



City of Grand Forks
Staff Report

Committee of the Whole – 8/11/25
City Council – 8/18/25 and 09/02/2025

APPROVED & ACCEPTED
by City Council

08/18/2025

Maureen Storstad
Maureen Storstad
City Auditor

Agenda Item: Ordinance to enact Trespassing on City Property and Appeal

Submitted by: Chief Jason Freedman, Grand Forks Police Department.

Staff Recommended Action:

Approve enactment of the attached ordinance related to the enactment of Trespassing on City Property and Appeal

Committee Recommended Action: Motion by Osowski, second by Lunski to move item to City Council with a recommendation to approve. Motion carried unanimously.

Council Action: 08/18: Motion by Vein, second by Berg to approve on consent agenda. Motion carried unanimously.
09/02:

BACKGROUND:

The downtown area of Grand Forks has seen a significant increase in problematic behaviors, ranging from quality-of-life issues and, although less frequently, life-safety concerns that impact the quality of life and safety of downtown. Behaviors include public drinking and intoxication, disturbances, fights, noise complaints, open-air drug use, and public urination, to name a few. While these behaviors have negatively impacted private businesses, these private businesses have the ability to ban people from their premises, and the Police Department can enforce that ban by issuing trespassing citations and removing people. However, City of Grand Forks publicly owned areas, especially places like Town Square, public parking lots, and pocket parks, do not currently have a process in place to ban people who are engaging in criminal and non-criminal behaviors that are injurious to quality of life and life-safety. As a result, these spaces present a natural vacuum that is amenable to loitering and the engaging in negative conduct because while some behaviors can result in a citation/arrest (such as public drinking), there is not the ability to prevent that person from coming back to the very same spot (or another nearby city owned spot) the next day and repeating their problematic behaviors.

These noted patterns of crime and disorder have developed on some City and publicly owned properties that impact quality of life, safety, and act as a drain on police, fire, and EMS resources. Based on current dynamics, the Police Department expects these patterns to be an ongoing, resource intense challenge to address, and likely to spread to other vulnerable City and publicly owned spaces in the downtown area.

ANALYSIS AND FINDINGS OF FACT:

- The Police Department, in collaboration with many other City and non-City entities, is working on a variety of measures to address the negative behavioral issues downtown. These efforts include: 1) Increased enforcement, including substantial amounts of dedicated overtime; 2) Education of businesses, service providers, and individuals to more effectively partner to achieve better outcomes; 3) Increased information sharing; and 4) Making changes to environments—such as better lighting and cameras—which are known to reduce crime and disorder and/or increase the ability to hold perpetrators accountable.
- While all these efforts are ongoing, necessary and important, the Police Department believes the most valuable enforcement tool—trespassing on City and publicly owned property—is critical to helping to stabilize the area and better address the chronic offenders who drive many of the above-mentioned problems in the downtown.
- The City Attorney's office participated in the drafting of the proposed ordinance to ensure it does not violate the First Amendment or the due process clause of the United State and/or North Dakota constitution. The United States Supreme Court has recognized that “[t]he First Amendment does not guarantee access to property simply because it is owned or controlled by the government,” [Postal Service v. Council of Greenburgh Civic Ass'ns, 453 U.S. 114, 129 \(1981\)](#), and that “[t]he State, no less than a private owner of property, has power to preserve the property under its control for the use to which it is lawfully dedicated.” [Adderley v. Florida, 385 U.S. 39, 47 \(1966\)](#).
- The proposed ordinance contains several subsections intended to protect the rights of individuals who have been issued and serve a no-trespass order.
 - The ordinance requires the no-trespass order to be in writing with specific information to clearly delineate the scope and duration of the order.
 - The ordinance contains the right to appeal a no-trespass order to allow an individual to challenge the scope and/or the duration of the no-trespass order.
 - The ordinance excludes the lawful exercise of freedom of speech, freedom of press and the right to peaceably assemble and petition the government for a redress of grievances as a basis of a no-trespass order.
 - The ordinance provides the chief of police, or an authorized designee, may suspend, or make an exception to, the operation of a no-trespass order after its issuance for the exercise of an individuals First Amendment rights if there is no reasonable alternative location available to exercise such rights.

SUPPORT MATERIALS:

- Draft Ordinance to enact Grand Forks City Code Section 9-0127.1 relating to Trespassing on City Property; Appeal.

ORDINANCE NO. _____

An ordinance to enact Grand Forks City Code § 9-0127.1 relating to Trespassing on City Property; Appeal.

BE IT ORDAINED by the City Council of the City of Grand Forks, North Dakota, pursuant to its home rule charter, Grand Forks City Code and N.D.C.C. ch. 40-11 that:

Section 1: Enacting Grand Forks City Code § 9-0127.1.

Grand Forks City Code § 9-0127.1 is enacted to read as follows:

9-0127.1. – Trespassing on City property; Appeal.

- (1) The police department has the authority to issue and serve no-trespass orders, informing an individual that they are prohibited from entering or remaining on the City property identified in the order, if the police department has probable cause to believe the individual committed a criminal or non-criminal offense that is dangerous, unsafe, unreasonably disruptive or alarming to other users of the City property. For purposes of this section 9-0127.1, “City property” includes all land, buildings, structures and other real property owned, belonging to or controlled by the City, but does not include streets and sidewalks.
- (2) No-trespass orders shall be in writing and shall contain the following elements:
 - (A) The signature of the issuing police officer;
 - (B) The date of the issuance;
 - (C) The reason for issuance;
 - (D) The duration of the order, not to exceed one year;
 - (E) Identification of the property the recipient is prohibited from entering or remaining on;
 - (F) Language notifying the recipient that a violation of the terms of the order shall give rise to criminal prosecution under this chapter; and
 - (G) A description of how to appeal the order pursuant to subsection 3 of this ordinance.
- (3) Appeal: The recipient of a no-trespass order for City property may appeal the issuance or terms of the no-trespass order as follows:
 - (A) An appeal of the no-trespass order must be filed, in writing with the municipal clerk of court, within ten days of the issuance of the warning, and shall include the appellant's name, address and phone number, if any. No fee shall be charged for filing the appeal.

- (B) Appeals shall be heard by the municipal judge.
 - (C) Within seven days following the filing of the appeal, the municipal clerk of court shall schedule a hearing and notice of the hearing shall be provided to the appellant at the time they file the appeal. If this is not possible, the notice will be mailed to the address provided in the notice of appeal.
 - (D) The municipal judge shall hold the hearing no later than 40 days from the filing of the appeal.
 - (E) Copies of documents in the City's control which are intended to be used at the hearing, and which directly relate to the issuance of the trespass warning to the appellant, shall be made available upon request to the appellant at no cost.
 - (F) The appellant shall have the right to attend the hearing with an attorney, the right to testify, call witnesses and present evidence.
 - (G) The City shall bear the burden of proof by clear and convincing evidence that the no-trespass order was properly issued.
 - (H) The decision of the municipal judge shall be final and the appellant shall be deemed to have exhausted all administrative remedies.
 - (I) The trespass warning shall remain in effect during the appeal and review process, including any further judicial review.
- (4) An individual found on or within any City property in violation of a no-trespass order issued in accordance with this section may be arrested for trespassing on City property, except as otherwise provided in this section.
- (A) Nothing in this section shall be construed to prohibit or penalize any activity consisting of the lawful exercise of freedom of speech, freedom of press and the right to peaceably assemble and petition the government for a redress of grievances; provided, that such activity neither does nor threatens imminently to materially disturb or interfere with or obstruct any lawful task, function, process or procedure of the City; provided further, that such activity is not conducted in violation of a prohibition or limitation lawfully imposed by the City upon entry or use of the premises.
 - (B) The chief of police, or his/her designee, may upon request, authorize an individual who has received a no-trespass order to enter City property to exercise their First Amendment rights if there is no other reasonable alternative location to exercise such rights or to conduct necessary municipal business. Such authorization must be in writing, shall specify the duration of the authorization and any conditions thereof, and shall not be unreasonably denied.

- (5) This section shall not be construed to limit the authority of any City employee or official to issue a notice of civil trespass to any person for any lawful reason for any City property, including rights-of-way, when closed to general vehicular or pedestrian use. This section does not and shall not be construed to limit the enforcement of sections 9-0127, 9-0204 or 9-0205.

Section 2: Effectivity.

This ordinance shall be in full force and effect after publication thereof, as provided by law.

Brandon Bochenski, Mayor
Dated: _____

ATTEST:

Maureen Storstad, City Auditor
Dated: _____
Introduction and first reading: _____
Public Hearing: _____
Second reading and final passage and approval: _____
Approved: _____
Published: _____