

**PUBLICATION OF ORDINANCE
TITLES AND PENALTY CLAUSES
CITY OF STANLEY,
NORTH DAKOTA**

The following ordinance contains penalty provisions and are published pursuant to City of Stanley Ordinance 2.0105 and North Dakota Century Code 40-11-06:

**SECTION 12.0423 - REGULATION
OF KRATOM AND PROHIBITION
OF KRATOM ALKALOID
DERIVATIVES TO CHAPTER
12 OFFENSES, ARTICLE 4
OFFENSES AGAINST PUBLIC
ORDER, HEALTH, SAFETY AND
SENSIBILITIES**

4. Violations and Penalties:

a. A person who violates this section by possessing a kratom alkaloid derivative is guilty of an infraction for a first offense and a Class B Misdemeanor for a second or subsequent offense. Nothing in this subdivision limits prosecution by the State under subsection 7 of section 19-03.1-23 of the North Dakota Century Code, which provides greater penalties for second and subsequent offenses.

b. A person who violates this section by selling, delivering, or possessing with intent to deliver a kratom alkaloid derivative commits a class B felony under subdivision b of subsection 1 of section 19-03.1-23 of the North Dakota Century Code. Such a violation is beyond the jurisdiction of the Stanley Municipal Court and must be referred to the Mountrail County State's Attorney for prosecution.

c. A retailer or business entity who violates subdivision f, g, h, or k of subsection 3 of this section is guilty of a Class B Misdemeanor. The following sentences may be imposed upon the business, owner, and manager who violate this section:

i. Fine: Up to one thousand five hundred dollars (\$1,500) maximum fine for individuals and the business, consistent with Section 1.0104 of these ordinances and subsection 6 of section 12.1-32-01 of the North Dakota Century Code.

ii. Imprisonment: Not to exceed thirty (30) days, or both such fine and imprison-

ment, in the discretion of the court. No term of imprisonment may be imposed for an offense classified as an infraction or as a noncriminal offense.

d. A person who violates subdivision f of subsection 3 of this section by selling or furnishing kratom to an individual under twenty-one years of age, or by procuring kratom for such an individual, is guilty of an infraction, consistent with subdivision a of subsection 1 of section 12.1-31-03 of the North Dakota Century Code.

e. A violation of subdivision i or j of subsection 3 of this section is a noncriminal violation. An individual eighteen years of age or older but under twenty-one years of age found to have committed such a violation shall pay a fee of twenty-five dollars (\$25.00). An individual fourteen years of age or older but under eighteen years of age found to have committed such a violation has committed an infraction and must be referred to juvenile court. No individual under twenty-one years of age may be imprisoned for contempt arising from the failure to post bond or pay an assessed fee. A law enforcement officer who cites a minor under this subdivision shall mail notice of the violation to the parent or legal guardian within ten days of the citation. This subdivision is adopted under subsection 5 of section 12.1-31-03 of the North Dakota Century Code.

f. Each day a violation continues, and each individual sale made in violation of this ordinance, shall constitute a separate offense.

g. In addition to the fines assessed in this Ordinance, the City of Stanley may utilize any other remedy available to the City at law or in equity, including injunctive relief and revocation or suspension of any applicable city business or retail license.

h. Liquor License Sanctions

iii. In addition to the penalty provided in this Ordinance, any violation of this Ordinance by a retailer, business entity, or individual that holds a license to sell alcoholic beverages at the premises where the violation occurred shall constitute

grounds for suspension or revocation of that liquor license, whether the license was issued by the City or by the State, to the extent the City's licensing authority extends to state-issued licenses operating within its City limits.

iv. First violation. Upon a first violation of this Section by a licensed retailer, business entity, or individual, the City Council shall, following notice and hearing as provided in Section 8.0230, suspend the retailer's liquor license for a period of not less than three (3) days and not more than thirty (30) days.

v. Second and subsequent violations. Upon a second violation of this Section by the same licensee occurring within twenty-four months of a prior violation, the City Council shall, following notice and hearing, revoke the retailer's business entity's, or individual's liquor license. A licensee whose license has been revoked under this subsection shall be ineligible to apply for a new liquor license for that premises for a period of five years from the date of revocation.

vi. When any license is terminated or revoked for cause, or the licensee voluntarily ceases his business, no portion of the license fee previously paid shall be returned to the licensee or to anyone claiming under or through him.

vii. Independent sanction. The sanctions provided in this Section are separate from, and in addition to, any suspension or revocation available to the City under its general liquor control ordinance on other grounds, and nothing in this Section limits the City's authority to suspend or revoke a license for any other lawful cause.

viii. Nothing in this subdivision limits the authority of the Attorney General to impose the fines, suspensions, and revocations provided in subsection 2 of section 51-38-06 of the North Dakota Century Code.

Oct. 21, 2026