

ORDINANCE NO. 1434

An Ordinance to Amend and Re-enact
Sections 18-4-6, 18-4-8, 18-4-9, and 18-4-17 of the Mandan Code of Ordinances
Relating to Offenses and Miscellaneous Provisions

Be it Ordained by the Board of City Commissioners as follows:

Sec. 18-4-6. – Criminal mischief.

Citations issued into municipal court under this section are for a violation of N.D.C.C. § 12.1-21-05.

12.1-21-05. Criminal mischief.

1. A person is guilty of an offense if that person:
 - a. Willfully tampers with tangible property of another so as to endanger person or property; or
 - b. Willfully damages tangible property of another.

2. The offense is:
 - a. A class B felony if the actor intentionally causes pecuniary loss in excess of ten thousand dollars.
 - b. A class C felony if the actor intentionally causes pecuniary loss in excess of two thousand dollars but not in excess of ten thousand dollars or damages tangible property of another by means of an explosive or a destructive device.
 - c. A class C felony if the actor commits the offense while engaged in a riot, as defined in N.D.C.C. § 12.1-25-01.
 - d. A class A misdemeanor if the actor recklessly causes pecuniary loss in excess of two thousand dollars or if the actor intentionally causes pecuniary loss of from one hundred dollars through two thousand dollars.

Otherwise the offense is a class B misdemeanor.

Sec. 18-4-8. – Theft of property.

Citations issued into municipal court under this section are for a violation of N.D.C.C. § 12.1-23-02. The grading of theft offenses is found under N.D.C.C. § 12.1-23-05.

12.1-23-02. Theft of property. A person is guilty of theft if he:

1. Knowingly takes or exercises unauthorized control over, or makes an unauthorized transfer of an interest in, the property of another with intent to deprive the owner thereof;
2. Knowingly obtains the property of another by deception or by threat with intent to deprive the owner thereof, or intentionally deprives another of his property by deception or by threat; or
3. Knowingly receives, retains, or disposes of property of another which has been stolen, with intent to deprive the owner thereof.

Sec. 18-4-9. – Theft of services.

Citations issued into municipal court under this section are for a violation of N.D.C.C. § 12.1-23-03. The grading of theft offenses is found under N.D.C.C. § 12.1-23-05.

12.1-23-03. Theft of services. A person is guilty of theft if:

1. He intentionally obtains services, known by him to be available only for compensation, by deception, threat, false token, or other means to avoid payment for the services; or
2. Having control over the disposition of services of another to which he is not entitled, he knowingly diverts those services to his own benefit or to the benefit of another not entitled thereto. Where compensation for services is ordinarily paid immediately upon their rendition, as in the case of hotels, restaurants, and comparable establishments, absconding without payment or making provision to pay is prima facie evidence that the services were obtained by deception.

Sec. 18-4-17. – Carrying loaded firearm in vehicle.


Citations issued into municipal court under this section are for a violation of N.D.C.C. § 62.1-02-10.

62.1-02-10. Carrying loaded firearm in vehicle—Penalty—Exceptions. An individual may not keep or carry a loaded firearm in or on any motor vehicle, including an off-highway vehicle or snowmobile, in this state. An individual violating this section is guilty of an infraction. This prohibition does not apply to:

1. A member of the armed forces of the United States or national guard, organized reserves, state defense forces, or state guard organizations while possessing the firearm issued to the member by the organization and while on official duty.
2. A law enforcement officer.
3. An individual possessing a valid concealed weapons license from this state or who has

reciprocity under N.D.C.C. section 62.1-04-03.1 with a handgun.

4. An individual who possesses a rifle or shotgun, is not in the field hunting or trapping, and possesses a valid concealed weapons license from this state or has reciprocity under N.D.C.C. section 62.1-04-03.1.
5. An individual in the field engaged in lawful hunting or trapping of nongame species or fur-bearing animals.
6. A security guard or private investigator properly licensed to carry firearms.
7. An individual possessing a valid special permit issued pursuant to N.D.C.C. section 20.1-02-05.
8. An individual with a handgun who is not otherwise precluded from possessing a class 2 firearm and dangerous weapon license under N.D.C.C. chapter 62.1-04 and who possesses a valid driver's license or nondriver identification card issued by the department of transportation or by the individual's state or territory of residence.
9. An individual who possesses a rifle or shotgun, is not in the field hunting or trapping, and is not otherwise precluded from possessing a class 2 firearm and dangerous weapon license under N.D.C.C. chapter 62.1-04 and possesses a valid driver's license or nondriver identification card issued by the department of transportation or by the individual's state or territory of residence.

By: 

Tim Helbling, President, Board of
City Commissioners

Attest:



James Neubauer, City Administrator

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