarding tobacco and nicotine prevention.

Dated and effective this 20th day of February 2026.



*John Strand, Chair
Fargo Cass Board of Health*

¹ HHS, *E-Cigarette Use Among Youth and Young Adults. A Report of the Surgeon General*, 2016, https://archive.cdc.gov/www_cdc.gov/tobacco/sgr/e-cigarettes/index.htm. HHS, *Preventing Tobacco Use Among Youth and Young Adults, A Report of the Surgeon General*, 2012, https://archive.cdc.gov/www_cdc.gov/tobacco/sgr/2012/index.htm.

² HHS, *Preventing Tobacco Use Among Youth and Young Adults, A Report of the Surgeon General*, 2012, <http://www.cdc.gov/Features/YouthTobaccoUse/>.

³ HHS, *Preventing Tobacco Use Among Youth and Young Adults, A Report of the Surgeon General*, 2012, <http://www.cdc.gov/Features/YouthTobaccoUse/>.

⁴ FDA. *Preliminary Scientific Evaluation of the Possible Public Health Effects of Menthol versus Nonmenthol Cigarettes* (2013).

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- ⁵ Hsu, G., et al 2018. Evolution of electronic cigarette brands from 2013-2014 to 2016-2017: analysis of brand websites. *Journal of medical Internet research*, 20(3), p.e8550.
- ⁶ Ambrose, BK, et al., "Flavored Tobacco Product Use Among US Youth Aged 12-17 Years, 2013-2014," *Journal of the American Medical Association*, published online October 26, 2015.
- ⁷ Park-Lee, E., et al., "E-Cigarette and Nicotine Pouch Use Among Middle and High School Students — United States, 2024," *MMWR* 73(35):774-778, September 5, 2024, <https://www.cdc.gov/mmwr/volumes/73/wr/pdfs/mm7335a3-H.pdf>.
- ⁸ Park-Lee, E., et al., "E-Cigarette and Nicotine Pouch Use Among Middle and High School Students — United States, 2024," *MMWR* 73(35):774-778, September 5, 2024, <https://www.cdc.gov/mmwr/volumes/73/wr/pdfs/mm7335a3-H.pdf>.
- ⁹ CDC. 1991-2021 High School Youth Risk Behavior Survey Data. Available at <https://youthonline.cdc.gov/>.
- ¹⁰ CDC. 1991-2021 High School Youth Risk Behavior Survey Data. Available at <https://youthonline.cdc.gov/>.
- ¹¹ CDC. 1991-2021 High School Youth Risk Behavior Survey Data. Available at <https://youthonline.cdc.gov/>.
- ¹² Estimate based on U.S. Dept of Health & Human Services (HHS), "Results from the 2024 National Survey of Drug Use and Health: Summary of National Findings and Detailed Tables," with the state share of the national number estimated proportionally based on the projected number of youth smokers ages 0-17 reported in U.S. Department of Health and Human Services (HHS), *The Health Consequences of Smoking—50 Years of Progress: A Report of the Surgeon General*, 2014, https://www.ncbi.nlm.nih.gov/books/NBK179276/pdf/Bookshelf_NBK179276.pdf.
- ¹³ Ambrose, BK, et al., "Flavored Tobacco Product Use Among US Youth Aged 12-17 Years, 2013-2014," *Journal of the American Medical Association*, published online October 26, 2015.
- ¹⁴ HHS, *Eliminating Tobacco-Related Disease and Death: Addressing Disparities—A Report of the Surgeon General*, 2024.

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

1 AN ORDINANCE REPEALING AND ENACTING CHAPTER 35, OF THE FARGO
MUNICIPAL CODE, RELATING TO SALE OF TOBACCO PRODUCTS

2 AND

3 AN ORDINANCE AMENDING SECTION 10-1001 OF ARTICLE 10-10, OF
CHAPTER 10, OF THE FARGO MUNICIPAL CODE, RELATING TO DEFINITIONS

4 AND

5 AN ORDINANCE AMENDING SECTION 10-1301 OF ARTICLE 10-13, OF
CHAPTER 10, OF THE FARGO MUNICIPAL CODE, RELATING TO DEFINITIONS

6 AND

7 AN ORDINANCE AMENDING SECTION 1-0305 OF ARTICLE 1-03,
8 OF CHAPTER 1, OF THE FARGO MUNICIPAL CODE,
9 RELATING TO CLASSIFICATION OF ORDINANCE VIOLATIONS

10 WHEREAS, the electorate of the City of Fargo has adopted a home rule charter in
11 accordance with Chapter 40-05.1 of the North Dakota Century Code; and

12 WHEREAS, Section 40-05.1-06 of the North Dakota Century Code provides that the
13 City shall have the right to implement home rule powers by ordinance; and

14 WHEREAS, Section 40-05.1-05 of the North Dakota Century Code provides that said
15 home rule charter and any ordinances made pursuant thereto shall supersede state laws in
16 conflict therewith and shall be liberally construed for such purpose; and

17 WHEREAS, the Board of City Commissioners deems it necessary and appropriate
18 to implement such authority by the adoption of this ordinance;

19 NOW, THEREFORE,

20 Be it Ordained by the Board of City Commissioners of the City of Fargo:

21 Section 1. Repeal

22 Chapter 35, of the Fargo Municipal Code, is repealed.
23

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1
2 Section 2. Enacted.

3 Chapter 35, of the Fargo Municipal Code, is enacted as follows:

4 Chapter 35 – SALE OF TOBACCO PRODUCTS

5 ARTICLE 35-01

6 **35-0101. - Definitions.**

7 As used in this chapter, unless the context or subject matter otherwise requires:

- 8
- 9 1. “Administrative penalty” means suspension or revocation of the licensee’s ability
10 to sell tobacco products, or financial consequences.
 - 11 2. “Applicant” means any person seeking the authority to sell licensed products in the
12 city by applying for a city license or seeking a renewal of an existing city license.
 - 13 3. “Child-resistant packaging” means packaging that meets the definition set forth in
14 Code of Federal Regulations, title 16, section 1700.15(b), as in effect on January 1,
2015, and was tested in accordance with the method described in Code of Federal
Regulations, title 16, section 1700.20, as in effect on January 1, 2015.
 - 15 4. “Cigar” means any roll of tobacco wrapped in leaf tobacco or in any substance
16 containing tobacco, other than any roll of tobacco that is a cigarette.
 - 17 5. “Cigarette” means: (1) any roll of tobacco wrapped in paper or in any substance not
18 containing tobacco; and (2) any roll of tobacco wrapped in any substance
19 containing tobacco which, because of its appearance, the type of tobacco used in
the filler, or its packaging and labeling, is likely to be offered to, or purchased by,
consumers as a cigarette described herein.
 - 20 6. “Compliance checks” means the system the city uses to investigate and ensure that
21 those authorized to sell licensed products are following and complying with the
22 requirements of this chapter. Compliance checks may be conducted by the city or
23 designee.

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- 1 7. “Coupon” means any voucher, rebate, card, paper, note, form, statement, ticket,
2 image, or other issue, whether in paper, digital, or other form, used for commercial
3 purposes to obtain an article, product, service, or accommodation without charge
4 or at a discounted price.
- 5 8. “Delivery sale” means the sale of any tobacco product to any person for personal
6 consumption and not for resale when the sale is conducted by any means other than
7 an in-person, over-the-counter sales transaction that occurs entirely within the
8 interior of a tobacco retail establishment. “Delivery sale” includes, but is not limited
9 to, the sale of any tobacco product conducted by telephone, other voice
10 transmission, mail, the internet, or app-based service; any sale fulfilled or
11 transferred outside the interior of the retail establishment, including curbside pick-
12 up; and any sale conducted through a drive-through or drive-up window or similar
13 exterior point of sale. “Delivery sale” includes delivery by the tobacco retailer or
14 third parties by any means.
- 15 9. “Electronic smoking device” means any device that may be used to deliver any
16 aerosolized or vaporized substance to the person inhaling from the device,
17 including, but not limited to, an e-cigarette, e-cigar, e-pipe, vape pen, or e-hookah.
18 This includes any component, part, or accessory of the device, and also includes
19 any substance that may be aerosolized or vaporized by such device, whether or not
20 the substance contains nicotine. This does not include drugs, devices, or
21 combination products authorized for sale by the U.S. Food and Drug
22 Administration, as those terms are defined in the Federal Food, Drug, and Cosmetic
23 Act.
- 15 10. “Flavored Tobacco Product” means any tobacco product that imparts: 1) a taste or
16 smell, other than the taste or smell of tobacco, distinguishable by an ordinary
17 consumer either prior to or during the consumption of such tobacco product,
18 including but not limited to the taste or smell of fruit, menthol, mint, wintergreen,
19 chocolate, cocoa, vanilla, honey, molasses, or any candy, dessert, alcoholic
20 beverage, herb, or spice; or 2) a cooling or numbing sensation distinguishable by
21 an ordinary consumer during the consumption of such tobacco product.
- 22 11. “Full Retail Price” means the price listed for a tobacco product on its packaging or
23 on any related shelving, advertising, or display where the tobacco product is sold
or offered for sale, plus all applicable taxes and fees if such taxes and fees are not
included in the listed price.

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12. “Imitation tobacco product” means any edible non-tobacco product designed to resemble a tobacco product, or any non-edible tobacco product designed to resemble a tobacco product and intended to be used by children as a toy. Imitation tobacco product includes, but is not limited to, candy or chocolate cigarettes, bubble gum cigars, shredded bubble gum resembling chewing tobacco, and shredded beef jerky in containers resembling tobacco snuff tins. Imitation tobacco product does not include electronic delivery devices or nicotine or lobelia delivery products.
 13. “Indoor area” means all space between a floor and a ceiling that is bounded by walls, doorways, or windows, whether open or closed, that together cover more than 50 percent of the combined surface area of the vertical planes constituting the perimeter of the area. A wall includes any retractable divider, garage door, or other physical barrier, whether temporary or permanent.
 14. “Licensed products” is the term that collectively refers to any tobacco product, tobacco related device, electronic delivery device, or nicotine or lobelia delivery product.
 15. “Licensee” means any person with a city license to sell licensed products.
 16. “Little Cigar” means any roll for smoking made wholly or in part of tobacco if such product is wrapped in any substance containing tobacco, other than natural leaf tobacco wrapper, and weighing not more than four pounds per thousand or with a cellulose acetate or other integrated filter.
 17. “Loosies” is the common term used to refer to single cigarettes, cigars, and any other licensed products that have been removed from their original retail packaging and offered for sale. Loosies does not include premium cigars that are hand-constructed, have a wrapper made entirely from whole tobacco leaf, and have a filler and binder made entirely of tobacco, except for adhesives or other materials used to maintain size, texture, or flavor.
 18. “Moveable place of business” is any form of business that is operated out of a kiosk, truck, van, automobile or other type of vehicle or transportable shelter and that is not a fixed address or other permanent type of structure licensed for over-the-counter sales transactions.
 19. “Nicotine” means any form of the chemical nicotine, including any salt or complex, regardless of whether the chemical is naturally or synthetically derived. Nicotine also includes nicotine analogs.

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- 1 20. “Nicotine analog” means a substance with a chemical structure that is substantially
2 similar to the chemical structure of nicotine, and: (1) has an addictive effect that is
3 substantially similar to, or stronger than, the addictive effect of nicotine; or (2) has,
4 or is represented as having, an effect on the human body that is substantially similar
5 to that of nicotine. Any communication by, or on behalf of, the manufacturer,
6 distributor, or retailer of a tobacco product that indicates that the product contains
7 a nicotine analog, as defined, constitutes presumptive evidence that the product
8 contains a nicotine analog.
- 9 21. “Person” means any individual, firm, fiduciary, partnership, corporation, limited
10 liability company, trust, or association however formed.
- 11 22. “Probationary period” means the twenty-four month period beginning on the date
12 a violation becomes final by administrative determination or judicial adjudication,
13 and not on the date the offense occurred. Any subsequent violation occurring during
14 the probationary period shall be deemed a second or subsequent offense, as
15 applicable, for purposes of penalty enhancement. The probationary period shall not
16 restart or extend as a result of additional violations occurring within the
17 probationary period.
- 18 23. “Retail establishment” is any place of business where licensed products are
19 available for sale to the general public. Retail establishment includes, but is not
20 limited to, grocery stores, tobacco product shops, convenience stores, liquor stores,
21 gasoline service stations, bars, and restaurants.
- 22 24. “Sale” or “sell” means any transfer of goods for money, trade, barter, or other
23 consideration.
- 24 25. “Self-service display” is the open display of licensed products in a retail
25 establishment in any manner where any person has access to the licensed products
26 without the assistance or intervention of the licensee or the licensee’s employee and
27 where a physical exchange of the licensed product from the licensee or the
28 licensee’s employee to the customer is not required to access the licensed products.
- 29 26. “Smoking” is inhaling, exhaling, burning, or carrying any lighted or heated licensed
30 product, including, but not limited to: cigar, cigarette, pipe, or any other lighted or
31 heated product containing, made, or derived from nicotine, tobacco, marijuana, or
32 other plant, whether natural or synthetic, that is intended for inhalation. Smoking
33 also includes carrying or using an activated electronic delivery device.

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- 1 27. “Tobacco Product” means: (1) any product containing, made of, or derived from
2 nicotine or commercially grown tobacco that is intended for human consumption
3 or is likely to be consumed, whether inhaled, absorbed, or ingested by any other
4 means, including but not limited to, a cigarette, a cigar, pipe tobacco, chewing
5 tobacco, snuff, or snus; (2) any electronic smoking device and any substances that
6 may be aerosolized or vaporized by such device, whether or not the substance
7 contains nicotine; or (3) any component, part, or accessory of (1) or (2), whether
8 or not sold separately and whether or not they contain nicotine or commercially
9 grown tobacco, including but not limited to filters, rolling papers, blunt or hemp
10 wraps, hookahs, mouthpieces, and pipes. “Tobacco product” does not include any
11 nicotine cessation product that has been approved by the U.S. Food and Drug
12 Administration to be marketed and for sale as “drugs,” “devices,” or “combination
13 products,” as defined in the Federal Food, Drug, and Cosmetic Act.
- 14 28. “Tobacco-related device” means any rolling papers, wraps, pipes, or other device
15 intentionally designed or intended to be used with tobacco products, tobacco-
16 related device includes components of tobacco-related devices or tobacco products
17 which may be marketed or sold separately, tobacco-related devices may or may not
18 contain tobacco.
- 19 29. “Tobacco Retailer” means any person who sells, offers for sale, or exchanges or
20 offers to exchange for any form of consideration, tobacco products directly to a
21 consumer. This definition is without regard to the quantity of tobacco products sold,
22 offered for sale, exchanged, or offered for exchange.
- 23 30. “Vending machine” shall mean any kind of device or mechanical machine which,
upon the insertion of a coin or coins, tokens or other objects, will release tobacco
products in packages or otherwise.
31. “Youth-Oriented Facility” means a facility or location whose primary purpose is
to serve youth, or where youth constitute a majority of the users, during normal
operating hours, including but not limited to the following:
- a) a private or public kindergarten, elementary, middle, junior high, or high
school;
 - b) a library;
 - c) a playground open to the public;
 - d) a youth center; defined as a facility where children, ages 6 to 17, come
together for programs and activities;

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- e) a recreation facility open to the public, provided that youth-focused programming is the primary use of the facility during the relevant time period;
- f) a park open to the public or to all the residents of a private community;
- g) a licensed child-care facility or preschool; or
- h) any other facility primarily designed for, or predominantly used by, youth.

35-0102. - Authority to sell licensed products.

- 1. License required. No person shall, sell, offer for sale, give away, or exchange, any licensed product, without having a valid license to do so from the City of Fargo and the State of North Dakota.
- 2. License. The City of Fargo grants the authority to sell licensed products as defined in chapters 10 and 35 of the Fargo Municipal Code, within the city, to persons who have a state license under chapter 57-36 of the North Dakota Century Code and a city license as herein defined.
- 3. Application. An application for a license to sell licensed products must be made on a form provided by the city and submitted to Fargo Cass Public Health. If Fargo Cass Public Health determines that an application is incomplete, it will be returned to the applicant with notice of the information necessary to make the application complete. Upon receipt of a completed application and appropriate fees, Fargo Cass Public Health will forward the application to the City Commission with a recommendation to approve or deny the license.
- 4. Training: Every application must include an acknowledgement that the applicant, upon being granted a license to sell licensed products, require every employee who sells licensed products complete an educational class as determined by Fargo Cass Public Health. The educational or instructional program shall be focused on the legal requirements related to the sale of licensed products and the possible consequences of license violations. Licensees must maintain documentation demonstrating their compliance and must provide this documentation to the city at the time of renewal, or whenever requested to do so during the license term.
- 5. Fees. No application will be forwarded to the City Commission and no license will be issued until the appropriate license fees are paid in full to Fargo Cass Public Health. Fees may be amended from time to time and shall be approved by the City Commission by resolution.

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6. City Commission approval. The City Commission may approve, deny, or continue for a reasonable time, the application for a license. If the City Commission approves the application, Fargo Cass Public Health will issue the license to the applicant. If the City Commission denies the application, notice of the denial will be given to the applicant along with notice of the applicant's right to appeal as allowed by North Dakota Century Code.

7. Denial of a License. The applicant shall be denied the issuance of, or renewal of, a license, including, but not limited to, the following:

- a) The applicant is under 21 years of age.
- b) The applicant has been penalized within the past three years for any violation of a federal, state, or local law, ordinance provision, or other regulation relating to licensed products.
- c) The applicant has had a license to sell licensed products suspended or revoked within the preceding 3 years of the date of application.
- d) The applicant fails to provide any of the information required on the licensing application or provides false or misleading information.
- e) The applicant is prohibited by Tribal, federal, state, or other local law, ordinance, or other regulation from holding a license.
- f) The business for which the license is requested is a moveable place of business. Only fixed-location retail establishments are eligible to be licensed.
- g) The applicant has delinquent real estate taxes or special assessments.
- h) The location of the applicant's business is within 1000 feet of a youth-oriented facility as measured by a straight line from the nearest point of the property line of the parcel on which the youth-oriented facility is located to the nearest point of the property line of the parcel on which the applicant's business is located.

Any tobacco retailer lawfully operating on the effective date of this ordinance that does not comply with the minimum distance requirements set forth shall be deemed a lawful nonconforming use and may continue to operate at its existing location. This type of tobacco retailer may not expand the floor area. This type of tobacco retailer shall lose its legal nonconforming status if the business ceases operations for 90 days.

- i) The location of the applicant's business is within 500 feet of another business which is authorized to sell licensed products as measured by a straight line from the nearest point of the property line of the parcel on

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which the licensed business is located to the nearest point of the property line of the parcel on which the applicant's business is located.

Any tobacco retailer lawfully operating on the effective date of this ordinance that does not comply with the minimum distance requirements set forth shall be deemed a lawful nonconforming use and may continue to operate at its existing location. This type of tobacco retailer may not expand the floor area. This type of tobacco retailer shall lose its legal nonconforming status if the business ceases operations for 90 days.

j) Any other reasonable purpose which is inconsistent with public health, safety, and welfare, including the applicant's history of noncompliance with this ordinance and other laws.

8. Term. Following enactment, licenses are required by July 1, 2026. All licenses issued are valid for 1 year, and shall be issued July 1st of each year.

9. Administrative penalties. Any license issued may be suspended or revoked, and financial and other consequences imposed, following the procedures set forth in this chapter.

10. Transfers. All licenses issued are valid only on the premises for which the license was issued and only for the person to whom the license was issued. The transfer of any license to another location or person, even as part of a sale as a going concern, is prohibited.

11. Renewals. The renewal of a license issued under this ordinance will be handled in the same manner as the original application. The request for a renewal must be made at least 30 days, but no more than 60 days, before the expiration of the current license. The license holder is not entitled to an automatic renewal of the license.

12. Issuance of a license is a privilege and not a right.

13. Amendments to this chapter. Changes to these ordinances may occur in the future which may impact the licensee or licenses.

14. Maximum number of licenses. The city may limit the number of tobacco licenses issued by the city at any time. As of the effective date of this ordinance, the maximum number of tobacco retailer licenses authorized within the city is one hundred forty-four. Upon the nonrenewal, surrender, revocation, or expiration of

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1 any tobacco retailer license, the maximum number of authorized licenses shall be
2 reduced by one. No replacement or new license shall be issued to offset such
3 reduction. The maximum number of authorized licenses shall continue to decrease
4 in this manner until the total number of authorized licenses equals one hundred
5 thirty-nine, at which point the maximum number of licenses shall remain fixed at
6 no more than one hundred thirty-nine until the population of the City of Fargo
7 increases as stated below.

8 Additional licenses shall be allowed as the population of the City of Fargo
9 increases. As of enactment of this ordinance the population of the City of Fargo is
10 approximately 139,000 people. As the City of Fargo population increases by 1,000
11 people, an additional tobacco license shall be allowed.

12 For purposes of determining the population of the City of Fargo, the board of city
13 commissioners may recognize the most recent estimated population as determined
14 by the Census Bureau of the United States Department of Commerce and, further,
15 may establish a current population by extrapolation based upon a reasonable rate of
16 population change since the most recent census estimate or by estimation
17 considering recent annexations into the city, the number of housing starts within
18 the city, other relevant activity that would typically coincide with increases or
19 decreases of population or any combination of such data or activity to arrive at such
20 estimate.

- 21 15. Mistakes. If a license is mistakenly issued to a person or mistakenly renewed, the
22 city will revoke the license upon the discovery that the person was ineligible for the
23 license under this ordinance. The city will provide the license holder with notice of
the revocation.
16. Responsibility. All licensees are responsible for the actions of their employees
regarding the sale, offer to sell, and furnishing of licensed products on the licensed
premises. The sale, offer to sell, or furnishing of any licensed product by an
employee shall be considered an act of the licensee.
17. Compliance Checks and Inspections. All licensed premises must be open to
inspection by authorized city officials or their designees during regular business
hours. The city will conduct compliance checks to ensure compliance with all
provisions of this ordinance.
18. All licenses issued, violations occurring, enforcement actions pending, and
penalties imposed under former Chapter 35 prior to the effective date of this

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ordinance shall remain valid and enforceable as if such chapter had not been repealed.

35-0103 – Administrative Violations.

The following are violations which cause administrative penalties under section 35-0104 and may disqualify issuance or renewal of a license:

1. Selling, bartering, or giving away licensed products without a license.
2. Selling or offering for sale licensed products to a person under the age of 21.
3. If required, failing to utilize an approved ID scanner during purchases of licensed products.
4. Failing to complete the required educational training prior to selling licensed products.
5. Movable Place of Business. Selling or offering for sale licensed products from a mobile vendor device or a push cart.
6. Child-resistant packaging. Failing to have all licensed products in child-resistant packaging that makes it significantly difficult for children under the age of five to open.
7. Sampling, donations, sales, and coupons. Distributing samples of any licensed product free of charge or at a nominal cost. Distributing licensed products as a free donation. Selling licensed products for anything less than full retail price. Utilization of any coupons.
8. Smoking prohibited. Smoking, including smoking for the purpose of the sampling of licensed products, is prohibited within the indoor area of any retail establishment licensed under this ordinance.
9. Flavored licensed products. Selling or offering for sale any flavored licensed products.
10. Self-service display. Selling or offering for sale a licensed product without the assistance or intervention of the licensee or the licensee's employee to complete the sale of the product to the customer.

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- 11. Delivery sales. Selling or offering for sale a licensed product in a drive-through or in any way other than an over-the-counter and in-person transaction.
- 12. Display. Failing to post and display in plain view of the general public, the city and state license to sell licensed products.
- 13. Loosies. Selling or offering for sale. "Loosies."
- 14. Compliance checks. Denying an authorized city official or designee inspection of a licensed premises.
- 15. Any violation of Fargo Municipal Code sections 10-0103 and 10-0105, and Fargo Municipal Code articles 10-10, 10-11, and 10-13.

35-0104. - Administrative penalties.

A violation shall result in administrative penalties to the licensee as follows:

- 1. First violation — A \$500 administrative penalty shall be assessed to the licensee and the probationary period, as defined, shall commence.
- 2. Second violation — In the event of a second violation within the probationary period, the court shall suspend the licensee's authority to sell licensed products for a period of seven days and impose a \$1,000 administrative penalty.
- 3. Third violation — In the event of a third violation within the probationary period, the court shall suspend the licensee's authority to sell licensed products for a period of fourteen days and impose a \$2,000 administrative penalty. The licensee shall also be required to utilize a Fargo Cass Public Health approved ID scanner during the remaining probationary period. Fargo Cass Public Health shall have reasonable access to the ID scanner.
- 4. Fourth and Subsequent violations — In the event of a violation occurring after a third violation within the probationary period the court shall revoke the licensee's authority to sell licensed products and impose a \$2,000 administrative penalty.

In the event a violation is committed while the licensee's authority to sell licensed products is under suspension, the licensee's authority to sell licensed products shall be revoked. A hearing under section 35-0105 is required. The maximum number of violations to occur in a 24-hour period is one violation. Each day any person shall violate § 35-0103 of the Fargo Municipal Code shall constitute a separate violation.

35-0105. - Hearing on administrative penalties.

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1 No administrative penalties may be imposed without a hearing in front of the Municipal
2 Judge. The licensed party shall receive notice of intent to impose administrative penalties. The
3 notice shall specify the time and place of the hearing, description of the violation, and shall
4 be mailed and emailed to the licensee at the address and email as indicated on the application.
5 The hearing cannot take place until at least 15 days after the notice has been delivered to the
6 licensee. The hearing shall be heard by the municipal court judge. A record of the hearing
7 shall be made by electronic recording device.

8 If, after such hearing, the municipal court judge finds a violation occurred, beyond a
9 preponderance of the evidence, the municipal court judge shall make an order and determine
10 any administrative penalties. The municipal court judge shall serve its findings, conclusions
11 and order on the licensed party. The order is appealable pursuant to chapter 28-34 of the North
12 Dakota Century Code.

13 Failure to pay the administrative penalty within 30 days of the order, or the date as required
14 by the Order, whichever is sooner, shall result in an immediate suspension of authority to sell
15 tobacco products, until the administrative penalty has been paid in full.

16 **35-0106. – Penalty**

17 A person required to be licensed, who allows to be sold, or sells, or gives away a licensed
18 product without a city license or while revoked shall be convicted of a Class B Misdemeanor,
19 punishable as directed under Fargo Municipal Code section 1-0301. All other violations under
20 this chapter are administrative in nature.

21 **35-0106. – Severability**

22 If any section or provision of this ordinance is held invalid, such invalidity will not affect other
23 sections or provisions that can be given force and effect without the invalidated section or
provision.

Section 3. Amendment

Section 10-1001 of Article 10-10, of Chapter 10, of the Fargo Municipal Code is amended as follows:

10-1001. – Definitions.

1. ~~"E-cigarette, electronic cigarette or electronic smoking devices" shall all mean any electronic oral device, such as one composed of a heating element and battery or electronic circuit, or both, which provides a vapor of nicotine or any other substances, and the use~~

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1 ~~or inhalation of which simulates smoking. The term shall include any such device,~~
2 ~~whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, and e-pipe~~
3 ~~or under any other product, name, or descriptor and also includes any cartridge or other~~
4 ~~component of the device.~~

- 5 1. “E-cigarette.” “Electronic smoking device.” or “Electronic delivery device” means any
6 device that may be used to deliver any aerosolized or vaporized substance to the person
7 inhaling from the device, including, but not limited to, an e-cigarette, e-cigar, e-pipe,
8 vape pen, or e-hookah. This includes any component, part, or accessory of the device,
9 and also includes any substance that may be aerosolized or vaporized by such device,
10 whether or not the substance contains nicotine. This does not include drugs, devices, or
11 combination products authorized for sale by the U.S. Food and Drug Administration,
12 as those terms are defined in the Federal Food, Drug, and Cosmetic Act.
- 13 2. "Minor" shall mean any person who has not reached the age of 18 years.
- 14 3. ~~"Person" shall mean any individual, partnership, corporation or other legal entity.~~
- 15 3. "Person" means any individual, firm, fiduciary, partnership, corporation, limited
16 liability company, trust, or association however formed.
- 17 4. ~~"Tobacco products" shall mean, any product that is made from or derived from tobacco,~~
18 ~~which contains nicotine or a similar substance, and is intended for human consumption~~
19 ~~or is likely to be consumed, whether smoked, heated, chewed, absorbed, dissolved,~~
20 ~~inhaled or ingested by any other means, including, but not limited to, a cigarette, a~~
21 ~~cigar, pipe tobacco, chewing tobacco, snuff, snus, or an electronic smoking device.~~
22 ~~Tobacco product also includes pipes and rolling papers, but does not include any~~
23 ~~product specifically approved by the U.S. Food and Drug Administration for legal sale~~
~~as a tobacco cessation product and is being marketed and sold solely for that approved~~
~~purpose.~~
4. “Tobacco Product” means: (1) any product containing, made of, or derived from
nicotine or commercially grown tobacco that is intended for human consumption or is
likely to be consumed, whether inhaled, absorbed, or ingested by any other means,
including but not limited to, a cigarette, a cigar, pipe tobacco, chewing tobacco, snuff,
or snus; (2) any electronic smoking device and any substances that may be aerosolized
or vaporized by such device, whether or not the substance contains nicotine; or (3) any
component, part, or accessory of (1) or (2), whether or not sold separately and whether
or not they contain nicotine or commercially grown tobacco, including but not limited
to filters, rolling papers, blunt or hemp wraps, hookahs, mouthpieces, and pipes.

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1 "Tobacco product" does not include any nicotine cessation product that has been
2 approved by the U.S. Food and Drug Administration to be marketed and for sale as
3 "drugs," "devices," or "combination products," as defined in the Federal Food, Drug,
4 and Cosmetic Act.

- 5
- 6 5. "Vending machine" shall mean any kind of device or mechanical machine which, upon
7 the insertion of a coin or coins, tokens or other objects, will release tobacco products
8 in packages or otherwise.

9 Section 4. Amendment

10 Section 10-1301 of Article 10-13, of Chapter 10, of the Fargo Municipal Code is amended as
11 follows:

12 10-1301. - Definitions.

- 13
- 14 1. ~~"Smoking" means inhaling, exhaling, burning, or carrying any lighted or heated cigar,~~
15 ~~cigarette, or pipe, or any other lighted or heated tobacco or plant product intended for~~
16 ~~inhalation, in any manner or in any form. Smoking also includes the use of an e-cigarette~~
17 ~~which creates a vapor, in any manner or any form, or the use of any oral smoking device.~~
- 18 1. "Smoking" is inhaling, exhaling, burning, or carrying any lighted or heated licensed
19 product, to include, but not limited to: cigar, cigarette, or pipe, or any other lighted or
20 heated product containing, made, or derived from nicotine, tobacco, marijuana, or other
21 plant, whether natural or synthetic, that is intended for inhalation. Smoking also
22 includes carrying or using an activated electronic delivery device.
- 23 1. ~~"Cigar" means an individual roll of tobacco which has a wrapper or cover of whole leaf~~
~~tobacco; does not contain filler other than tobacco filler; does not contain binder other~~
~~than tobacco binder; does not contain additives other than water; does not contain a filter,~~
~~tip, or nontobacco mouthpiece; weighs at least six pounds per thousand count; and is made~~
~~by hand, except to allow for the use of a manually operated machine to assist in bunching,~~
~~rolling, and binding.~~
2. "Cigar" means any roll of tobacco wrapped in leaf tobacco or in any substance
containing tobacco, other than any roll of tobacco that is a cigarette.
2. ~~"E-cigarette" means any electronic oral device, such as one composed of a heating element~~
~~and battery or electronic circuit, or both, which provides a vapor of nicotine or any other~~
~~substances, and the use or inhalation of which simulates smoking. The term shall include~~

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any such device, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, and e-pipe or under any other product, name, or descriptor.

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3. “E-cigarette.” “Electronic smoking device.” or “Electronic delivery device” means any device that may be used to deliver any aerosolized or vaporized substance to the person inhaling from the device, including, but not limited to, an e-cigarette, e-cigar, e-pipe, vape pen, or e-hookah. This includes any component, part, or accessory of the device, and also includes any substance that may be aerosolized or vaporized by such device, whether or not the substance contains nicotine. This does not include drugs, devices, or combination products authorized for sale by the U.S. Food and Drug Administration, as those terms are defined in the Federal Food, Drug, and Cosmetic Act.

Section 5. Amendment

Section 1-0305 of Article 1-03, of Chapter 1, of the Fargo Municipal Code is amended as follows:

1-0305. - Classification of ordinance violations.

A. Violations of the following ordinances are Class B misdemeanors, subject to punishment as provided in this article:

- 1. Section 1-0306(D) (failure to appear or post bond on a non-criminal, non-traffic offense), section 8-0305(A)(2) (fictitious registration), section 8-0305(A)(3) (lending registration plates), section 8-0308 (reproducing operator's or driver's license or permit), section 8-0309 (driving under suspension), section 8-0310 (driving under the influence), section 8-0314 (reckless driving), section 8-0320(D) (failure to deliver plates) section 8-0803 (crashes involving damage to vehicle), section 8-0804 (duty to give information and render aid), section 8-0805 (duty upon striking fixture or other property), section 10-0104 (curfew), section 10-0201 (indecent exposure), section 10-0301 (disorderly conduct), section 10-0201 (indecent exposure), section 10-0301 (disorderly conduct), section 10-0317 (resisting police officer), section 10-0319 (incendiary devices), section 10-0320 (registration in schools), section 10-0321 (criminal mischief), section 10-0321.1 (criminal mischief-hate crime), section 10-0322 (harassment), section 10-0322.1 (harassment-hate crime), section 10-0323 (simple assault), section 10-0323.1 (simple assault-hate crime), section 10-0324

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(aiding and abetting), section 10-0601 (shoplifting), section 10-0602 (theft), section 10-0702 (order to disperse), section 10-0703 (tenant/owner cooperation required), section 10-1202(2) ($\geq \frac{1}{2}$ oz. marijuana) and 10-1202(3) (under 21 in possession of marijuana), 12-0105(E)(6)(failing to surrender habitually at large animal), 12-0117(G)(2)(owning a dog after being barred), 12-0117(G)(3)(failure to surrender a dangerous or potentially dangerous dog), 12-0117(G)(4)(allowing a dangerous or potentially dangerous dog to run at large), section 13-0511 (removal of wastes), section 13-0513 (fee/permit for hauling waste), section 13-0529 (misuse of compost sites), article 13-13 (drug lab cleanup), article 13-18 (massage therapy establishments), chapter 17 (sewers and sewerage), article 18-09 (excavation code), section 25-0412 (unlicensed taxicab or vehicle for hire), section 25-1509(A) (selling alcoholic beverage to minor), section 25-1518(C) (minor misrepresenting age), and section 25-1518(D) (delivery of alcoholic beverage to minor), article 25-33 (tattoos, body art and body piercing), article 25-36 (tanning facilities), article 25-38 (commercial pedal car vehicles), section 35-0106 (person allowing a licensed product to be sold, or selling, without a license).

Section 5. Penalty.

A person required to be licensed, who allows to be sold, or sells, or gives away a licensed product without a city license or while revoked under section 35-0106 shall be convicted of a Class B Misdemeanor, punishable as directed under Fargo Municipal Code section 1-0301.

Section 6. Effective Date.

This ordinance shall be in full force and effect from and after its passage, approval and publication.

Dr. Timothy J. Mahoney, Mayor

Attest:

First Reading:
Second Reading and Final Passage:

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Susan Thompson, City Auditor

Publication:

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