City of Grand Forks
Staff Report

Committee of the Whole – August 10, 2026
City Council – August 17, 2026

Agenda Item: Update to Trespassing Ordinance

Submitted by: Marcus Skonieczny, Assistant City Prosecutor/Attorney

Staff Recommended Action: Recommend enacting ordinance to comply with state law

Committee Recommended Action:	Motion by Weigel, second by Salentiny to move staff recommendation to City Council with a recommendation to approve. Motion carried unanimously.

Council Action:

BACKGROUND:

The proposed changes to the Trespassing Ordinance are to bring the ordinance up to date with the enhancement provisions under the North Dakota Century Code. These changes will provide a clear guideline for prosecutions under the Trespassing Ordinance.

ANALYSIS AND FINDINGS OF FACT:

The Ordinance is updated to make any second offense of the ordinance or an equivalent ordinance or state law a Class A misdemeanor. Previously, it was just second offense trespass charges for the same establishment. This change will provide a clear objective to the City Attorney's office and the Police Department on what goes to the Municipal Court and what goes to the State's Attorney's office.

SUPPORT MATERIALS:

- Draft ordinance

ORDINANCE NO. _____

An ordinance to amend Grand Forks City Code § 9-0127 so as to update the Ordinances of Grand Forks to be in compliance with the Century Code.

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: Amending Clause to Amend Grand Forks City Code § 9-0127.

That part of Grand Forks City Code § 9-0127 relating to Trespassing on Private Property within the City of Grand Forks is enacted to read as follows (the amending language is in bold, with deletions stricken through and additions underlined):

9-0127. – Trespassing on Private Property.

~~(1) It is unlawful for any person to intentionally trespass in, on, or upon the property of another and, without claim of right, refuse to depart therefrom on demand of the lawful owner, possessor, or agent. A demand to depart may be made in the following manners:~~

~~(A) Orally or by written notice, by the lawful owner, possessor, or agent;~~

~~(B) By conspicuously posting at reasonable intervals signs which prohibit trespass on the affected property; or~~

~~(C) By conspicuously posting at reasonable intervals signs which prohibit trespass on the affected property during certain hours.~~

~~(2) This section does not apply to a peace officer in the course of discharging the peace officer's official duties.~~

1. **A individual is guilty of trespassing on private property, a class B misdemeanor, if any of the following are met:**

    a. **The individual, knowing the individual is not licensed or privileged to do so, enters or remains in any place as to which notice against trespass is given by actual communication to the actor by the lawful owner, or authorized agent of the lawful owner.**

        i. **Actual communication can be in the form of:**

            1. **Written notice by the lawful owner, or authorized agent of the lawful owner;**
            2. **By conspicuously posting at reasonable intervals signs which prohibit entering always said premises and includes the name of the owner, or authorized agent of the owner, of the premises that is posting such notice; or**

3. **By conspicuously posting at reasonable intervals signs which prohibit entering said premises at certain hours and includes the name of the owner, or authorized agent of the owner, of the premises that is posting such notice.**

ii. **Even if the conduct of the owner or authorized agent varies from the provisions of subdivision 1(a)(i), an individual may be found guilty of violating this section 1 if the owner or authorized agent substantially complied with subdivision 1(a)(i) and notice against trespass is clear from the circumstances.**

b. **The individual remains upon the property of another after being requested to leave the property by the lawful owner, or authorized agent of the lawful owner.**

2. **An individual who violates subdivision 1(a) or 1(b) of this Ordinance 9-0127, or an equivalent ordinance or state statute, after having one or more convictions for violating subdivision 1(a) or 1(b), or an equivalent ordinance or state statute, within a two-year period of time, is said to be charged with a second or subsequent offense. This Ordinance 9-0127 shall not apply to second or subsequent offenses within a two year period and the municipal court of the City of Grand Forks shall not have jurisdiction thereof.**

3. **This section does not apply to a peace officer in the course of discharging the peace officer's official duties.**

Section 3: Effectivity

This ordinance shall be in full force and effect after its final passage and approval 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: _____