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MUNICIPAL FEES - NORTH DAKOTA

City of Fargo v. Rakowski

Supreme Court of North Dakota - April 12, 2016 - N.W.2d - 2016 WL 1435347 - 2016 ND 79

City brought action in small claims court against landlord to collect \$100 fee for reinspection of rental property. Landlord removed action and filed § 1983 counterclaim. The East Central Judicial District Court entered summary judgment in favor of city. Landlord appealed.

The Supreme Court of North Dakota held that:

- City had authority to assess the fee;
- Fee was not a “bill of attainder”; and
- City’s attempt to collect fee following landlord’s guilty plea did not violate double jeopardy clause.

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