

CHAPTER XV
TRAFFIC

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CHAPTER XV
TRAFFIC

Article I
Definitions

15.0101 Definitions

Words and phrases used in this Chapter shall have the meanings and be defined as provided in *North Dakota Century Code* Title 39 and *N.D.C.C.* § 39-01-01 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

In this chapter unless the context or subject matter otherwise requires:

1. Authorized emergency vehicles:
 - a. Class A authorized emergency vehicles shall mean:
 - (1) Vehicles of a governmentally owned fire department;
 - (2) Vehicles when operated by or under the control of a police officer having authority to enforce the provisions of this title or by a salaried employee of any municipal police department within the municipality or by any sheriff or deputy sheriff not to include special deputy sheriffs, or by the warden of the state penitentiary and his authorized agents;
 - (3) Ambulances;
 - (4) Vehicles operated by or under the control of the commissioner, and district deputy commissioner, and district deputy game warden of the North Dakota Game and Fish Department;
 - (5) Vehicles owned or leased by the United States Government used for law enforcement purposes;
 - (6) Vehicles designated for the use of the adjutant general and assistant adjutant general in cases of emergency; and
 - (7) Vehicles operated by or under the control of the director, assistant director, and park superintendents of the North Dakota park service;
 - b. Class B authorized emergency vehicles shall mean wreckers and such other emergency vehicles as are authorized by the local authorities; and

- c. Class C vehicles by civil defense directors while used in the performance of emergency duties.
2. "Bicycle" shall mean every device propelled by human power upon which any person may ride, having two tandem wheels either of which is more than twenty (20) inches in diameter.
3. "Bus" shall mean every motor vehicle designed for carrying more than ten passengers and used for the transportation of persons, and every motor vehicle, other than a taxicab, designed and used for the transportation of persons for compensation.
4. "Business district" shall mean the territory contiguous to a highway when fifty percent (50%) or more of the frontage thereon for a distance of three hundred feet or more is occupied by buildings in use for business.
5. "Commercial passenger transportation" shall mean the carriage of passengers for hire, except that such term shall not include:
 - a. The carriage of passengers within the limits of a city; or
 - b. The carriage by local bus lines of passengers to or from a railroad station from or to places within any city or within two (2) miles of the limits thereof.
6. "Commercial freighting" shall mean the carriage of things other than passengers, for hire, except that such term shall not include:
 - a. The carriage of things other than passengers within the limits of the same city;
 - b. Carriage by local dray lines of baggage or goods to or from a railroad station from or to places in such city or in the immediate vicinity thereof, in this state, and not to exceed two miles from the corporate or recognized limits of said city; or
 - c. Hauling done by farmers for their neighbors in transporting agricultural products to or from market.
7. "Commissioner" shall mean the commissioner of the North Dakota State Highway Department, acting directly or through his authorized agents.
8. "Controlled-access highway" shall mean every highway, street, or roadway in respect to which owners or occupants of abutting lands and other persons have no legal right of access to or from the same except at such points only and in such manner as may be determined by the public authority having jurisdiction over such highway, street,

or roadway.

9. "Crosswalk" shall mean that part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs, or, in the absence of curbs, from the edges of the traversable roadway; or any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.
10. "Dealer" shall mean every person, partnership or corporation engaged in the business of buying, selling or exchanging motor vehicles, or who advertises, or holds himself out to the public as engaged in the buying, selling or exchanging of motor vehicles, or who engages in the buying of motor vehicles for resale. Any person, partnership, corporation, or association doing business in several locations within a city shall be considered a separate dealer in each such location.
11. "Department" shall mean the Motor Vehicle Department of this state.
12. "Director" shall mean the Director of the Division of Public Safety of this state.
13. "Division" shall mean the Division of Public Safety of this state.
14. "Driver" shall mean every person who drives or is in actual physical control of a vehicle.
15. "Essential parts" shall mean all integral and body parts of a vehicle of a type required to be registered hereunder, the removal, alteration or substitution of which would tend to conceal the identity of the vehicle or substantially alter its appearance, model, type or mode of operation.
16. "Explosives" shall mean any chemical compound or mechanical mixture that is commonly used or intended for the purpose of producing an explosion and which contains any oxidizing and combustive units or other ingredients in such proportions, quantities, or packing that an ignition by fire, by friction, by concussion, by percussion or by detonator of any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructive effects on contiguous objects or by destroying life or limb.
17. "Farm tractor" shall include every motor vehicle designed and used primarily as a farm implement for drawing plows, moving machines, and other implements of husbandry.
18. "Farm trailer" shall include those trailers and semi-trailers towed by a bona fide resident farmer hauling his own agricultural, horticultural, dairy, and other farm

products if the gross weight, not including the towing vehicle, does not exceed twenty-four thousand (24,000) pounds.

19. "Flammable liquid" shall mean any liquid which has a flash point of seventy (70) degrees Fahrenheit, or less, as determined by a tagliabue or equivalent closed-cup test device.
20. "Guest" shall mean and include a person who accepts a ride in any vehicle without giving compensation therefore.
21. "Gross weight" shall mean the weight of a vehicle without load plus the weight of any load thereon.
22. "Highway" shall mean the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel and of every way privately maintained within a mobile home park, trailer park, or campground containing five or more lots for occupancy by mobile homes, travel trailers, or tents when any part thereof is open for purposes of vehicular travel.
23. "House car" shall mean a motor vehicle which has been reconstructed or manufactured for private use as sleeping or living quarters.
24. "Implement of husbandry" shall mean every vehicle designed and adapted exclusively for agricultural, horticultural or livestock raising operations or for lifting or carrying an implement of husbandry and in either case not subject to registration if used upon the highway.
25. "Intersection" shall mean the area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadways of two highways which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different highway joining at any other angle may come in conflict. Where a highway includes two roadways thirty (30) feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. In the event such intersecting highway also includes two (2) roadways thirty (30) feet or more apart, then every crossing of two (2) roadways of such highways shall be regarded as a separate intersection.
26. "Intoxicating liquor" shall mean and include any beverage containing alcohol.
27. "Judgment" shall mean any judgment which shall have become final by expiration without appeal of the time within which an appeal might have been perfected, or by final affirmation on appeal, rendered by a court of competent jurisdiction of any state

of the United States, upon a cause of action arising out of ownership, maintenance, or use of any motor vehicle, for damages, including damages for care and loss of services, because of bodily injury to or death of any person or for damages because of injury to or destruction of property, including the loss of use thereof, or upon a cause of action on an agreement of settlement for such damages.

28. "Legal owner" shall mean a person who holds the legal title to a vehicle.
29. "Local authorities" shall include every county, municipal and other local board or body having authority to adopt local police regulations under the constitution and laws of this state.
30. "Mail" shall mean to deposit mail properly addressed and with postage prepaid with the United States Postal Service.
31. "Manufacturer" shall mean any person engaged in the business of manufacturing motor vehicles or trailers.
32. "Metal tires" shall include all tires the surface of which in contact with the highway is wholly or partly of metal or other hard, nonresilient material except that this provision shall not apply to pneumatic tires.
33. "Motor vehicle" shall include every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.
34. "Motorcycle" shall mean every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding implements of husbandry.
35. "Nonresident" shall mean any person who is not a resident of this state.
36. "Nonresident's operating privilege" shall mean the privilege conferred upon a nonresident by the laws of this state pertaining to the operation by such person of a motor vehicle, or the use of a vehicle owned by such person, in this state.
37. "Official traffic-control devices" shall mean all signs, signals, markings and devices not inconsistent with this title placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning or guiding traffic.
38. "Operator" shall mean every person who drives or is in actual physical control of a motor vehicle upon a highway or who is exercising control over or steering a vehicle being towed by a motor vehicle.

39. "Owner" shall mean a person who holds the legal title of a vehicle, or if a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement, and with an immediate right of possession vested in the conditional vendee or lessee, or if a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner for the purpose of this chapter.
40. "Pedestrian" shall mean any person afoot.
41. "Park", when prohibited, shall mean the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading.
42. "Person" shall include every natural person, firm, copartnership, association, or corporation.
43. "Pneumatic tires" shall include all tires inflated with compressed air.
44. "Pole trailer" shall mean every vehicle without motive power designed to be drawn by another vehicle and attached to the towing vehicle by means of a reach, or pole, or by being boomed or otherwise secured to the towing vehicle, and ordinarily used for transporting long or irregularly shaped loads such as poles, pipes or structural members capable, generally, of sustaining themselves as beams between the supporting connections.
45. "Police officer" shall mean every officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.
46. "Private road or driveway" shall mean every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.
47. "Proof of financial responsibility" shall mean proof of ability to respond in damages for liability, on account of accidents occurring subsequent to the effective date of said proof, arising out of the ownership, maintenance or use of a motor vehicle, in the amount of ten thousand dollars because of bodily injury to or death of one person in any one accident, and, subject to said limit for one person, in the amount of Twenty Thousand Dollars (\$20,000.00) because of bodily injury to or death of two (2) or more persons in any one (1) accident, and in the amount of Five Thousand Dollars (\$5,000.00) because of injury to or destruction of property of others in any one (1) accident.
48. "Railroad" shall mean a carrier of persons or property upon cars, other than streetcars, operated upon stationary rails.

49. "Railroad sign or signal" shall mean any sign, signal, or device erected by authority of a public body or official or by a railroad and intended to give notice of the presence of railroad tracks or the approach of a railroad train.
50. "Reconstructed vehicle" shall mean every vehicle of a type required to be registered hereunder materially altered from its original construction by the removal, addition or substitution of essential parts, new or used.
51. "Residence district" shall mean territory contiguous to a highway not comprising a business district, when the frontage on such highway for a distance of three hundred feet or more is occupied mainly by dwellings, or by dwellings and buildings in use for business.
52. "Right-of-way" shall mean the privilege of the immediate use of a roadway.
53. "Road tractor" shall mean every motor vehicle designed and used for drawing other vehicles and not so constructed as to carry any load thereon either independently or any part of the weight of a vehicle or load so drawn.
54. "Roadway" shall mean that portion of a highway improved, designed, or ordinarily used for vehicular travel, exclusive of the berm or shoulder. In the event a highway includes two or more separate roadways the term "roadway" as used herein shall refer to any such roadway separately but not to all such roadways collectively.
55. "Safety zone" shall mean the area or space officially set aside within a highway for the exclusive use of pedestrians and which is so plainly marked or indicated by proper signs as to be plainly visible at all times while set aside as a safety zone.
56. "School bus" shall mean every motor vehicle owned by a public or governmental agency and operated for the transportation of children to or from school or privately owned and operated for compensation for the transportation of children to or from school.
57. "Semitrailer" shall include every vehicle of the trailer type so designed and used in conjunction with a truck or truck tractor that some part of its own weight and that of its own load rests upon or is carried by a truck or truck tractor, except that it shall not include a "house trailer" or "mobile home" as defined in subsection 68 of this section.
58. "Sidewalk" shall mean that portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines, intended for use of pedestrians.
59. "Solid tire" shall include every tire made of rubber or other resilient material other

than a pneumatic tire.

60. "Specially constructed vehicle" shall mean any vehicle under a distinctive name, make, model, or type by a generally recognized manufacturer of vehicles and not materially altered from its original construction.
61. "Stand" or "standing" shall mean the halting of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in receiving or discharging passengers.
62. "State" shall mean a state, territory or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico or a province of the Dominion of Canada.
63. "Stop", when required, shall mean complete cessation from movement.
64. "Stop" or "stopping", when prohibited, shall mean any halting, even momentarily, of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control sign or signal.
65. "Street" shall mean the entire width between boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.
66. "Through highway" shall mean every highway or portion thereof on which vehicular traffic is given preferential right of way, and at the entrances to which vehicular traffic from intersecting highways is required by law to yield right of way to vehicles on such through highway and in obedience to either a stop sign or yield sign, when such signs are erected by law.
67. "Trackless trolley coach" shall mean every motor vehicle which is propelled by electric power obtained from overhead trolley wires but not operated upon rails.
68. "Traffic" shall mean pedestrians, ridden or herded animals, vehicles, streetcars and other conveyances either singly or together while using any highway for purposes of travel.
69. "Traffic-control signal" shall mean any device, whether manually, electrically, or mechanically operated, by which traffic is alternately directed to stop and to proceed.
70. "Trailer" shall include every vehicle without motive power designed to carry property or passengers wholly on its own structure and to be drawn by a motor vehicle, except that it shall not include a "house trailer" or "mobile home" which

terms shall mean a vehicle as defined in this subsection which is designed and intended for use as living or sleeping quarters for people and which is not used for commercial hauling of passengers.

71. "Truck" shall include every motor vehicle designed, used or maintained primarily for transportation of property.
72. "Truck tractor" shall include every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.
73. "Urban district" shall mean the territory contiguous to and including any street which is built up with structures devoted to business, industry or dwelling houses situated at intervals of less than one hundred feet for a distance of a quarter of a mile or more; and
74. "Vehicle" shall include every device in, upon, or by which any person or property may be transported or drawn upon a public highway, except devices moved by human power or used exclusively upon stationary rails or tracks.

05/05/80

Article 2
Traffic Administration

15.0201 Police Administration

There is hereby established in the police department of this city a traffic division to be under the control of an officer of police appointed by and directly responsible to the chief of police.

05/05/80

15.0202 Duty of Traffic Division

It shall be the duty of the traffic division with such aid as may be rendered by other members of the police department to enforce the street traffic regulations of this City and all of the state vehicle laws, to make arrests for traffic violations, to investigate accidents and to cooperate with the City traffic engineer and other officers of the city in the administration of the traffic laws and in developing ways and means to improve traffic conditions, and to carry out those duties specially imposed upon said division by this ordinance and the traffic ordinances of this city.

05/05/80

15.0203 Records of Traffic Violations

1. The police department or the traffic division thereof shall keep a record of all violations of the traffic ordinances of this city or of the state vehicle laws of which any person has been charged, together with a record of the final disposition of all such alleged offenses. Such record shall be so maintained as to show all types of

violations and the total of each. Said record shall accumulate during at least a five-year period and from that time on the record shall be maintained complete for at least the most recent five-year period.

2. All forms for records of violations and notices of violations shall be serially numbered. For each month and year a written record shall be kept available to the public showing the disposal of such form.

3. All such records and reports shall be public records.

05/05/80

15.0204 Traffic Division to Investigate Accidents

It shall be the duty of the traffic division, assisted by other police officers of the department, to investigate traffic accidents, to arrest and to assist in the prosecution of those persons charged with violations of law causing or contributing to such accidents.

05/05/80

15.0205 Traffic Accident Studies

Whenever the accidents at any particular location become numerous, the traffic division shall cooperate with the city traffic engineer in conducting studies of such accidents and determining remedial measures.

05/05/80

15.0206 Traffic Accident Reports

The traffic division shall maintain a suitable system of filing traffic accident reports. Accident reports or cards referring to them shall be filed alphabetically by location. Such reports shall be available for the use and information of the city traffic engineer.

05/05/80

15.0207 Traffic Division to Designate Method of Identifying Funeral Processions

The traffic division shall designate a type of pennant or other identifying insignia to be displayed upon, or other method to be employed to identify, the vehicles in funeral processions.

05/05/80

Article 3

Enforcement and Obedience to Traffic Regulations

15.0301 Authority of Police and Fire Department Officials

1. It shall be the duty of the officers of the police department or such officers as are assigned by the chief of police to enforce all street traffic laws of this city and all of the state vehicle laws.

2. Officers of the police department or such officers as are assigned by the chief of

police are hereby authorized to direct all traffic by voice, hand or signal in conformance with traffic laws, provided that, in the event of a fire or other emergency or to expedite traffic or to safeguard pedestrians, officers of the police department may direct traffic as conditions may require notwithstanding the provisions of the traffic laws.

3. Officers of the fire department, when at the scene of a fire, may direct or assist the police in directing traffic there at or in the immediate vicinity.

05/05/80

15.0302 Obedience to Traffic Ordinance

It shall be unlawful for any person to do any act forbidden or fail to perform any act required by the provisions of this Chapter, and upon conviction of a violation of any of the provisions of this Chapter every person, firm or corporation shall be punished as provided in section 15.2011 of this Chapter.

05/05/80

15.0303 Obedience to Police Officers or Fireman

No person shall willfully refuse to comply with any lawful order or direction of any police officer or fireman invested by law with authority to direct, control, or regulate traffic.

05/05/80

15.0304 Certain Nonmotorized Traffic to Obey Traffic Regulations

1. Every person propelling any push cart upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by this ordinance and by the rules of the road portion of the State vehicle code, except those provisions which by their very nature can have no application.
2. Every person riding a bicycle or an animal or driving any animal-drawn vehicle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by this ordinance, except those provisions of this ordinance which by their very nature can have no application.

05/05/80

15.0305 Use of Roller Skates, Skateboards and Similar Devices on Sidewalks, Bicycle Paths, and Roadways

Every person using roller skates, a skateboard or any similar device upon any sidewalk, bicycle path, or roadway shall use the same in a careful and prudent manner and at a rate of speed no greater than is reasonable and proper under the conditions existing at the point of operation, taking into account the amount and character of pedestrian traffic, grade and width of sidewalk, bicycle path, or roadway, and condition of surface, and shall obey all traffic control devices. Every person using roller skates or a skateboard or similar device on a sidewalk, bicycle path, or roadway shall yield

the right-of-way to any pedestrian thereon. No person shall use roller skates or a skateboard or similar device recklessly, or in such a manner as to cause danger to self or to others.

01/08/01

15.0306 Public Employees to Obey Traffic Regulations

The provisions of this ordinance shall apply to the drivers of all vehicles owned or operated by the United States, this state, or any county, town, district, or any other political subdivision of the state, subject to such specific exceptions as are set forth in this ordinance or in the state vehicle code.

05/05/80

15.0307 Emergency Vehicles

The provisions of *N.D.C.C.* § 39-10-03, § 39-10-03.1 and § 39-10-03.2 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

1. Class A authorized emergency vehicles
 - a. The driver of a class A authorized emergency vehicle may:
 - 1) Park or stand, irrespective of the provisions of this chapter;
 - 2) Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;
 - 3) Exceed the speed limit so long as he does not endanger life or property;
 - 4) Disregard regulations governing direction of movement or turning in specified directions.
 - b. The exceptions herein granted to a class A authorized emergency vehicle shall apply only:
 - 1) When the authorized emergency vehicle is in pursuit of or apprehension of a violator or a suspected violator requiring the use of these exemptions;
 - 2) When the class A authorized emergency vehicle is being operated in response to a reported emergency involving a possible personal injury, death or damage to property, and when giving audible signal by siren or when giving adequate warning by use of a flashing red light which is visible under normal atmospheric conditions for at least five hundred feet;
 - 3) In any instance when the head of a law enforcement agency deems advisable within the area of his jurisdiction for the protection of person and property and when giving audible signal by siren or when giving adequate warning by use of a flashing red light which is visible under normal atmospheric conditions for at least five hundred

feet.

- c. No emergency vehicle shall display or permit to be displayed any red lamp except when operated on official business.
 - d. Vehicles operated as emergency fire apparatus owned or operated by a duly organized fire department while responding to an emergency may use revolving white or red lights. No other vehicles may use revolving white lights.
2. Class B authorized emergency vehicles
- a. The driver of class B authorized emergency vehicles may:
 - 1) Park or stand, irrespective of the provisions of this chapter;
 - 2) Exceed the speed limit so long as he does not endanger life or property during the time of a local or national disaster;
 - 3) Disregard regulations governing direction of movement or turning in specified directions.
 - b. The exceptions herein granted to a class B authorized emergency vehicle shall apply only when the authorized emergency vehicle is displaying an amber light visible under normal atmospheric conditions for a distance of five hundred feet in any direction, and
 - 1) When it is necessary for the authorized emergency vehicle to use these exemptions for the immediate protection of life or property;
 - 2) When an authorized emergency vehicle is stopped on a highway for the purpose of performing a duty as required of him; or
 - 3) When traveling at a speed slower than the normal flow of traffic.
3. Class C authorized emergency vehicles. All class B specifications shall apply except that a rotating blue flashing light shall be displayed.

05/05/80

15.0308 Operation of Vehicles on Approach of Authorized Emergency Vehicles

The provisions of *N.D.C.C.* § 39-10-26 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

1. Upon the immediate approach of an authorized emergency vehicle giving an audible signal by bell, siren, or exhaust whistle and displaying a visible flashing, revolving, or rotating blue, white, or red light, the driver of every other vehicle shall yield the right-of-way and shall immediately drive to a position parallel to, and as close as possible to, the right-hand edge or curb of the roadway clear of any intersection and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer.
2. Whenever an emergency vehicle is parked or stopped at the scene of an emergency and is displaying a flashing, revolving, or rotating blue, white, or red light, approaching traffic shall move to the right-hand edge or curb of the roadway and shall stop, but once having stopped, traffic may proceed past the scene at its own risk when the roadway is clear, except when otherwise directed by a police officer.
3. This section shall not operate to relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway.

05/05/80

15.0309 Written Report of Accident

1. Immediate notice and written report of accident. The driver of a vehicle involved in an accident resulting in injury to or death of any person or property damage to an apparent extent of three hundred dollars or more shall immediately give notice of such accident to the local police department. Within ten days after such accident, the driver shall also forward a written report of the accident to the highway commissioner.
2. When it shall appear to the magistrate that any person has failed to file a written report in compliance with this section he shall notify the highway commissioner of such failure so that appropriate action may be taken pursuant to *N.D.C.C. § 39-08-09*.
3.
 - a. An accident notice is not required from any person who is physically incapable of making the report during the period of such incapacity.
 - b. Whenever the driver of a vehicle is physically incapable of giving an immediate notice of an accident and there was another occupant in the vehicle at the time of the accident capable of doing so, such occupant shall make or cause to be given the notice by the driver.
 - c. Whenever the driver is physically incapable of making a written report of an accident and such driver is not the owner of the vehicle, then the owner of the vehicle involved shall within five days after learning of the accident make

such report not made by the driver.

4. Garages to report. The person in charge of any garage or repair shop to which is brought any motor vehicle which shows evidence of having been involved in a reportable accident as provided in section 15.0309(1) or of being struck by any bullet, shall report or cause a report to be made to a police officer within twenty-four hours after such motor vehicle is received, and before any repairs are made to such vehicle, giving the registration number and the name and address of the owner, operator, or person in control of such vehicle with a description of the location and type of damage to the vehicle, or any missing parts, if the vehicle does not have a sticker on a window thereof issued by a police officer, sheriff or highway patrolman, bearing information to show that the accident in which the vehicle was involved has been investigated. The police officer investigating any reportable accident shall attach a sticker to the window of any damaged vehicle showing that the accident in which such vehicle was involved has been investigated. If the vehicle does bear such a sticker the garage or repair shop need not make the report this section requires and may begin repairs immediately. After repairs have been made and before the vehicle is released, the sticker provided herein shall be removed.
5. Any person who gives information reports as required in this section, knowing or having reason to believe that such information is false shall be guilty of a violation of this ordinance.

05/05/80

Article 4
Traffic Control Devices

15.0401 Authority to Install

The City Engineer or any person authorized by the governing body shall place and maintain traffic-control signs, signals, and devices when and as required under the traffic ordinances of this city to make effective the provisions of said ordinances, and may place and maintain such additional traffic-control devices as he may deem necessary to regulate traffic under the traffic ordinances of this city or under state law, or to guide or warn traffic.

05/05/80

15.0402 Specifications For

All traffic-control signs, signals, and devices shall conform to the specifications approved by the state highway commissioner pursuant to *N.D.C.C.* § 39-13-06. All signs and signals required hereunder for a particular purpose shall so far as practicable be uniform as to type and location throughout the city. All traffic-control devices so erected and not inconsistent with the provisions of state law or this article shall be official traffic control devices.

05/05/80

15.0403 Traffic-Control Signal Legend

The provisions of *N.D.C.C.* § 39-10-05 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

1. Green alone or "Go":
 - a. Vehicular traffic facing the signal may proceed straight through or turn right or left unless a sign at such place prohibits either such turn. But vehicular traffic, including vehicles turning right or left, shall yield the right of way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time such signal is exhibited; and
 - b. Pedestrians facing the signal may proceed across the roadway within any marked or unmarked crosswalk.
2. Yellow alone or "Caution" when shown following the green or "Go" signal:
 - a. Vehicular traffic facing the signal is thereby warned that the red or "Stop" signal will be exhibited immediately thereafter and such vehicular traffic shall not enter or be crossing the intersection when the red or "Stop" signal is exhibited; and
 - b. Pedestrians facing such signal are thereby advised that there is insufficient time to cross the roadway, and any pedestrian then starting to cross shall yield the right of way to all vehicles.
3. Steady red indication:
 - a. Vehicular traffic facing a steady red signal alone shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or if none, then before entering the intersection or if none, then before entering the intersection and shall remain standing until an indication to proceed is shown, except as provided for in subdivision (b) of this subsection.
 - b. Except when a sign is in place prohibiting a turn, vehicular traffic facing a steady red signal may cautiously enter the intersection to turn right, or to turn left from a one-way street into a one-way street, after stopping as required by subdivision (a) of this subsection. Such vehicular traffic shall yield the right of way to pedestrians lawfully within adjacent crosswalk and to other traffic lawfully using the intersection.
 - c. Unless otherwise directed by a pedestrian-control signal as provided for in section 15.0405, pedestrians facing a steady red signal alone shall not enter

the roadway.

4. Red with green arrow:
 - a. Vehicular traffic facing such signal may cautiously enter the intersection only to make the movement indicated by such arrow but shall yield the right of way to pedestrians lawfully within a crosswalk and to other traffic lawfully using the intersection;
 - b. No pedestrian facing such signal shall enter the roadway unless he can do so safely and without interfering with any vehicular traffic.
5. In the event an official traffic-control signal is erected and maintained at a place other than an intersection, the provisions of this section shall be applicable except as to those provisions which by their nature can have no application. Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of any such sign or marking the stop shall be made at the signal.

05/05/80

15.0404 Flashing Signals

The provisions of *N.D.C.C.* § 39-10-07 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

1. Whenever an illuminated flashing red or yellow light is used in a traffic signal or with a traffic sign, it shall require obedience by vehicular traffic as follows:
 - a. Flashing red (stop signal). When a red lens is illuminated with rapid intermittent flashes, drivers of vehicles shall stop at a clearly marked stop line, or, if none, before entering the crosswalk on the near side of the intersection, or, if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering it, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.
 - b. Flashing yellow (caution signal). When a yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles may proceed through the intersection or past such signal only with caution.
2. This section shall not apply at railroad grade crossings. Conduct of drivers of vehicles approaching railroad grade crossings shall be governed by the rules as set forth in section 15.0805.

05/05/80

15.0405 Pedestrian Control Signals

The provisions of *N.D.C.C.* § 39-10-06 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

1. "Walk": Pedestrians facing such signal may proceed across the roadway in the direction of the signal and shall be given the right-of-way by the drivers of all vehicles; and
2. "Don't Walk": No pedestrian shall start to cross the roadway in the direction of such signal, but any pedestrian who has partially completed his crossing on the walk signal shall proceed to a sidewalk or safety island while the "Don't Walk" signal is showing.

05/05/80

15.0406 Designation of Walks, Lanes, Etc.

The City Engineer or any person shall when authorized by the governing body:

1. Designate and maintain, by appropriate devices, marks or lines upon the surface of the roadway, crosswalks at intersections where there is particular danger to pedestrians crossing the roadway, and at such other places as directed by the governing body.
2. Establish safety zones of such kind and character and at such places as may be deemed necessary for the protection of pedestrians as determined by the governing body.
3. Mark traffic lanes upon the roadway of any street or highway where a regular alignment of traffic is necessary. Where such traffic lanes have been marked, it shall be unlawful for the operator of any vehicle to fail or refuse to keep such vehicle within the boundaries of any such land except when lawfully passing another vehicle or preparatory to making a lawful turning movement or performing other lawful traffic movements.

05/05/80

15.0407 Obedience To and Required Traffic-Control Devices

The provisions of *N.D.C.C.* § 39-10-04 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

1. The driver of any vehicle shall obey the instructions of any official traffic-control device applicable thereto placed in accordance with the provisions of this chapter, unless otherwise directed by a traffic or police officer, subject to the exceptions granted the driver of an authorized emergency vehicle in this chapter.

2. No provision of the chapter for which traffic-control devices are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official device is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a state statute does not state that devices are required, such statute shall be effective even though no devices are erected or in place.
3. Whenever official traffic-control devices are placed in positions approximately conforming to the requirements of this title, such devices shall be presumed to have been so placed by this official act or direction of lawful authority, unless the contrary shall be established by competent evidence.
4. Any official traffic-control device placed pursuant to the provisions of this title and purporting to conform to the lawful requirements pertaining to such devices shall be presumed to comply with the requirements of this title, unless the contrary shall be established by competent evidence.

05/05/80

15.0408 Unauthorized Signs

No person shall place, maintain, or display upon or in view of any street any unauthorized sign, signal, marking, or device which purports to be or is in imitation of or resembles an official traffic control device or railroad sign or signal, or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of any official traffic-control device or any railroad sign or signal.

05/05/80

15.0409 Interference With Official Traffic-Control Devices or Railroad Signs or Signals

The provisions of *N.D.C.C.* § 39-10-07.3 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

No person shall, without lawful authority, attempt to or in fact alter, deface, injure, knock down, or remove any official traffic-control device or any railroad sign or signal or any inscription, shield, or insignia thereon, or any other part thereof.

05/05/80

Article 5
Speed Regulations

15.0501 Basic Rule

The provisions of *N.D.C.C.* § 39-09-01 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

No person shall drive a vehicle at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing. Consistent with the

foregoing, every person shall drive at a safe and appropriate speed when approaching and crossing an intersection or railroad grade crossing, when approaching and going around a curve, when approaching a hill crest, when traveling upon any narrow or winding roadway, and when special hazards exist with respect to pedestrians or other traffic or by reason of weather or highway conditions. Any person who shall drive a vehicle upon a highway or private or public property open to the public for the operation of motor vehicles without heed to the requirements or restrictions of this section shall have committed careless driving, and shall be assessed a fee of Thirty Dollars (\$30.00).

Any person who, by reason of careless driving as herein defined, causes and inflicts injury upon the person of an operator of snow removal equipment engaged in snow removal operations or causes damage in excess of One Thousand Dollars (\$1,000.00) to snow removal equipment engaged in snow removal is guilty of an infraction.

As used in this section, "snow removal equipment" means a vehicle that is operated by a person employed by or on behalf of an authority in charge of the maintenance of the highway to perform winter maintenance, snow and ice removal, including plowing, hauling away, salting, and sanding.

05/05/80; 06/04/18

15.0501.1 Care Required in Operating Vehicle

The provisions of *N.D.C.C.* § 39-09-01.1 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

Any person driving a vehicle upon a highway shall drive the vehicle in a careful and prudent manner, having due regard to the traffic, surface, and width of the highway and other conditions then existing, and shall give such warnings as are reasonably necessary for safe operation under the circumstances. No person may drive any vehicle upon a highway in a manner to endanger the life, limb, or property of any person.

06/04/18

15.0502 Speed Limitations

The provisions of *N.D.C.C.* § 39-09-02 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

Subject to the provisions of section 15.0501 and except in those instances where a lower speed is specified in this chapter, it presumably shall be lawful for the driver of a vehicle to drive the same at a speed not exceeding:

1. Twenty miles (20) an hour when approaching within fifty (50) feet of a grade crossing of any steam, electric, or street railway when the driver's view is obstructed. A driver's view shall be deemed to be obstructed when at any time during the last

two hundred (200) feet of his approach to such crossing he does not have a clear and uninterrupted view of such railway crossing and of any traffic on such railway for a distance of four hundred (400) feet in each direction from such crossing;

2. Twenty (20) miles an hour when passing a school during school recess or while children are going to or leaving school during opening or closing hours;
3. Twenty miles (20) an hour when approaching within fifty (50) feet and in traversing an intersection of highways when the driver's view is obstructed. A driver's view shall be deemed to be obstructed when at any time during the last fifty (50) feet of his approach road to such intersection, he does not have a clear and uninterrupted view of such intersection and of the traffic upon all of the highways entering such intersection for a distance of two hundred (200) feet from such intersection;
4. Twenty (20) miles an hour when the driver's view of the highway ahead is obstructed within a distance of one hundred (100) feet;
5. Twenty-five (25) miles an hour on any highway in a business district or in a residence district or in a public park, unless a different speed limit is designated and posted by local authorities; and
6. Fifty-five (55) miles an hour under other circumstances, unless otherwise permitted, restricted, or required by conditions.
 - a. The highway commissioner may designate and post special areas of state highways where lower speed limits shall apply.
 - b. Except as provided by law, it shall be unlawful for any person to drive a vehicle upon a highway at a speed that is unsafe or at a speed exceeding the speed limit prescribed by law or established pursuant to law.
 - c. In charging a violation of the provisions of this section, the complaint shall specify the speed at which the defendant is alleged to have driven and the speed which this section prescribes shall be prima facie lawful at the time and place of the alleged offense.

05/05/80

15.0503 When Local Authorities May or Shall Alter Maximum Speed - Limits - Signs Posted

The provisions of *N.D.C.C.* § 39-09-03 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

1. Whenever the City, on the basis of an engineering and traffic investigation,

determines that the maximum speed permitted under this title is greater or less than is reasonable and safe under the conditions found to exist upon a highway or part of a highway, the City may determine and declare a reasonable and safe maximum limit thereon which:

- a. Decreases the limit at intersections;
 - b. Increases the limit within an urban district but not to more than fifty-five (55) miles per hour; or
 - c. Decreases the limit outside an urban district, but not to less than thirty-five (35) miles per hour.
2. The City shall determine by an engineering and traffic investigation the proper maximum speed for arterial streets and shall declare a reasonable and safe maximum limit thereon which may be greater or less than the minimum speed permitted under this chapter for an urban district.
 3. Any altered limit established as hereinabove authorized shall be effective at all times or during hours of darkness or at other times as may be determined when appropriate signs giving notice thereof are erected upon such street or highway.
 4. Any alteration of maximum limits on state highways or extensions thereof in the municipality shall not be effective until such alteration has been approved by the state highway commissioner.
 5. Not more than six (6) such alterations as hereinabove authorized shall be made per mile along a street or highway, except in the case of reduced limits at intersections, and the difference between adjacent limits shall not be more than ten (10) miles per hour.

05/05/80

15.0504 Speed Limitations Inapplicable to Whom - Liability of Exempt Driver For Reckless Driving

The provisions of *N.D.C.C.* § 39-09-06 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

The speed limitations provided for in this article shall not apply to class A authorized emergency vehicles. The exceptions provided for in this section shall not protect the driver of any such vehicle from the consequences of a reckless disregard of the safety of others.

05/05/80

15.0505 Minimum Speed Limits

The provisions of *N.D.C.C.* § 39-09-09 and all subsequent amendments shall be and are hereby

incorporated by reference in this ordinance.

1. No person shall drive a motor vehicle at such a slow speed as to impede the normal and reasonable movement of traffic except when reduced speed is necessary for safe operation or in compliance with law.
2. Whenever the state highway commissioner and the superintendent of the highway patrol, acting jointly, or the City, determine on the basis of an engineering and traffic investigation that slow speeds on any highway or part of a highway impede the normal and reasonable movement of traffic, the commissioner and superintendent or the City may determine and declare a minimum speed limit below which no person shall drive a vehicle except when necessary for safe operation or in compliance with law, and that limit shall be effective when posted upon appropriate fixed or variable signs.

05/05/80

15.0506 Regulations of Speed by Traffic Signals

The city traffic engineer or authorized person may regulate the timing of traffic signals so as to permit the movement of traffic in an orderly and safe manner at speeds slightly at variance from the speed otherwise applicable within the district or at intersections and shall erect appropriate signs giving notice thereof.

05/05/80

15.0507 Exhibition Driving and Drag Racing - Definitions - Penalty

The provisions of *N.D.C.C.* § 39-08-03.1 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

1. No person shall engage in exhibition driving of any vehicle on a highway, street, alley, sidewalk, or any public or private parking lot or area in a race, nor shall any person engage in a speed competition, drag race or acceleration contest, test of physical endurance, or exhibition of speed or acceleration. Any person who violates this section shall be assessed a fee of Forty Dollars (\$40.00).
2. As used in this section:
 - a. "Drag race" means the operation of two or more vehicles from a point side-by-side by accelerating rapidly in a competitive attempt to cause one vehicle to outdistance the other; or the operation of one or more vehicles over a common selected course from the same point to the same point for the purpose of comparing the relative speed or powers of acceleration of such vehicle or vehicles within a certain distance or time limit.
 - b. "Exhibition driving" means driving a vehicle in a manner which disturbs the peace by creating or causing unnecessary engine noise, tire squeal, skid, or

slide upon acceleration of braking; or driving and executing or attempting one or a series of unnecessarily abrupt turns.

c. "Race" means the use of one or more vehicles in an attempt to outgain, outdistance, or to arrive at a given distance ahead of another vehicle or vehicles or the use of one or more vehicles to willfully prevent another vehicle from passing the racing vehicle or vehicles, or to test the physical stamina or endurance of the persons driving the vehicles over a long distance driving route.

3. Nothing in this section shall be construed as prohibiting drag racing, exhibition driving, or similar events when carried out in an organized manner on a track or other privately owned area specifically set aside and used solely for such purpose by drivers of motor vehicles, including snowmobiles.

05/05/80

15.0508 Radar Evidence in Speed Violations

The provisions of *N.D.C.C.* § 39-03-15 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

The speed of any motor vehicle may be checked by the use of radio microwaves or other electrical device. The results of such checks shall be accepted as prima facie evidence of the speed of such motor vehicle in any court or legal proceedings where the speed of the motor vehicle is at issue. The driver of any such motor vehicle may be arrested without a warrant under this section, provided the arresting officer is in uniform or displays his badge of authority; provided that such officer has observed the record of the speed of such motor vehicle by the radio microwaves or other electrical device, or has received a radio message from the officer who observed the speed of the motor vehicle recorded by the radio microwaves or other electrical device.

05/05/80

Article 6 Turning Movements

15.0601 Authority to Place Devices Altering Normal Course for Turns

The city traffic engineer or other authorized person may place official traffic-control devices within or adjacent to intersections indicating the course to be traveled by vehicles turning at such intersections, and such course to be traveled as so indicated may conform to or be other than as prescribed by law.

05/05/80

15.0602 Authority to Place Restricted Turn Signs

The city traffic engineer or other authorized person may determine those intersections at which drivers of vehicles shall not make a right, left or U turn, and shall place proper signs at such intersections. The making of such turns may be prohibited between certain hours of any day and permitted at other hours, in which event the same shall be plainly indicated on the signs or they may

be removed when such turns are permitted.

05/05/80

15.0603 Turning Signs - Obedience To

Whenever authorized signs are erected indicating that no right or left or U turn is permitted, no driver of a vehicle shall disobey the directions of any such sign. Turning movements known as U turns, shall be permitted only at intersections, driveways and alleys.

05/05/80

15.0604 Required Position and Method of Turning at Intersections

The provisions of *N.D.C.C.* § 19-10-35 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

The driver of a vehicle intending to turn at an intersection shall do so as follows:

1. Right turns. Both the approach for right turn and a right turn shall be made as close as practicable to the right-hand curb or edge of the roadway;
2. Left turns on two-way roadways. At any intersection where traffic is permitted to move in both directions on each roadway entering the intersection, an approach for a left turn shall be made in that portion of the right half of the roadway nearest the center line thereof and by passing to the right of such center line where it enters the intersection and after entering the intersection the left turn shall be made so as to leave the intersection to the right of the center line of the roadway being entered. Whenever practicable the left turn shall be made in that portion of the intersection to the left of the center of the intersection;
3. Left turns on other than two-way roadways. At any intersection where traffic is restricted to one direction on one or more of the roadways, the driver of a vehicle intending to turn left at any such intersection shall approach the intersection in the extreme left-hand lane lawfully available to traffic moving in the direction of travel of such vehicle and after entering the intersection the left turn shall be made so as to leave the intersection, as nearly as practicable, in the left-hand lane lawfully available to traffic moving in such direction upon the roadway being entered, and;
4. The City may cause markers, buttons, or signs to be placed within or adjacent to intersections and thereby require and direct that a different course from that specified in this section be traveled by vehicles turning at an intersection, and when markers, buttons, or signs are so placed no driver of a vehicle shall turn a vehicle at an intersection other than as directed and required by such markers, buttons, or signs.

05/05/80

15.0605 Vehicle Turning Left at Intersection

The provisions of *N.D.C.C.* § 39-10-23 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

The driver of a vehicle intending to turn to the left within an intersection or into an alley, private road, or driveway shall yield the right-of-way to any vehicle approaching from the opposite direction which is within the intersection or so close thereto as to constitute an immediate hazard.

05/05/80

15.0606 Turning on Curve or Crest of Grade Prohibited

The provisions of *N.D.C.C.* § 39-10-36 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

No vehicle shall be turned so as to proceed in the opposite direction upon any curve, or upon the approach to or near the crest of a grade, where such vehicle cannot be seen by the driver of any other vehicle approaching from either direction within five hundred feet.

05/05/80

15.0607 Turning Movements and Required Signals

The provisions of *N.D.C.C.* § 39-10-38 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

1. No person shall turn a vehicle at an intersection unless the vehicle is in proper position upon the roadway as required in section 15.0604 or turn a vehicle to enter a private road or driveway, or otherwise turn a vehicle from a direct course or move right or left upon a roadway unless and until such movement can be made with reasonable safety. No person shall so turn any vehicle without giving an appropriate signal in the manner hereinafter provided in the event any other traffic may be affected by such movement;
2. A signal of intention to turn right or left when required shall be given continuously during not less than the last one hundred (100) feet traveled by the vehicle before turning; and
3. No person shall stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal in the manner provided herein to the driver of any vehicle immediately to the rear when there is opportunity to give such signal.

05/05/80

15.0608 Signals By Hand and Arm or Signal Lamps

The provisions of *N.D.C.C.* § 39-10-39 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

1. Any stop or turn signal when required herein shall be given either by means of the

hand and arm or by signal lamps, except as otherwise provided in subsection (2) of this section.

2. Any motor vehicle in use on a highway shall be equipped with, and required signals shall be given by, signal lamps when the distance from the center of the top of the steering post to the left outside limit of the body, cab, or load of such motor vehicle exceeds twenty-four (24) inches, or when the distance from the center of the top of the steering post to the rear limit of the body or load thereof exceeds fourteen feet. The latter measurement shall apply to any single vehicle and to any combination of vehicles.

05/05/80

15.0609 Methods of Giving Hand-and-Arm Signals

The provisions of *N.D.C.C.* § 39-10-40 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

All signals herein required given by hand and arm shall be given from the left side of the vehicle in the following manner and such signals shall indicate as follows:

1. Left turn: hand and arm extended horizontally;
2. Right turn: hand and arm extended upward;
3. Stop or decrease speed: hand and arm extended downward.

05/05/80

Article 7 One-Way Streets and Alleys

15.0701 Authority to Sign One-Way Streets and Alleys

The city traffic engineer or authorized person may determine and designate one-way streets or alleys and shall place and maintain official traffic control devices giving notice thereof. No such designation shall be effective unless such devices are in place.

05/05/80

Article 8 Stop and Yield Intersections

15.0801 Stop Signs and Yield Signs

The provisions of *N.D.C.C.* § 39-10-44 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

1. Preferential right-of-way at an intersection may be indicated by stop signs or yield

signs.

2. Every stop sign and every yield sign shall be erected as near as practicable to the nearest line of the crosswalk on the near side of the intersection or, if there is no crosswalk, then as near as practicable to the nearest line of the intersecting roadway.
3. Every stop sign shall bear the word "STOP" in letters not less than eight inches in height. Every yield sign shall bear the word "YIELD" in letters not less than six inches in height. Every stop sign and every yield sign shall at nighttime be rendered luminous by internal illumination, or by a light projected on the face of the sign or by efficient reflecting elements in the face of the sign.
4. Except when directed to proceed by a police officer or traffic control signal, every driver of a vehicle approaching a stop intersection indicated by a stop sign shall stop before entering the crosswalk on the near side of the intersection or, in the event there is no crosswalk, shall stop at a clearly marked stop line, but if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway.
5. The driver of a vehicle approaching a yield sign if required for safety to stop shall stop before entering the crosswalk on the near side of the intersection or, in the event there is no crosswalk, at a clearly marked stop line, but if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting highway.

05/05/80

15.0802 Stop Signs and Yield Signs

The provisions of *N.D.C.C.* § 39-10-24 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

1. Preferential right-of-way may be indicated by stop signs or yield signs.
2. Except when directed to proceed by a police officer, every driver of a vehicle approaching a stop sign shall stop at a clearly marked stop line, or, if none, then at the point of approaching traffic on the intersecting roadway before entering it. After having stopped, the driver shall yield the right-of-way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time when such driver is moving across or within the intersection of junction of roadways.
3. The driver of a vehicle approaching a yield sign shall in obedience to such sign slow down to a speed reasonable for the existing conditions and, if required for safety to stop, shall stop at a clearly marked stop line, or, if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the

intersecting roadway before entering it. After slowing or stopping, the driver shall yield the right-of-way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time such driver is moving across or within the intersection or junction of roadways. Provided, however, that if a driver is involved in a collision with a vehicle in the intersection or junction of roadways after driving past a yield sign without stopping, such collision shall be deemed prima facie evidence of his failure to yield the right-of-way.

05/05/80

15.0803 Emerging from Alley, Driveway, Private Road, or Building

The provisions of *N.D.C.C.* § 39-10-45 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

The driver of a vehicle emerging from an alley, driveway, private road, or building within a business or residence district shall stop such vehicle immediately prior to driving onto a sidewalk or onto the sidewalk area extending across such alley, building entrance, road, or driveway, or in the event there is no sidewalk area, shall stop at the point of approaching traffic thereon.

05/05/80

15.0804 Obedience to Signal Indicating Approach of Train

The provisions of *N.D.C.C.* § 39-10-41 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

1. Whenever any person driving a vehicle approaches a railroad grade crossing under any of the circumstances stated in this section, the driver of such vehicle shall stop within fifty feet (50) but not less than fifteen (15) feet from the nearest rail of such railroad, and shall not proceed until he can do so safely. The foregoing requirements shall apply when:
 - a. A clearly visible electric or mechanical signal device gives warning of the immediate approach of a railroad train;
 - b. A crossing gate is lowered or when a human flagman gives or continues to give a signal of the approach or passage of a railroad train;
 - c. A railroad train approaching within approximately one thousand three hundred (1,300) feet and twenty (20) feet of the highway crossing emits a signal audible from such distance and such railroad train, by reason of its speed or nearness to such crossing, is an immediate hazard; or
 - d. An approaching railroad train is plainly visible and is in hazardous proximity to such crossing.

2. No person shall drive any vehicle through, around, or under any crossing gate or barrier at a railroad crossing while such gate or barrier is closed or is being opened or closed. No person shall drive any vehicle past any human flagman at a railroad crossing until the flagman signals that the way is clear to proceed.

05/05/80

15.0805 All Vehicles Must Stop at Certain Railroad Grade Crossings

The provisions of *N.D.C.C.* § 39-10-42 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

The state highway department and the City, with respect to highways under their respective jurisdiction, are hereby authorized to designate particularly dangerous highway grade crossings of railroads and to erect stop signs thereat. When such stop signs are erected, the driver of any vehicle shall stop within fifty (50) feet but not less than fifteen (15) feet from the nearest rail of such railroad and shall proceed only upon exercising due care.

05/05/80

15.0806 Certain Vehicles Must Stop At All Railroad Grade Crossings

The provisions of *N.D.C.C.* § 39-10-43 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

1. The driver of a bus carrying passengers, or of any school bus carrying any school child, or of any vehicle carrying any chlorine, empty or loaded cargo tank vehicles used to transport dangerous articles or any liquid having a flashpoint below two hundred degrees Fahrenheit, cargo tank vehicles transporting a commodity having a temperature above its flashpoint at the time of loading, certain cargo tank vehicles transporting commodities under special permits issued by the hazardous materials regulations board, and every motor vehicle which must have the following placards: "explosives", "poison", "flammable oxidizers", "compressed gas", "corrosives", "flammable gas", "radioactive", or "dangerous", before crossing at grade any track or tracks of a railroad, shall stop such vehicle within fifty (50) feet but not less than fifteen (15) feet from the nearest rail of such railroad and while so stopped shall listen and look in both directions along such track for any approaching train, and for signals indicating the approach of a train and shall not proceed until he can do so safely. After stopping as required herein and upon proceeding when it is safe to do so the driver of any said vehicle shall cross only in such gear of the vehicle that there will be no necessity for manually changing gears while traversing such crossing and the driver shall not manually shift gears while crossing the track or tracks.
2. No stop need be made at any such crossing at which traffic is controlled by a police officer. For the purposes of this section, a United States marshal shall be considered a police officer.

05/05/80

Article 9

Miscellaneous Driving Rules

15.0901 When Traffic Obstructed

No driver shall enter an intersection or a marked crosswalk unless there is sufficient space on the other side of the intersection or crosswalk to accommodate the vehicle he is operating without obstructing the passage of other vehicles or pedestrians, notwithstanding any traffic control signal indication to proceed.

05/05/80

15.0902 Driving Through Funeral or Other Procession

No driver of a vehicle (or motorman of a streetcar) shall drive between the vehicles comprising a funeral or other authorized procession while they are in motion and when such vehicles are conspicuously designated as required in this ordinance. This provision shall not apply at intersections where traffic is controlled by traffic-control signals or police officers.

05/05/80

15.0903 Drivers in a Procession

Each driver in a funeral or other procession shall drive as near to the right-hand edge of the roadway as practicable and shall follow the vehicle ahead as close as is practicable and safe.

05/05/80

15.0904 Funeral Processions To Be Identified

A funeral composed of a procession of vehicles shall be identified as such by headlights burning in daylight hours on all vehicles in the procession, or by such other methods as may be determined and designated by the Chief of Police.

05/05/80

15.0905 When Permits Required For Parades and Processions

No funeral, procession or parade containing two hundred (200) or more persons or fifty (50) or more vehicles the Armed Forces of the United States, the military forces of this State and the forces of the police and fire departments, shall occupy, march or proceed along any street except in accordance with a permit issued by the chief of police and such other regulations as are set forth herein which may apply.

05/05/80

15.0906 Drive On Right Side of Roadway - Exceptions

The provisions of *N.D.C.C.* § 39-10-08 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

1. Upon all roadways of sufficient width a vehicle shall be driven upon the right half of the roadway, except as follows:

- a. When overtaking and passing another vehicle proceeding in the same direction under the rules governing such movement,
 - b. When an obstruction exists making it necessary to drive to the left of the center of the highway; provided, any person so doing shall yield the right-of-way to all vehicles traveling in the proper direction upon the unobstructed portion of the highway within such distance as to constitute an immediate hazard;
 - c. Upon a roadway divided into three marked lanes for traffic under the rules applicable thereon; or
 - d. Upon a roadway restricted to one-way traffic.
2. Upon all roadways any vehicle proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing shall be driven in the right-hand lane then available for traffic, or as close as practicable to the right-hand curb or edge of the roadway, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn in an intersection or into a private road or driveway.
 3. Upon any roadway having four or more lanes for moving traffic and providing for two-way movement of traffic, no vehicle shall be driven to the left of the center line of the roadway, except when authorized by official traffic-control devices designating certain lanes to the left side of the center of the roadway for use by traffic not otherwise permitted to use such lanes, or except as permitted under subdivision (b) of subsection (1) hereof. However, this subsection shall not be construed as prohibiting the crossing of the centerline in making a left turn into or from an alley, private road or driveway.

05/05/80

15.0907 Passing Vehicles Proceeding In Opposite Directions

The provisions of *N.D.C.C.* § 39-10-09 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

Drivers of vehicles proceeding in opposite directions shall pass each other to the right, and upon roadways having width for not more than one line of traffic in each direction each driver shall give to the other at least one-half of the main-traveled portion of the roadway as nearly as possible.

05/05/80

15.0908 Overtaking a Vehicle On The Left

The provisions of *N.D.C.C.* § 39-10-11 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

The following rules shall govern the overtaking and passing of vehicles proceeding in the same direction, subject to those limitations, exceptions and special rules hereinafter stated:

1. The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle.
2. Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.

05/05/80

15.0909 When Overtaking On The Right Is Permitted

The provisions of *N.D.C.C.* § 39-10-12 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

1. The driver of a vehicle may overtake and pass upon the right of another vehicle only under the following conditions:
 - a. When the vehicle overtaken is making or about to make a left turn; or
 - b. Upon a roadway with unobstructed pavement of sufficient width for two (2) or more lines of vehicles moving lawfully in the direction being traveled by the overtaking vehicle.
2. The driver of a vehicle may overtake and pass another vehicle upon the right only under conditions permitting such movement in safety. Such movement shall not be made by driving off the roadway.

05/05/80

15.0910 Limitations On Overtaking On The Left

The provisions of *N.D.C.C.* § 39-10-13 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

No vehicle shall be driven to the left side of the center of the roadway in overtaking and passing another vehicle proceeding in the same direction unless such left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be completely made without interfering with the operation of any vehicle approaching from the opposite direction or any vehicle overtaken. In every event the overtaking vehicle must return to an authorized lane of travel as soon as practicable, and in the event the passing movement involves the use of a lane authorized for vehicles approaching from the opposite direction, before coming within two hundred feet of an approaching vehicle.

05/05/80

15.0911 Further Limitations on Driving on Left of Center of Roadway

The provisions of *N.D.C.C.* § 39-10-14 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

1. No vehicle shall be driven to the left side of the roadway under the following conditions:
 - a. When approaching or upon the crest of a grade or a curve in the highway where the driver's view is obstructed within such distance as to create a hazard in the event another vehicle might approach from the opposite direction;
 - b. When approaching within one hundred (100) feet of or traversing any intersection or railroad grade crossing, or
 - c. When the view is obstructed upon approaching within one hundred (100) feet of any bridge, viaduct or tunnel.
2. The foregoing limitations shall not apply upon a one-way roadway, nor under the conditions described in section 15.0906 nor to the driver of a vehicle turning left into or from an alley, private road or driveway.

05/05/80

15.0912 No-Passing Zones

The provisions of *N.D.C.C.* § 39-10-15 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

1. The state highway commissioner and local authorities are hereby authorized to determine those portions of any highway under their respective jurisdiction where overtaking and passing or driving on the left side of the roadway would be especially hazardous and may by appropriate signs or markings on the roadway indicate the beginning and end of such zones and when such signs or markings are in place and clearly visible to an ordinarily observant person, every driver of a vehicle shall obey the directions thereof.
2. Where signs or markings are in place to define a no-passing zone as set forth in subsection (1), no driver shall at any time drive on the left side of the roadway with such no-passing zone or on the left side of any pavement striping designed to mark such no-passing zone throughout its length.
3. This section does not apply under the conditions described in section 15.0906 nor to the driver of a vehicle turning left into or from an alley, private road, or driveway.

15.0913 Driving on Roadways Laned For Traffic

The provisions of *N.D.C.C.* § 39-10-17 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

1. A vehicle shall be driven as nearly as practicable entirely within a single lane and shall not be moved from such lane until the driver has first ascertained that such movement can be made with safety.

2. Upon a roadway which is divided into three lanes and provides for two-way traffic a vehicle shall not be driven in the center lane except when overtaking and passing another vehicle traveling in the same direction when such center lane is clear of traffic within a safe distance, or in preparation for making a left turn or where such center lane is at the time allocated exclusively to traffic moving in the same direction that the vehicle is proceeding and such allocation is designated by official traffic-control devices.

3. Official traffic-control devices may be erected directing specified traffic to use a designated lane or designating those lanes to be used by traffic moving in a particular direction regardless of the center of the roadway and drivers of vehicles shall obey the directions of every such device.

4. Official traffic-control devices may be installed prohibiting the changing of lanes on sections of roadway and drivers of vehicles shall obey the directions of every such device.

15.0914 Following Too Closely

The provisions of *N.D.C.C.* § 39-10-18 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

1. The driver of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of such vehicles and the traffic upon and the condition of the highway;

2. The driver of any truck or motor vehicle drawing another vehicle when traveling upon a roadway outside of a business or residence district and which is following another truck or motor vehicle drawing another vehicle shall, whenever conditions permit, leave sufficient space so that an overtaking vehicle may enter and occupy such space without danger, except that this shall not prevent a truck or motor vehicle drawing another vehicle from overtaking and passing any vehicle or combination of vehicles; and

3. Motor vehicles being driven upon any roadway outside of a business or residence district in a caravan or motorcade whether or not towing other vehicles shall be so operated as to allow sufficient space between each such vehicle or combination of vehicles so as to enable any other vehicle to enter and occupy such space without danger. This provision shall not apply to funeral processions.

05/05/80

15.0915 Driving On Divided Highways

The provisions of *N.D.C.C.* § 39-10-19 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

Whenever any highway has been divided into two or more roadways by leaving an intervening space or by a physical barrier or clearly indicated dividing section so constructed as to impede vehicular traffic, every vehicle shall be driven only upon the right-hand roadway, unless directed or permitted to use another roadway by official traffic-control devices or police officers. No vehicle shall be driven over, across, or within any such dividing space, barrier, or section, except through an opening in such physical barrier or dividing section or space or at a crossover or intersection as established by public authority, unless such crossing is specifically prohibited and such prohibition is indicated by appropriate traffic-control devices.

05/05/80

15.0916 Restricted Access

The provisions of *N.D.C.C.* § 39-10-20 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance

No person shall drive a vehicle onto or from any controlled-access roadway except at such entrances and exits as are established by public authority. No person shall drive a vehicle off a roadway, private road or driveway or street unless authorized by the public authority or by the private owner.

05/05/80

15.0917 Restrictions on Use of Controlled-Access Roadway

The provisions of *N.D.C.C.* § 39-10-21 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

The state highway commissioner may by order, and the City may by ordinances, with respect to any controlled-access roadway under their respective jurisdictions, prohibit the use of any such roadway by pedestrians, bicycles, or other nonmotorized traffic or by any person operating a motor-driven cycle.

The state highway commissioner or the City, as the case may be, shall erect and maintain official signs on the controlled access roadway on which such regulations are applicable and when so erected no person shall disobey the restrictions stated on such signs.

05/05/80

15.0918 Vehicle Entering Roadway

The provisions of *N.D.C.C.* § 39-10-25 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

The driver of a vehicle about to enter or cross a roadway from any place other than another roadway shall yield the right-of-way to all vehicles approaching on the roadway to be entered or crossed.

05/05/80

15.0919 Vehicle Approaching or Entering Intersection

The provisions of *N.D.C.C.* § 39-10-22 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

1. When two (2) vehicles approach or enter an intersection from different highways at approximately the same time, the driver of the vehicle on the left shall yield the right-of-way to the vehicle on the right; and
2. The right-of-way rule declared in this section is modified at through highways and otherwise as stated in this chapter.

05/05/80

15.0920 Overtaking and Passing School Bus

The provisions of *N.D.C.C.* § 39-10-46 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

1. The driver of a vehicle meeting or overtaking from either direction any school bus stopped on the highway shall stop the vehicle before reaching such school bus when there is in operation on said school bus the flashing red lights specified in *N.D.C.C.* § 39-21-18, and said driver shall not proceed until such school bus resumes motion or he is signaled by the school bus driver to proceed or the flashing red lights are no longer actuated.
2. Every school bus shall bear upon the front and rear thereof plainly visible signs containing the words "SCHOOL BUS" in letters not less than eight inches in height. When a school bus is being operated upon a highway for purposes other than the actual transportation of children either to or from school or for a school sanctioned activity, all markings thereon indicating "SCHOOL BUS" shall be covered or concealed.
3. Every school bus shall be equipped with red visual signals meeting the requirement of *N.D.C.C.* § 39-21-18, which may be actuated by the driver of said school bus whenever but only whenever, such vehicle is stopped on the highway for the purpose

of receiving or discharging school children. A school bus driver shall not actuate said special visual signals:

- a. On city streets on which the receiving or discharging of school children is prohibited by ordinance.
 - b. At intersections or other places where traffic is controlled by traffic-control signals or police officers; or
 - c. In designated school bus loading areas where the bus is entirely off the roadway.
4. The driver of a vehicle upon a highway with separate roadways need not stop upon meeting or passing a school bus which is on a different roadway or when upon a controlled-access highway and the school bus is stopped in a loading zone which is a part of or adjacent to such highway and where pedestrians are not permitted to cross the roadway.

05/05/80

15.0921 Unattended Motor Vehicle

The provisions of *N.D.C.C.* § 39-10-51 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

No person driving or in charge of a motor vehicle shall permit it to stand unattended without first stopping the engine, effectively setting the brake thereon, and, when standing upon any grade, turning the front wheels to the curb or side of the highway.

05/05/80

15.0922 Limitations on Backing

1. The driver of a vehicle shall not back the same unless such movement can be made with safety and without interfering with other traffic.
2. The driver of a vehicle shall not back the same upon any shoulder or roadway of any controlled-access highway.
3. The driver of a vehicle shall not back the same onto the opposite or improper lane of a highway, street or roadway.
4. The driver of a vehicle exiting an angle parking space shall not back the same into the opposite or improper lane of a highway, street or roadway.

11/01/99

15.0923 Obstruction to Driver's View or Driving Mechanism

The provisions of *N.D.C.C.* § 39-10-54 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

1. No person shall drive a vehicle when it is so loaded, or when there are in the front seat such a number of persons, exceeding three, as to obstruct the view of the driver to the front or sides of the vehicle or as to interfere with the driver's control over the driving mechanism of the vehicle.
2. No passenger in a vehicle shall ride in such position as to interfere with the driver's view ahead or to the sides, or to interfere with his control over the driving mechanism of the vehicle.

05/05/80

15.0924 Opening and Closing Vehicle Doors

The provisions of *N.D.C.C.* § 39-10-54.1 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

No person shall open the door of a motor vehicle on the side available to moving traffic unless and until it is reasonably safe to do so and can be done without interfering with the movement of other traffic, nor shall any person leave a door open on the side of a vehicle available to moving traffic for a period of time longer than necessary to load or unload passengers.

05/05/80

15.0925 Coasting Prohibited

The provisions of *N.D.C.C.* § 39-10-56 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

1. The driver of any motor vehicle when traveling upon a down grade shall not coast with the gears or transmission of such vehicle in neutral.
2. The driver of a truck or bus when traveling upon a down grade shall not coast with the clutch disengaged.

05/05/80

15.0926 Following Fire Apparatus Prohibited

The provisions of *N.D.C.C.* § 39-10-57 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

The driver of any vehicle other than one on official business shall not follow any fire apparatus traveling in response to a fire alarm closer than five hundred (500) feet or stop such vehicle within five hundred (500) feet of any fire apparatus stopped in answer to a fire alarm.

05/05/80

15.0927 Crossing Fire Hose

The provisions of *N.D.C.C.* § 39-10-58 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

No vehicle shall be driven over any unprotected hose of a fire department when laid down on any street, private road, or driveway to be used at any fire or alarm of fire, without the consent of the fire department official in command.

05/05/80

15.0928 Garbage, Glass, Etc., on Highways Prohibited

The provisions of *N.D.C.C.* § 39-10-59 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

1. No person shall throw or deposit upon any highway any glass bottle, glass, nails, tacks, wire, cans, or any other substance likely to injure any person, animal, or vehicle, or throw or deposit rubbish of any kind upon the highway;
2. Any person who drops, or permits to be dropped or thrown, upon any highway any destructive or injurious material shall immediately remove the same or cause it to be removed; and
3. Any person removing a wrecked or damaged vehicle from a highway shall remove any glass or other injurious substance dropped upon the highway from such vehicle.

05/05/80

15.0929 Driving Through Safety Zone Prohibited

The provisions of *N.D.C.C.* § 39-10-64 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

No vehicle shall at any time be driven through or within a safety zone.

05/05/80

15.0930 Moving Heavy Equipment at Railroad Grade Crossings

The provisions of *N.D.C.C.* § 39-10-67 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

1. No person shall operate or move any crawler-type tractor, steam shovel, derrick, roller, or any equipment or structure having a normal operating speed of ten or less miles per hour or a vertical body or load clearance of less than one-half ($\frac{1}{2}$) inch per foot of the distance between any two adjacent axles or in any event of less than nine (9) inches, measured above the level surface of a roadway, upon or across any tracks at a railroad grade crossing without first complying with this section.

2. Before making any such crossing, the person operating, or moving any such vehicle or equipment shall first stop the same not less than fifteen (15) feet nor more than fifty (50) feet from the nearest rail of such railroad and while so stopped shall listen and look in both directions along such track for any approaching train and for signals indicating the approach of a train, and shall not proceed until the crossing can be made safely.
3. No such crossing shall be made when warning is given by automatic signal or crossing gates or a flagman or otherwise of the immediate approach of a railroad train or car. If a flagman is provided by the railroad, movement over the crossing shall be under his direction.

05/05/80

15.0931 Alteration of Odometers or Other Mileage Recorders, Hour Meters On Tachometers or Other Hour Recorders - Penalty

The provisions of *N.D.C.C.* § 39-21-51 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

Any person altering a motor vehicle odometer or other mileage recorder, hour meter or tachometer or other hour recorder for the purpose of deceiving another, shall be guilty of an infraction.

05/05/80

15.0932 Open Bottle Law - Penalty

The provisions of *N.D.C.C.* § 39-08-18 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

No person shall drink or consume alcoholic beverages, as defined in the North Dakota Century Code, in or on any motor vehicle when such vehicle is upon a public highway or in an area used principally for public parking. No person shall have in his possession on his person while in or on a private motor vehicle upon a public highway or in an area used principally for public parking, any bottle or receptacle containing such alcoholic beverages which has been opened, or the seal broken, or the contents of which have been partially removed. It shall be unlawful for the owner of any private motor vehicle or the driver, if the owner be not then present in or on the motor vehicle, to keep or allow to be kept in a motor vehicle when such vehicle is upon the public highway or in an area used principally for public parking any bottle or receptacle containing such alcoholic beverages which has been opened, or the seal broken, or the contents of which has been partially removed except when such bottle or receptacle shall be kept in the trunk of the motor vehicle when such vehicle is equipped with a trunk, or kept in some other area of the vehicle not normally occupied by the driver or passengers, if the motor vehicle is not equipped with a trunk. A utility compartment or glove compartment shall be deemed to be within the area occupied by the driver and passengers. Any person violating the provisions of this section shall be assessed a fee of Twenty Dollars

(\$20.00); however, the licensing authority shall not record the violation against the driving record of such person unless he was the driver of the automobile at the time that the violation occurred.

05/05/80

15.0933 Permitting Unauthorized Minor to Drive

No person shall cause or knowingly permit his child or ward under the age of eighteen (18) years to drive a motor vehicle upon any highway when such minor is not authorized under the laws of this state.

05/05/80

15.0934 Permitting Authorized Person to Drive

No person shall authorize or knowingly permit a motor vehicle owned by him or under his control to be driven upon any highway by any person who is not authorized under the laws of this state.

05/05/80

15.0935 Child Restraint Devices - Penalty - Evidence

1. If a child, under four (4) years of age, is present in any motor vehicle, that motor vehicle must be equipped with at least one (1) child restraint system for each such child. The child restraint system must meet the standards adopted by the United States Department of Transportation for those systems [49 CFR 571.213]. While the motor vehicle is in motion, each such child must be properly secured in the child restraint system in accordance with the manufacturer's instructions. While the motor vehicle is moving, each child of four (4) through seventeen (17) years of age who is in the motor vehicle must be in an approved child restraint system in accordance with the manufacturer's instructions or correctly buckled in a seatbelt. Use of child restraint systems and seatbelts is not required in motor vehicles that were not equipped with seatbelts when manufactured. If all of the seatbelts are used by other family members in the vehicle or if a child is being transported in an emergency situation, this section does not apply.
2. Violation of this section is not, in itself, evidence of negligence. The fact of a violation of this section is not admissible in any proceeding other than one charging the violation.

06/03/02

15.0936 Driving Without Liability Insurance Prohibited

1. A person may not drive, or the owner may not cause or knowingly permit to be driven, a motor vehicle in this state without a valid policy of liability insurance in effect in order to respond in damages for liability arising out of the ownership, maintenance, or use of that motor vehicle in the amount required by *N.D.C.C.* Chapter 39-16.1.

2. Upon being stopped by a law enforcement officer for the purpose of enforcing or investigating the possible violation of an ordinance or state law, the person driving the motor vehicle shall provide to the officer upon request satisfactory evidence of the policy required under this section. If unable to comply with the request, that person may be charged with a violation of this section if that person fails to submit satisfactory evidence of the policy to the officer or the officer's agency within twenty (20) days from the date of the request; however, during the investigation of an accident, the person may be charged with a violation of this section if that person fails to provide the satisfactory evidence within three (3) business days from the date of the request. If that person produces satisfactory evidence of a valid policy of liability insurance in effect at the time of the alleged violation of this section to the officer, the officer's agency, or a court, that person may not be convicted or assessed any administration fee for violation of subsection 1.
3. Notwithstanding *N.D.C.C.* § 26.1-30-18, a person may be convicted for failure to have a valid policy of liability insurance in effect under this section if the time of acquisition of the policy was after the time of the alleged incidence of driving without liability insurance. If the time of acquisition of the policy comes into question, the driver or owner has the burden of establishing the time of acquisition. If the driver is not an owner of the motor vehicle, the driver does not violate this section if the driver provides the court with evidence identifying the owner of the motor vehicle and describing circumstances under which the owner caused or permitted the driver to drive the motor vehicle.
4. Violation of subsection 1 is a class B misdemeanor and the sentence imposed must include a fine of at least One Hundred Fifty Dollars (\$150.00) which may not be suspended. A person convicted for a second or subsequent violation of driving without liability insurance within a three-year period must be fined at least Three Hundred Dollars (\$300.00) which may not be suspended. For a second or subsequent conviction for a violation of subsection 1 or equivalent ordinance, the court shall impound the motor vehicle number plates of the motor vehicle owned and operated by the person at the time of the violation until that person provides proof of insurance and a Twenty Dollar (\$20.00) fee to the department. The person shall deliver the number plates to the court without delay at a time certain as ordered by the court following the conviction. The court shall deliver the number plates to the department. A person who does not provide the number plates to the court at the appropriate time is guilty of a class B misdemeanor.

03/03/08

15.0937 Braking Devices

No person shall use or operate or cause to be used or operated within the city limits any compression release or other engine braking device designed to aid in the braking or deceleration of any vehicle which results in noise in excess of that which would otherwise be produced from such vehicle

without such braking device. The provisions of this section do not apply to public safety vehicles.

02/06/12

15.0938 Use of a Wireless Communications Device Prohibited

The provisions of *N.D.C.C.* § 39-08-23 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

1. The operator of a motor vehicle that is part of traffic may not use a wireless communications device to compose, read, or send an electronic message.

2. Under this section:

a. "Electronic message" means a self-contained piece of digital communication that is designed or intended to be transmitted between physical devices. The term includes electronic mail, a text message, an instant message, a command or request to access a worldwide web page, or other data that uses a commonly recognized electronic communications protocol. The term does not include:

- (1) Reading, selecting, or entering a telephone number, an extension number, or voice mail retrieval codes and commands into an electronic device for the purpose of initiating or receiving a telephone or cellular phone call or using voice commands to initiate or receive a telephone or cellular phone call;
- (2) Inputting, selecting, or reading information on a global positioning system device or other navigation system device;
- (3) Using a device capable of performing multiple functions, such as fleet management systems, dispatching devices, phones, citizen band radios, music players, or similar devices, for a purpose that is not otherwise prohibited;
- (4) Voice or other data transmitted as a result of making a telephone or cellular phone call;
- (5) Data transmitted automatically by a wireless communication device without direct initiation by an individual; or
- (6) A wireless communications device used in a voice-activated, voice-operated, or any other hands-free manner.

b. "Traffic" means operation of a motor vehicle while in motion or for the purposes of travel on any street or highway and includes a temporary stop or halt of motion, such as at an official traffic-control signal or sign. The term does not include a motor vehicle that is lawfully parked.

3. This section does not apply if a wireless communications device is used for obtaining emergency assistance to report a traffic accident, medical emergency, or serious traffic hazard or to prevent a crime about to be committed, in the reasonable belief that an individual's life or safety is in immediate danger, or in an authorized emergency vehicle while in the performance of official duties.

06/04/18

15.0939 Use of an Electronic Communication Device by Minor Prohibited

The provisions of *N.D.C.C.* § 39-08-24 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

An individual at least sixteen (16) and under eighteen (18) years of age who has been issued a class D license may not operate an electronic communication device to talk, compose, read or send an electronic message while operating a motor vehicle that is in motion unless the sole purpose of operating the device is to obtain emergency assistance, to prevent a crime about to be committed, or in the reasonable belief that an individual's life or safety is in danger.

06/04/18

15.0940 Failure to Maintain Control

The provisions of *N.D.C.C.* § 39-08-25 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

1. An operator of a motor vehicle may not fail to maintain control of that motor vehicle. An individual is in violation of this section if that individual:

a. Commits an offense under this title and, at the time of the offense, the individual was engaged in the operation of a motor vehicle while distracted; or

b. Is determined to have been the operator of a motor vehicle that was involved in a reportable accident as defined in *N.D.C.C.* § 39-08-09 which resulted in property damage and, at the time the reportable accident occurred, the individual was engaged in the operation of a motor vehicle while distracted.

2. An individual may be issued a citation or summons for any other traffic offense that was committed by the individual in relation to the individual's commission of the traffic offense of failure to maintain control of a motor vehicle.

3. As used in this section, "operation of a motor vehicle while distracted" means the operation of a motor vehicle by an individual who, while operating the vehicle, is engaged in an activity that:
 - a. Is not necessary to the operation of the vehicle; and
 - b. Actually impairs, or would reasonably be expected to impair, the ability of the individual to safely operate the vehicle.

06/04/18

Article 10
Pedestrians' Rights and Duties

15.1001 Pedestrian Obedience to Traffic-Control Devices and Traffic Regulations

The provisions of *N.D.C.C.* § 39-10-27 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

1. A pedestrian shall obey the instructions of any official traffic-control device specially applicable to him, unless otherwise directed by a police officer.
2. Pedestrians shall be subject to traffic and pedestrian-control signals as provided for in section 15.0403 and section 15.0405.

05/05/80

15.1002 Pedestrians' Right-of-Way in Crosswalks

The provisions of *N.D.C.C.* § 39-10-28 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

1. When traffic-control signals are not in place or not in operation, the driver of a vehicle shall yield the right-of-way, slowing down or stopping if need be to so yield, to a pedestrian crossing the roadway within a crosswalk when the pedestrian is upon the half of the roadway upon which the vehicle is traveling, or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger;
2. No pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close as to constitute an immediate hazard;
3. Subsection (1) of this section shall not apply under the conditions stated in subsection (2) of section 15.1103.
4. Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the highway, the driver of any other vehicle approaching from the rear shall not overtake and pass such stopped

vehicle.

05/05/80

15.1003 Crossing At Other Than Crosswalks

The provisions of *N.D.C.C.* § 39-10-29 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

1. Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right-of-way to all vehicles upon the roadway.
2. Any pedestrian crossing a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right-of-way to all vehicles upon the roadway.
3. Between adjacent intersections at which traffic-control devices are in operation pedestrians shall not cross at any place except in a marked crosswalk.
4. No pedestrian shall cross a roadway intersection diagonally unless authorized by official traffic-control devices; and, when authorized to cross diagonally, pedestrians shall cross only in accordance with the official traffic-control devices pertaining to such crossing movements.

05/05/80

15.1004 Drivers to Exercise Due Care

The provisions of *N.D.C.C.* § 39-10-30 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

Notwithstanding the foregoing provisions of this chapter every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian upon any roadway and shall give warning by sounding the horn when necessary and shall exercise proper precaution upon observing any child or any confused or incapacitated person upon a roadway.

05/05/80

15.1005 Protection of Blind or Incapacitated Pedestrians

The provisions of *N.D.C.C.* § 39-10-31 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

No person on any public street or highway, unless such person is totally or partially blind, or is otherwise incapacitated, shall carry in a raised or extended position, any cane or walking stick which is white in color, or white tipped with red.

Whenever any pedestrian is crossing or attempting to cross a public street or highway, guided by a guide dog, or carrying in a raised or extended position a cane or walking stick which is white in

color, or white tipped with red, the driver of every vehicle approaching the intersection, or other place where such pedestrian is attempting to cross, shall bring his vehicle to a full stop before arriving at such intersection or place of crossing and before proceeding shall take such precautions as may be necessary to avoid injuring such pedestrian.

Nothing contained in this chapter shall be construed to deprive any totally or partially blind or otherwise incapacitated person, not carrying such a cane or walking stick, or not being guided by a dog, of any of the rights or privileges conferred by law upon pedestrians, nor shall the failure of such totally or partially blind or otherwise incapacitated person to carry a cane or walking stick, or to be guided by a guide dog upon the streets, highways, or sidewalks of this state, be held to constitute or be evidence of contributory negligence.

Any person violating any of the provisions of this section shall be assessed a fee of Twenty Dollars (\$20.00).

05/05/80

15.1006 Pedestrians to Use Right Half of Crosswalks

The provisions of *N.D.C.C.* § 39-10-32 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

Pedestrians shall move, whenever practicable, upon the right half of crosswalks.

05/05/80

15. 1007 Pedestrians on Roadways

The provisions of *N.D.C.C.* § 39-10-33 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

1. Where a sidewalk is provided and its use is practicable, it shall be unlawful for any pedestrian to walk along and upon an adjacent roadway.
2. Where a sidewalk is not available, any pedestrian walking along and upon a highway shall walk only on a shoulder, as far as practicable from the edge of the roadway
3. Where neither a sidewalk nor a shoulder is available, any pedestrian walking alone and upon a highway shall walk as near as practicable to an outside edge of the roadway, and, if on a two-way roadway, shall walk only on the left side of the roadway.
4. Except as otherwise provided for in this chapter, any pedestrian upon a roadway shall yield the right-of-way to all vehicles upon the roadway.

05/05/80

15.1008 Pedestrians' Right-of-Way on Sidewalks

The provisions of *N.D.C.C.* § 39-10-33.1 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

The driver of a vehicle shall yield the right-of-way to any pedestrian on a sidewalk.

05/05/80

15.1009 Pedestrians Yield to Authorized Emergency Vehicles

The provisions of *N.D.C.C.* § 39-10-33.2 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

1. Upon the immediate approach of an authorized emergency vehicle making use of an audible signal by bell, siren, or exhaust whistle and displaying a visible flashing, revolving, or rotating blue, white, or red light, every pedestrian shall yield the right-of-way to the authorized emergency vehicle.
2. This section shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway nor from the duty to exercise due care to avoid colliding with any pedestrian.

05/05/80

15.1010 Blind Pedestrian Right-of-Way

The provisions of *N.D.C.C.* § 39-10-33.3 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

The driver of a vehicle shall yield the right-of-way to any blind pedestrian carrying a clearly visible white cane or accompanied by a guide dog.

05/05/80

15.1011 Pedestrians Under Influence of Alcohol or Drugs

The provisions of *N.D.C.C.* § 39-10-33.4 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

A pedestrian who is under the influence of alcohol or any drug to a degree which renders himself a hazard shall not walk or be upon a roadway.

05/05/80

15.1012 Bridge and Railroad Signals

The provisions of *N.D.C.C.* § 39-10-33.5 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

No pedestrian shall pass through, around, over, or under any crossing gate or barrier at a railroad grade crossing or bridge while such gate or barrier is closed or is being opened or closed.

05/05/80

15.1013 Pedestrians Soliciting Rides or Business

The provisions of *N.D.C.C.* § 39-10-34 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

1. No person shall stand in a roadway for the purpose of soliciting a ride.
2. No person shall stand in a roadway for the purpose of soliciting employment, business, or contributions from the occupant of any vehicle.
3. No person shall stand on or in proximity to a street or highway for the purpose of soliciting the watching or guarding of any vehicle while parked or about to be parked on a street or highway.

05/05/80

Article 11
Regulations For Motorcycles

15.1101 Traffic Laws Apply to Persons Operating Motorcycles

The provisions of *N.D.C.C.* § 39-10.2-01 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

Every person operating a motorcycle shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of any other vehicle under this chapter except as to special regulations in this article and except as to those provisions of this title which by their nature can have no application.

05/05/80

15.1102 Riding on Motorcycles

The provisions of *N.D.C.C.* § 39-10.202 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

1. A person operating a motorcycle shall ride only upon the permanent and regular seat attached thereto, and such operator shall not carry any other person nor shall any other person ride on a motorcycle unless such motorcycle is designed to carry more than one person, in which event a passenger may ride upon the permanent and regular seat if designed for two persons, or upon another seat firmly attached to the motorcycle at the rear or side of the operator.
2. A person shall ride upon a motorcycle only while sitting astride the seat, facing forward, with one leg on each side of the motorcycle.
3. No person shall operate a motorcycle while carrying any package, bundle, or other

articles which prevents him from keeping both hands on the handlebars.

4. No operator shall carry any person, nor shall any person ride in a position that will interfere with the operation or control of the motorcycle or the view of the operator.

05/05/80

15.1103 Operating Motorcycles on Roadways Laned for Traffic

The provisions of *N.D.C.C.* § 39-10.203 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

1. All motorcycles are entitled to full use of a lane and no motor vehicle shall be driven in such a manner as to deprive any motorcycle of the full use of a lane. This subsection shall not apply to the operation of motorcycles two abreast in a single lane as authorized in subsection (4).
2. The operator of a motorcycle shall not overtake and pass in the same lane occupied by the vehicle being overtaken.
3. No person shall operate a motorcycle between lanes of traffic or between adjacent lines or rows of vehicles.
4. Motorcycles shall not be operated more than two abreast in a single lane.
5. Subsections (2) and (3) shall not apply to police officers in the performance of their official duties.

05/05/80

15.1104 Clinging to Other Vehicles

The provisions of *N.D.C.C.* § 39-10.2-04 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

No person riding upon a motorcycle shall attach himself or the motorcycle to any other vehicle on a roadway.

05/05/80

15.1105 Footrests

The provisions of *N.D.C.C.* § 39-10.2-05 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

Any motorcycle carrying a passenger, other than in a sidecar or enclosed cab, shall be equipped with footrests for such passengers.

05/05/80

15.1106 Equipment for Motorcycle Riders

The provisions of *N.D.C.C.* § 39-10.2-06 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

1. No person under the age of eighteen (18) years shall operate or ride upon a motorcycle unless protective headgear, which complies with standards established by the motor vehicle department is being worn on the head of the operator and rider, except when participating in a lawful parade. If the operator of a motorcycle is required to wear protective headgear, any passenger must also wear protective head gear regardless of the age of the passenger.
2. This section shall not apply to persons riding within an enclosed cab or on a golf cart.

05/05/80

15.1107 Other Applicable Law

The provisions of *N.D.C.C.* § 39-10.2-07 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

All of the provisions of Article 20 derived from *N.D.C.C.* § 39-06.1 pertaining to the disposition of traffic offenses shall apply to this article.

05/05/80

Article 12
Regulations For Bicycles

15.1201 Effect of Regulations

1. It is a violation of this ordinance for any person to do any act forbidden or fail to perform any act required in this article.
2. The parent of any child and the guardian of any ward shall not authorize or knowingly permit any such child or ward to violate any of the provisions of this ordinance.
3. These regulations applicable to bicycles shall apply whenever a bicycle is operated upon any highway or upon any path set aside for the exclusive use of bicycles subject to those exceptions stated herein.

05/05/80

15.1202 Traffic Ordinances Apply to Persons Riding Bicycles

Every person riding a bicycle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by this ordinance, except as to special regulations in this article and except as to those provisions of this ordinance which by their nature can have no application.

05/05/80

15.1203 Obedience to Traffic-Control Devices

1. Any person operating a bicycle shall obey the instructions of official traffic-control devices applicable to vehicles, unless otherwise directed by a police officer.
2. Whenever authorized signs are erected indicating that no right or left or U turn is permitted, no person operating a bicycle shall disobey the direction of any such sign, except where such person dismounts from the bicycle to make any such turn, in which event such person shall then obey the regulations applicable to pedestrians.

05/05/80

15.1204 Riding on Sidewalks

1. No person shall ride a bicycle upon a sidewalk within a business district.
2. The chief of police or authorized person may erect signs on any sidewalk or roadway prohibiting the riding of bicycles thereon by any person and when such signs are in place no person shall disobey the same.
3. Whenever any person is riding a bicycle upon a sidewalk, such person shall yield the right of way to any pedestrian and shall give an audible signal before overtaking and passing such pedestrian.

05/05/80

15.1205 Riding on Roadways and Bicycle Paths

The provisions of *N.D.C.C.* § 39-10.1-05 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

1. Every person operating a bicycle upon a roadway shall ride as near to the right side of the roadway as practical, exercising due care when passing a standing vehicle or one proceeding in the same direction.
2. Persons riding bicycles upon a roadway shall not ride more than two abreast except on paths or parts of roadways set aside for the exclusive use of bicycles.
3. Wherever a usable path for bicycles has been provided adjacent to a roadway, bicycle riders shall use such path and shall not use the roadway.

05/05/80

15.1206 Clinging to Vehicles

The provisions of *N.D.C.C.* § 39-10.1-04 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

No person riding upon any bicycle, coaster, roller skates, sled, or toy vehicle shall attach the same or himself to any vehicle upon a roadway, except a sled being pulled by a snowmobile.

05/05/80

15.1207 Carrying Articles

The provisions of *N.D.C.C.* § 39-10.1-06 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

No person operating a bicycle shall carry any package, bundle, or article which prevents the driver from keeping at least one hand upon the handlebars.

05/05/80

15.1208 Lamps and Other Equipment on Bicycles

The provisions of *N.D.C.C.* § 39-10.1-07 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

1. Every bicycle when in use at nighttime shall be equipped with a lamp on the front which shall emit a white light visible from a distance of at least five hundred (500) feet to the front and with a red reflector on the rear of a type approved by the motor vehicle department. A lamp emitting a red light visible from a distance of five hundred (500) feet to the rear may be used in addition to the red reflector.

05/05/80

15.1209 Riding on Bicycles

The provisions of *N.D.C.C.* § 39-10.1-03 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

1. A person propelling a bicycle shall not ride other than upon or astride a permanent and regular seat attached thereto.
2. No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped.

05/05/80

15.1210 Parking

No person shall park a bicycle upon a street other than upon the roadway against the curb or upon the sidewalk in a rack to support the bicycle or against a building or at the curb, in such manner as to afford the least obstruction to pedestrian traffic.

05/05/80

15.1211 Penalties

Every person convicted of a violation of any provision of this article shall be punished by a fine of not more than Fifty Dollars (\$50.00) or by impounding of such person's bicycle for a period not to exceed ninety (90) days or by any combination thereof.

15.1212 Point System Not Applicable

The provisions of *N.D.C.C.* § 39-10.1-08 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

Any violation of the provisions of this chapter, or any moving violation as defined in section 15.2010, or any nonmoving violation as defined in section 15.2009 when committed on a bicycle as defined in section 15.0101(2) shall not be cause for the licensing authority to assess points against the driving record of the violator pursuant to *N.D.C.C.* § 39-06.1-10. Any other legally authorized penalty for a criminal traffic offense or noncriminal traffic violation shall be applicable to bicyclists.

05/05/80

Article 13
Angle Parking

15.1301 Angle Parking

The City Engineer or other person authorized by the governing body may mark or sign streets upon which angle parking will be permitted (other than federal aid or state highways). Upon those streets which have been signed or marked for angle parking, no person shall park or stand a vehicle other than at the angle to the curb or edge of the roadway indicated by such signs or markings.

05/05/80

Article 14
Stopping, Standing or Parking
Prohibited in Specific Places

15.1401 Stopping, Standing or Parking Outside of Business or Residence Districts

The provisions of *N.D.C.C.* § 39-10-47 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

1. Upon any highway outside of a business or residence district no person shall stop, park, or leave standing any vehicle, whether attended or unattended, upon the paved or main-traveled part of the highway when it is practicable to stop, park, or so leave such vehicle off such part of said highway, but in every event an unobstructed width of the highway of not less than twelve (12) feet opposite a standing vehicle shall be left for the free passage of other vehicles and a clear view of such stopped vehicles shall be available from a distance of two hundred (200) feet in each direction upon such highway.
2. Section 15.1401, section 15.1403, and section 15.1404 shall not apply to the driver of any vehicle which is disabled while on the paved or main-traveled portion of a

highway in such manner and to such extent that it is impossible to avoid stopping and temporarily leaving such disabled vehicle in such position.

05/05/80

15.1402 Officers Authorized to Remove Illegally Stopped Vehicles

The provisions of *N.D.C.C.* § 39-10-48 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

1. Whenever any police officer finds a vehicle standing upon a highway in violation of any of the provisions of section 15.1401, such officer is hereby authorized to move such vehicle, or require the driver or other person in charge of the vehicle to move the same, to a position off the paved or main-traveled part of such highway
2. Whenever any police officer finds a vehicle unattended upon any highway, bridge, or causeway, or in any tunnel where such vehicle constitutes an obstruction to traffic, such officer is hereby authorized to provide for the removal of such vehicle to the nearest garage or other place of safety.
3. Any police officer is hereby authorized to remove or cause to be removed to the nearest garage or other place of safety any vehicle found upon a highway when:
 - a. A report has been made that such vehicle has been stolen or taken without the consent of its owner;
 - b. The person or persons in charge of such vehicle are unable to provide for its custody or removal; or
 - c. When the person driving or in control of such vehicle is arrested for an alleged offense for which the officer is required by law to take the person arrested before a proper magistrate without unnecessary delay.

05/05/80

15.1403 Stopping, Standing, or Parking Prohibited in Specified Places

The provisions of *N.D.C.C.* § 39-10-49 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

No person shall stop, stand, or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with law or the directions of a police officer or traffic-control device, in any of the following places:

1. On a sidewalk;
2. In front of a public or private driveway;

3. Within an intersection;
4. Within ten (10) feet of a fire hydrant;
5. On a crosswalk;
6. Within ten (10) feet of a crosswalk at an intersection;
7. Within fifteen (15) feet upon the approach to any flashing beacon, stop sign, or traffic-control signal located at the side of a roadway;
8. Between a safety zone and the adjacent curb or within fifteen (15) feet of points on the curb immediately opposite the ends of a safety zone, unless the state highway department or the City indicates a different length by signs or markings;
9. Within fifteen (15) feet of the nearest rail or a railroad crossing;
10. Within twenty (20) feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within seventy-five (75) feet of said entrance when properly signposted;
11. Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic;
12. On the roadway side of any vehicle stopped or parked at the edge or curb of a street;
13. Upon any bridge or other elevated structure upon a highway or within a highway tunnel;
14. At any place where official signs prohibit stopping; or
15. With the rear of the vehicle to the curb, except for loading and unloading material. This shall not apply to vehicles displaying a valid N.D. Handicapped Parking Sticker.

No person shall move a vehicle not lawfully under his control into any such prohibited area or away from a curb such distance as is unlawful.

10/05/81

15.1404 Additional Parking Regulations

The provisions of *N.D.C.C.* § 39-10-50 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

1. Except as otherwise provided in this section, every vehicle stopped or parked upon

a two-way roadway shall be so stopped or parked with the right-hand wheels of such vehicle parallel to and within twelve (12) inches of the right-hand curb or so close as practicable to the right edge of the right-hand shoulder.

- 2. Except where otherwise provided by ordinance, every vehicle stopped or parked upon a one-way roadway shall be so stopped or parked parallel to the curb or edge of the roadway, in the direction of authorized traffic movement, with its right-hand wheels within twelve (12) inches of the right-hand curb or as close as practicable to the right edge of the right-hand shoulder, or with its left-hand wheels within twelve (12) inches of the left-hand curb or as close as practicable to the left edge of the left-hand shoulder.
- 3. The City may permit angle parking on any roadway, except that angle parking shall not be permitted on any federal-aid or state highway without first obtaining the written authorization of the state highway commissioner.
- 4. The state highway department with respect to highways under its jurisdiction may place official traffic-control devices prohibiting or restricting the stopping, standing, or parking of vehicles on any highway where in its opinion such stopping, standing, or parking is dangerous to those using the highway or where the stopping, standing, or parking of vehicles would unduly interfere with the free movement of traffic thereon. No person shall stop, stand, or park any vehicle in violation of the restrictions indicated by such devices.

05/05/80

15.1405 Parking Prohibited - All Times

When signs are erected giving notice thereof, it shall be unlawful for any person to park or leave standing any motor vehicle, either attended or unattended.

05/05/80

15.1406 Stopping - Parking - Certain Purposes Prohibited

No person shall park a vehicle upon any roadway for the principal purpose of:

- 1. Displaying such vehicle for sale.
- 2. Washing, greasing, or repairing such vehicle except repairing such vehicle necessitated by an emergency.

05/05/80

15.1407 Stopping - Parking - Congested - Hazardous Places

The City Engineer or other person designated by the governing body is hereby authorized to determine and designate by proper signs places in which the stopping, standing, or parking of vehicles would create an especially hazardous condition or would cause unusual delay to traffic.

When official signs are erected at hazardous or congested places as authorized herein, no person shall stop, stand, or park a vehicle in any such designated place.

05/05/80

15.1408 Stopping - Parking - In Alleys

No person shall park a vehicle within an alley, nor shall he stop a commercial vehicle so as to leave available less than twelve (12) feet of the width thereof for free movement of vehicular traffic, nor shall he stop in such a position as to block the driveway entrance to any abutting property.

05/05/80

15.1409 Parking Adjacent to Schools

1. The city traffic engineer or authorized person may erect signs indicating no parking upon either or both sides of any street adjacent to any school property when such parking would, in his opinion, interfere with traffic or create a hazardous situation.
2. When official signs are erected indicating no parking upon either side of a street adjacent to any school property as authorized herein, no person shall park a vehicle in any such designated place.

05/05/80

15.1410 Parking Prohibited on Narrow Streets

1. The city traffic engineer or authorized person may erect signs indicating no parking upon any street when the width of the roadway does not exceed twenty (20) feet, or upon one side of a street as indicated by such signs when the width of the roadway does not exceed thirty (30) feet.
2. When official signs prohibiting parking are erected upon narrow streets as authorized herein, no person shall park a vehicle upon any such street in violation of any such sign.

05/05/80

15.1411 Standing or Parking on One-Way Streets

The city traffic engineer or authorized person may erect signs upon the left-hand side of any one-way street to prohibit the standing or parking of vehicles, and when such signs are in place, no person shall stand or park a vehicle upon such left-hand side in violation of any such sign.

05/05/80

15.1412 Standing or Parking on One-Way Roadways

In the event a highway includes two or more separate roadways and traffic is restricted to one direction upon any such roadway, no person shall stand or park a vehicle upon the left-hand side of such one-way roadway unless signs are erected to permit such standing or parking. The city traffic engineer is authorized to determine when standing or parking may be permitted upon the left-hand side of any such one-way roadway and to erect signs giving notice thereof.

15.1413 Parking Privileges for Physically Handicapped - Certificate - Revocation

The provisions of *N.D.C.C.* §39-01-15 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

1. Any physically handicapped person who displays prominently upon an automobile parked by him or under his direction and for his use, the distinguishing certificate or insignia specified in subsection 3 shall be entitled to courtesy in the parking of such automobile. Provided, however, that the City may, by ordinance, prohibit parking on any street or highway for the purpose of creating a fire lane, or to provide for the accommodation of heavy traffic during morning and afternoon rush hours, and the privileges extended to such handicapped persons shall not apply on streets or highways where and during such times as parking is prohibited.

2. Physically handicapped as used in this section shall include any person who has sustained an amputation or material disability of either or both legs, or who has been otherwise disabled in any manner rendering it difficult and burdensome for him to walk.

3. The motor vehicle registrar shall issue without charge a special identifying certificate or insignia for a marked motor vehicle to any physically handicapped applicant upon submission by the applicant of a certificate issued by a qualified physician to the motor vehicle registrar that he is a physically handicapped person within the meaning of subsection (2). The motor vehicle registrar shall determine the form and size of the certificate or insignia and shall promulgate rules and regulations governing the issuance thereof.

4. If the police of this City shall find that such certificate or insignia is being improperly used, they shall report to the motor vehicle registrar any such violation. Any person who is not a physically handicapped person under subsection (1) shall be guilty of an infraction.

5. Whenever any public or private agency or authority designates parking spaces for use by motor vehicles operated by physically handicapped persons, those reserved spaces shall be indicated by blue paint on the curb or edge of the paved portion of the street or parking lot adjacent to the space. In addition to blue paint, the space reserved shall also be indicated by signs or other suitable means.

05/05/80

Article 15
Reserved Parking Areas

15.1501 Reserved Parking Areas

No person, firm or corporation shall, when signs are erected giving notice thereof, park or leave standing, either attended or unattended any motor vehicle on street areas which are reserved for the following temporary uses: loading and unloading, bus parking, guest parking, taxi parking, emergency parking, no parking, police or fire use.

The City Engineer or authorized person shall establish from time to time areas for loading and unloading, bus parking, guest parking, taxi parking, emergency parking, no parking, police and fire use on such public streets in such places and in such number as he shall determine or as the governing body may specifically designate to be of greatest benefit and convenience to the public and to promote the best use of the streets for traffic to pedestrians and designate the same by appropriate signs.

05/05/80

Article 16
Time Limit Parking Zones

15.1601 Time Limit Parking Zones

When signs are erected giving notice thereof, no person, firm or corporation shall park or leave standing, either attended or unattended, any motor vehicle for more than five (5) consecutive minutes on street areas so posted or for more than ten (10) consecutive minutes on street areas so posted, or more than thirty (30) consecutive minutes on street areas so posted, or more than sixty (60) consecutive minutes on street areas so posted, or for more than one hundred twenty (120) consecutive minutes on street areas so posted, when said areas have been made available for parking.

The City Engineer or authorized person shall establish from time to time in such places and in such manner time parking zones as he shall determine, or as the governing body shall specifically designate to promote the greatest benefit and convenience to the public and the best use of the street areas.

05/05/80

15.1602 Time Limit on Streets and Public Areas

No motor vehicle, whether capable of being operated or not, shall remain parked upon a city street or other public area longer than seventy-two (72) hours without being moved by the owner or operator thereof. If it appears to the Chief of Police of the city or his authorized representative that a vehicle has been parked on a public way for a period in excess of twenty-four (24) hours without being moved he shall make a written notation, signed by him indicating the date and time of his observation. If, after seventy-two (72) hours from the observation time, the vehicle has not been moved, he shall cite the owner of the vehicle for violation of this section.

11/17/80

15.1603

If within twenty-four (24) hours of being cited for violation of section 15.1602, the vehicle cited has still not been moved, the Chief of Police may call a commercial towing firm to remove the vehicle, with the towing charges to be recovered by the commercial towing firm from the owner of the

automobile as allowed by North Dakota state law.

11/17/80

15.1604

The penalty for violation of section 15.1602 shall be a fine in the amount of Twenty-five Dollars (\$25.00.)

11/17/80

Article 17
Equipment of Vehicles

15.1701 Equipment of Vehicles Other Than Motorcycles

The provisions of *N.D.C.C.* Chapter 39-21 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

05/05/80

15.1702 Motorcycle Equipment

The provisions of *N.D.C.C.* Chapter 39-27 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

05/05/80

Article 18
Regulating the Kinds and Classes of Traffic on Certain Roadways

15.1801 Load Restrictions Upon Vehicles Using Certain Roadways

When signs are erected giving notice thereof, no person shall operate any vehicle with a gross weight in excess of the maximum indicated weight at any time upon any street or part of a street so designated.

05/05/80

15.1802 Commercial Vehicles Prohibited From Using Certain Streets

When signs are erected giving notice thereof, no person shall operate any commercial vehicle exceeding the maximum indicated gross weight at any time upon any street or part of a street so designated except that such vehicles may be operated thereon for the purpose of delivering or picking up materials or merchandise and then only be entering such street at the intersection nearest the destination of the vehicle and proceeding thereon no farther than the nearest intersection thereafter.

05/05/80

15.1803 Size Restrictions Upon Vehicles Using Certain Highways

When signs are erected giving notice thereof, no person shall operate any vehicle exceeding the dimensions specified by such sign or signs at any time upon any street or part of a street so designated.

05/05/80

15.1804 Restrictions Upon Use of Streets by Certain Vehicles

1. The city traffic engineer or authorized person may determine and designate those heavily traveled streets upon which shall be prohibited the use of the roadway by motor-driven cycles, bicycles, horsedrawn vehicles or other non motorized traffic and shall erect appropriate signs giving notice thereof.
2. When signs are so erected giving notice thereof, no person shall disobey the restrictions stated on such signs.

05/05/80

Article 19
Criminal Traffic Violations

15.1901 Persons Under the Influence of Intoxicating Liquor or Narcotic Drugs Not To Operate Vehicle - Penalty

1. A person may not drive or be in actual physical control of any vehicle upon the roadways or upon public or private areas to which the public has access within the City of Emerald if any of the following apply:
 - a. That person has a blood alcohol concentration of at least eight one-hundredths (0.08) of one (1) percent by weight at the time of the performance of a chemical test within two (2) hours after the driving or being in actual physical control of a vehicle.
 - b. That person is under the influence of intoxicating liquor.
 - c. That person is under the influence of any drug or substance or combination of drugs or substances to a degree which renders that person incapable of safely driving.
 - d. That person is under the combined influence of alcohol and any other drugs or substances to a degree which renders that person incapable of safely driving.

The fact that any person charged with violating this section is or has been legally entitled to use alcohol or other drugs or substances is not a defense against any charge for violating this section, unless a drug which predominantly caused the impairment was used only as directed or cautioned by a practitioner who legally prescribed or dispensed the drug to that person.

2. The court shall take judicial notice of the fact that an offense would be a subsequent offense if indicated by the records of the director or may make a subsequent offense

finding based upon other evidence.

3. Upon conviction, the court may order the motor vehicle number plates of the motor vehicle owned and operated by the offender at the time of the offense to be impounded for the duration of the period of suspension or revocation of the offender's driving privilege by the licensing authority. The impounded number plates must be sent to the Director who must retain them for the period of suspension or revocation, subject to their disposition by the court. A person violating any provision of this section is guilty of an offense.
4. A person convicted of violating this section must be sentenced in accordance with this subsection.
 - a. For a first offense, the sentence must include both a fine of at least Two Hundred Fifty Dollars (\$250.00) and an order for addiction evaluation by an appropriate licensed addiction treatment program.
 - b. For a second offense within five (5) years, the sentence must include at least five (5) days' imprisonment or placement in a minimum security facility, of which forty-eight (48) hours must be served consecutively, or thirty (30) days community service; a fine of at least Five Hundred Dollars (\$500.00); and an order for addiction evaluation by an appropriate licensed addiction treatment program.
 - c. The execution or imposition of sentence under this section may not be suspended or deferred.
 - d. If the penalty mandated by this section includes imprisonment or placement upon conviction of a violation of this section, and if an addiction evaluation is indicated that the defendant needs treatment, the court may order the defendant to undergo treatment at an appropriate licensed addiction treatment program and the time spent by the defendant in this treatment must be credited as a portion of the sentence of imprisonment or placement under this section.
5. The municipal judge or municipal court has no jurisdiction to hear, try and determine an offense which would be a violation of this section if the person charged with the offense has twice previously been convicted of violation of *N.D.C.C.* § 39-08-01 or equivalent ordinance, more than twice within five (5) years or more than three (3) times within seven (7) years, preceding the commission of the offense charged, the municipal judge shall dismiss the charge, without prejudice and direct that the charge be filed against the person in a court of proper jurisdiction.

01/05/04

15.1902 Reckless Driving - Penalty

The provisions of *N.D.C.C.* § 39-08-03 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

Any person shall be guilty of reckless driving if he drives a vehicle:

1. Recklessly in disregard of the rights or safety of others; or
2. Without due caution and circumspection and at a speed or in a manner so as to endanger or be likely to endanger any person or the property of another.

Except as otherwise herein provided, any person violating the provisions of this section shall be guilty of an offense.

05/05/80

15.1903 Accidents Involving Damage to Vehicle - Penalty

The provisions of *N.D.C.C.* § 39-08-05 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

The driver of any vehicle involved in an accident resulting only in damage to a vehicle which is driven or attended by any person shall immediately stop such vehicle at the scene of such accident or as close thereto as possible but shall forthwith return to and in every event shall remain at the scene of such accident until he has fulfilled the requirements of section 15.1904. Every such stop shall be made without obstructing traffic more than is necessary. Any person failing to stop or comply with said requirements under such circumstances shall be guilty of an offense.

05/05/80

15.1904 Duty Upon Striking Unattended Vehicle

The provisions of *N.D.C.C.* § 39-08-07 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

The driver of any vehicle which collides with any vehicle which is unattended shall immediately stop and shall then and there either locate and notify the operator or owner of such vehicle of the name and address of the driver and owner of the vehicle striking the unattended vehicle or shall leave in a conspicuous place in the vehicle struck written notice giving the name and address of the driver and of the owner of the vehicle doing the striking and a statement of the circumstances thereof.

05/05/80

15.1905 Duty Upon Striking Fixtures Upon a Highway

The provisions of *N.D.C.C.* § 39-08-08 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

The driver of any vehicle involved in an accident resulting only in damage to fixture or other property legally upon or adjacent to a highway shall take reasonable steps to locate and notify the owner or person in charge of such property of such fact and of his name and address and of the registration number of the vehicle he is driving and shall upon request and if available exhibit his operator's or chauffeur's license and shall make report of such accident when and as required in section 15.0309.

05/05/80

15.1906 Penalty for Driving While License Suspended or Revoked - Impoundment of Vehicle Number Plates

1. Except as provided in *N.D.C.C.* § 39-06.1-11, any person who drives a motor vehicle on a highway or on public or private areas to which the public has a right of access for vehicular use in this state while that person's license or privilege so to do is suspended or revoked in any jurisdiction is guilty of a class B misdemeanor for the first, second, or third offense within a five-year period. Any subsequent offense within the same five-year period is a class A misdemeanor.
2. If the suspension or revocation was imposed for violation of *N.D.C.C.* § 39-08-01 or equivalent ordinance or was governed by *N.D.C.C.* § 39-06-31 or *N.D.C.C.* Chapter 39-20, the sentence must be at least four (4) consecutive days' imprisonment and such fine as the court deems proper. The execution of sentence may not be suspended or the imposition of sentence deferred under subsection 3 or 4 of *N.D.C.C.* § 12.1-32-02. Forfeiture of bail is not permitted in lieu of the defendant's personal appearance in open court for arraignment on a charge under this subsection.
3. In addition to any other punishment imposed, the court may order the number plates of the motor vehicle owned and operated by the offender at the time of the offense to be impounded by the chief of police for the duration of the period of suspension or revocation. When a period of suspension has been extended under subsection 5 of *N.D.C.C.* §39-06-17, the court may order the number plates to be impounded in accordance with this subsection. The impounded number plates may be released, upon order of the court, to a bona fide purchaser of the offender's motor vehicle, if that purchaser produces a new certificate of title to the motor vehicle issued by the director.

03/03/08

15.1907 Operation of Snowmobiles

1. **Definitions.** For the purpose of this section, the following definitions are hereby adopted:

- a. "Person" includes an individual, firm, partnership, corporation, limited liability company, trustee, association, the state and its departments, agencies and subdivisions, and any body of persons whether incorporated or not, and with respect to acts prohibited or required herein shall include employees and licensees.
 - b. "Snowmobile" means a self-propelled vehicle designed for travel on snow or ice or a natural terrain steered by skis or runners.
 - c. "Owner" means a person, other than a lien holder, having the property in or title to a snowmobile and who is entitled to the use or possession of that snowmobile.
 - d. "Operate" means to ride in or on and control the operation of a snowmobile.
 - e. "Operator" means every person who operates or is in actual physical control of a snowmobile.
 - f. "Register" means the act of assigning a registration number to a snowmobile.
 - g. "Roadway" means that portion of a highway improved, designed, or ordinarily used for vehicular travel.
 - h. "Street" or "highway" shall mean the entire width between the boundary lines of way or place when any part thereof is open to the use of the public in the city, as a matter of right, for the purposes of vehicular traffic.
 - i. "Daylight" hours shall mean any time except from a half hour after sunset to a half hour before sunrise or at any other time when there is not sufficient light to render clearly discernible persons and vehicles at a distance of five hundred (500) feet.
2. Prohibited operation. It shall be unlawful for any person to drive or operate any snowmobile in the following ways or under the following circumstances, which are hereby declared to be unsafe and a public nuisance.
- a. At a rate of speed greater than reasonable or proper under all the surrounding circumstances.
 - b. In a careless, reckless, or negligent manner so as to endanger the person or property of another or to cause injury or damage to such person or property.
 - c. While under the influence of intoxicating liquor or a drug as defined in *N.D.C.C.* § 39-24.1-01, or a combination thereof.

- d. Without a lighted head lamp, tail lamp and brakes, all in working order.
- e. In any tree nursery or planting in a manner which damages or destroys growing stock.
- f. Without a manufacturer-installed or equivalent muffler in good working order and connected to the snowmobile exhaust system.
- g. An individual twelve years of age and over may not operate a snowmobile unless the individual is in possession of a valid driver's license, operates the snowmobile on private land, or unless the individual has completed a snowmobile safety training course as prescribed by the director of the parks and recreation department pursuant to North Dakota Century Code Chapter 28-32 and has received the appropriate snowmobile safety certificate issued by the director of the department of transportation. The failure of an operator to exhibit a snowmobile safety certificate upon demand to any official authorized to enforce this chapter is presumptive evidence that the individual is not the holder of the certificate.
- h. On direct crossing of a street or highway unless:
 - (1) The crossing is made at an angle of approximately ninety (90) degrees to the direction of the highway and at a place where no obstruction prevents a quick and safe crossing; and
 - (2) The snowmobile is brought to a complete stop before crossing the shoulder or main traveled way of the highway; and
 - (3) The driver yields the right-of-way to all oncoming traffic which constitutes an immediate hazard; and
 - (4) In crossing a divided highway, the crossing is made only at an intersection of such highway with another public street or highway.
- i. In violation of any rule or regulation promulgated for regulating the use of snowmobiles by the state highway commissioner where applicable within the geographical limits of the city.
- j. While towing a sled, skid, or any other vehicle, unless the sled, skid, or other vehicle is connected to the snowmobile by a hinged swivel and secure hitch.
- k. Passing another snowmobile while such snowmobile is in operation and under way on any street, alley, highway or other public ground or place in the city.

- l. Abreast of another snowmobile upon any street, alley, highway, or other public ground or place.
 - m. Snowmobiles entering the City of Emerald are not limited by time so long as they meet with the provisions of this ordinance.
 - n. In any municipal park or recreation area except when posted as "open" to snowmobiles, and within the hours permitted.
 - o. Upon private property, other than that of the snowmobile owner, or operator, without express permission of the owner of the private property.
 - p. While carrying a strung bow or loaded firearm.
 - q. Leaving or allowing a snowmobile to be or remain unattended on public property, streets, highway or other public grounds or places while the motor is running or with keys to start the same in the ignition switch.
 - r. At any time with more than two (2) persons riding thereon in addition to the operator.
 - s. Without observing all traffic signs, signals, rules and regulations applying to motor vehicles when also applicable to snowmobiles.
 - t. No person under the age of eighteen (18) years may operate, ride, or otherwise be propelled on a snowmobile unless the person wears a safety helmet meeting United States department of transportation standards.
3. Prohibition of use on all streets. No person shall operate a snowmobile upon any road, street, highway, in this city kept open for vehicular traffic, except:
- a. During a period of emergency when travel by other vehicles is not possible.
 - b. For a special snowmobile event of limited duration when conducted on a prearranged schedule under permit from the governing body.
 - c. In crossing a street as herein provided.
 - d. On streets or roads not maintained for winter vehicular travel.
 - e. When traveling from the operator's place of residence or from an established business within the city limits or going to an established business within the city limits, the operator must use the shortest route possible. Business owners

are responsible for posting parking regulations to advise snowmobile operators.

4. Permissible use on streets as regulated herein. No person shall operate a snowmobile upon the roadway, shoulder, or inside bank or slope of any road, street or highway in this city except as provided in this ordinance. No snowmobile shall be operated upon a public street or highway unless it is equipped with at least one head lamp, one tail lamp and brakes all in working order which conform to standards prescribed by rule of the highway commissioner. When snowmobiles are operated within the right-of-way of any road, street or highway of this city pursuant to this ordinance during times or conditions that warrant the use of lights, such snowmobiles shall travel in the same direction as the direction of motor vehicles on the side of the roadway immediately adjacent to the side of the right-of-way traveled by the snowmobile.
5. A person may not operate a snowmobile, and an owner of a snowmobile may not knowingly permit the snowmobile to be operated, upon any property, street or highway maintained, leased, or owned by the City of Emerado or any other property to which the public has a right of access for snowmobile or other vehicular use, without a policy of liability insurance which insures the person named, and any person using the snowmobile with the express or implied permission of the person named, against loss from the liability imposed by law for damages arising out of the ownership, maintenance or use of the snowmobile within the City, subject to the following limits, exclusive of interest and cost, with respect to each snowmobile: Twenty-five Thousand Dollars (\$25,000.00) because of bodily injury to or death of one person in any one accident and, subject to the limit for one person, Fifty Thousand Dollars (\$50,000.00) because of bodily injury to or death of two or more persons in any one accident and Twenty-five Thousand Dollars (\$25,000.00) because of injury or destruction of property of others in any one accident. Upon request of a law enforcement officer, a person operating a snowmobile shall provide proof of liability insurance to that officer within twenty (20) days.
6. Any person who violates subdivision (b) or (o) of subsection 2 of section 15.1907 is guilty of a class B misdemeanor. Any person who violates subdivision (c) of subsection (2) of section 15.1907 is guilty of an infraction or a class B misdemeanor as determined by N.D.C.C. § 39-24.1-07. Any person who violates subsection 5 of section 15.1907 is guilty of a class B misdemeanor and must be assessed a fine of at least One Hundred Dollars (\$100.00.) Any person who violates any other provision of section 15.1907 must be assessed a fee of Twenty Dollars (\$20.00). Any person, unless specifically exempted, who fails to register or fails to display a decal as required by North Dakota Century Code §§ 39-24-02 and 39-24-04 must be assessed a fee of Fifty Dollars (\$50.00). If the person provides proof of registration after the violation, the fee may be reduced by one-half (½). Any person who violates any other provision of this ordinance for which a specific penalty is not provided must be assessed a fee of Ten Dollars (\$10.00).

15.1908 **Penalty for Harassment of Domestic Animals**

The provisions of *N.D.C.C.* §3 9-08-19 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

Any person operating a motorcycle, snowmobile, or other motor vehicle as defined in subsection (32) of 15.0101 who willfully harasses or frightens any domestic animal, shall, upon conviction, be guilty of an offense. If injury or death results to the animal due to such action, such person shall be liable for the value of the animal and exemplary damages as provided in *N.D.C.C.* § 36-21-13.

05/05/80

15.1909 **Operation of Motor Vehicle, Tractor, or Other Vehicle Prohibited on Flood Protective Works - Exception - Penalty**

The provisions of *N.D.C.C.* § 39-10-65 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

1. Unless authorized by the authority in charge thereof, no person shall operate a motor vehicle, tractor, or other vehicle upon or across any flood protective works, including but not limited to, any dike or flood protective works constructed by a state or federal agency, or by any municipality or local subdivision of the state.
2. Any person violating the provisions of this section shall be liable to any person suffering injury as a result of the violation; and in addition, shall be guilty of an offense.

05/05/80

15.1910 **Driving Without a License**

No person shall drive any motor vehicle upon a highway in this city unless such person has a valid license as an operator, or is expressly exempted from licensing requirements, by the laws of this state.

05/05/80

15.1911 **License To Be Carried and Exhibited On Demand**

The provisions of *N.D.C.C.* § 39-06-16 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

Every licensee shall have his operator's license or permit in his immediate possession at all times when operating a motor vehicle and shall display the same, upon demand of the municipal court, a

patrolman, peace officer, or a field deputy or inspector of the highway department. However, no person charged with violating this section shall be convicted or assessed any court costs if he produces in court, to the chief of police or in the office of the arresting officer an operator's license or permit theretofore issued to him and valid and not under suspension, revocation or cancellation at the time of his arrest.

05/05/80

15.1912 Penalty

The provisions of *N.D.C.C.* § 39-12-21 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

The driver of a vehicle who refuses to stop and submit the vehicle and load to a weighing when directed to do so by any police officer or any agent of this state having police powers relating to motor vehicles, shall be guilty of an offense.

05/05/80

15.1913 Operation of Off-Highway Vehicles

1. **Definition.** For the purpose of this section, the following definitions are hereby adopted:

a. "Dealer" means any person engaged in the business of buying, selling or exchanging off highway vehicles or who advertises, or holds out to the public as engaged in the buying, selling, or exchanging of off highway vehicles, or who engages in the buying of off highway vehicles for resale.

b. "Off-highway vehicle" means any wheeled motorized vehicle not designed for use on a highway and capable of cross-country travel on land, snow, ice, marsh, swampland, or other natural terrain. An off-highway vehicle must be classified into one of the following categories:

1. Class I off-highway vehicle is a vehicle that does not qualify as road capable under North Dakota Century Code Chapters 39-21 and 39-27, has a seat or a saddle designed to be straddled by the operator, and has handlebars for steering control of two wheels.

2. Class II off-highway vehicle is less than fifty (50) inches [1270.00 millimeters] in width, travels on three or more low-pressure tires, has a saddle designed to be straddled by the operator, and has handlebars for steering control.

3. Class III off-highway vehicle weighs less than eight thousand (8,000) pounds, travels on four or more tires, has a seat and a wheel for steering control, and is designated for or capable of cross-country on or over land, water, sand, snow, ice, marsh, swampland, or other

natural terrain, unless registered by the department under *N.D.C.C.* Chapter 39-04.

- c. "Operate" means to ride in or on and control the operation of an off-highway vehicle.
- d. "Operator" means a person who operates or is in actual physical control of an off-highway vehicle.
- e. "Owner" means a person, other than a lienholder, having the property in or title to an off-highway vehicle and entitled to its use or possession.
- f. "Register" means the act of assigning a registration number to an off-highway vehicle as provided in *N.D.C.C.* Chapter 39-29.

2. Prohibited operation. It shall be unlawful for any person to operate an off-highway vehicle in the following ways, which are declared to be unsafe and a public nuisance.

- a. At a rate of speed greater than reasonable or proper under all surrounding circumstances
- b. In a careless, reckless, or negligent manner so as to endanger the person or property of another or to cause injury or damage to such person or property
- c. While under the influence of intoxicating liquor or a controlled substance.
- d. Without a lighted head lamp and tail lamp.
- e. In any tree nursery or planting in a manner which damages growing stock
- f. Without a manufacturer-installed or equivalent muffler in good working order and connected to the off-highway vehicle's exhaust system.
- g. Without having in possession a valid driver's license or permit, except as provided below.

- 1. Under the age of sixteen (16) years if not in possession of a valid operator's license or permit to operate an off-highway vehicle, unless the vehicle is operated upon the lands of the person's parent or guardian or as a participant in an organized sporting event that involves the use of off-highway vehicles. An individual at least twelve (12) years of age may operate an off-highway vehicle if the individual has completed an off-highway vehicle safety training course prescribed by the Director of the State Parks and Recreation

Department and has received the appropriate off-highway vehicle safety certificate issued by the director of the department of transportation. The failure of an operator to exhibit an off-highway vehicle safety certificate on demand to any official authorized to enforce this ordinance is presumptive evidence that that person does not hold such a certificate.

- h.. The operator of an off-highway vehicle may make a direct crossing of a street or highway only if:
 - 1. The crossing is made at an angle of approximately ninety (90) degrees to the direction of the highway and at a place where no obstruction prevents a quick and safe crossing;
 - 2. The off highway vehicle is brought to a complete stop before crossing the shoulder or main traveled way of the highway;
 - 3. The operator yields the right of way to all oncoming traffic which constitutes an immediate hazard; and
 - 4. In crossing a divided highway, the crossing is made only at an intersection of the highway with another public street or highway.
- i. In violation of any rule or regulation promulgated for regulating the use of off-highway vehicles by the state highway commissioner where applicable within the geographical limits of the city.
- j. While towing a sled, skid, or any other vehicle while such off-highway vehicle is in operation and under way on any street, alley, highway or other public ground or place in the city, unless the object towed is connected to the off highway vehicle by a hinged swivel and secure hitch.
- k. Passing another off-highway vehicle while such all-terrain vehicle is in operation and under way on and street, alley, highway or other public ground or place in the city.
- l. Abreast of another off-highway upon any street, alley, highway, or other public ground or place.
- m. Between the hours of 10:30 p.m. and 7:30 a.m., except on Friday and Saturday the beginning hour is changed from 10:30 p.m. to 11:00 p.m. with the further exception that off-highway vehicles entering the City are not limited by time as long as they meet with the provisions of this ordinance.

- n. In any municipal park or recreation area except when posted as "open" to off-highway vehicles and within the hours permitted.
 - o. Upon private property, other than that of the off-highway vehicle owner, or operator, without express permission of the owner of the private property.
 - p. While carrying a strung bow or loaded firearm.
 - q. Leaving or allowing an off-highway vehicle to be or remain unattended on public property, streets, highway or other public grounds or places while the motor is running or with keys to start the same in the ignition switch.
 - r. An operator of an off-highway vehicle may not carry a passenger while operating the vehicle unless the off-highway vehicle is equipped and recommended by the manufacturer to carry a passenger and the passenger is carried as recommended by the manufacturer.
 - s. Without observing all traffic signs, signals, rules and regulations applying to motor vehicles when also applicable to off-highway vehicles.
 - t. Without registering the off-highway vehicle as provided in *N.D.C.C.* Chapter 39-29.
3. Prohibiting of use on all streets. No person shall operate an off-highway vehicle upon any road, street, or highway, in this city kept open for vehicular traffic, except:
- a. During a period of emergency when travel by an automobile is impractical under the conditions and at the time and location in question.
 - b. For a special off-highway vehicle event of limited duration when conducted on a prearranged schedule under permit from the governing body.
 - c. In crossing a street as herein provided.
 - d. In traveling from the operator's place of residence to the edge of the city limits using the shortest route from said operator's residence to the edge of said city's limits.
4. Permissible use on streets as regulated herein. No person shall operate an off-highway vehicle upon the roadway, shoulder, or inside bank or slope of any road, street or highway in this city except as provided in this section. Except as may be

permitted by *N.D.C.C.* Chapter 39-29, a person may not operate an off-highway vehicle within the right-of-way of any controlled access highway. No off-highway vehicle shall be operated upon a public street or highway unless it is equipped as required by *N.D.C.C.* § 39-29-09.1. When off-highway vehicles are operated within the right-of-way of any road, street or highway of this city pursuant to this ordinance during times or conditions that warrant the use of lights, such off-highway vehicle shall travel in the same direction as the direction of motor vehicles on the side of the roadway immediately adjacent to the side of the right-of-way traveled by the off-highway vehicle.

5. Any person who shall violate subdivisions (b), (c) or (o) of subsection (2) of section 15.1913 shall be guilty of a class B misdemeanor. Any person who shall violate subdivision (t) of subsection (2) of section 15.1913 shall be guilty of an infraction for which a fee of Fifty Dollars (\$50.00) must be assessed. If the individual provides proof of registration since the violation, the fee may be reduced by one-half ($\frac{1}{2}$). Any person who shall violate any other provision of subsection (2) of section 15.1913 shall be guilty of an infraction for which a fee of Twenty Dollars (\$20.00) must be assessed. Any person who violates any other provision of this ordinance is guilty of an infraction for which a fee of Ten Dollars (\$10.00) must be assessed.

08/05/85; 03/01/10

Article 20
Disposition of Traffic Offense

15.2001 Halting Person For Violating Traffic Regulations - Duty Of Officer Halting

The provisions of *N.D.C.C.* § 39-07-07 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

Whenever any person is halted for the violation of any of the provisions of *N.D.C.C.* Chapters 39-01 through 39-13, Chapter 39-18, Chapter 39-21, and Chapter 39-24, or of equivalent City ordinances, the officer halting such person, except as otherwise provided in section 15.2003, may:

1. Take the name and address of such person;
2. Take the license number of his motor vehicle; and
3. Issue a summons or otherwise notify him in writing to appear at a time and place to be specified in such summons or notice.

05/05/80

15.2002 Hearing - Time - Promise of Defendant to Appear - Failure to Appear - Penalty

The provisions of *N.D.C.C.* § 39-07-08 and all subsequent amendments shall be and are hereby

incorporated by reference in this ordinance.

The time to be specified in the summons or notice provided for in section 15.2001 shall be within ten (10) days after the issuance of such summons or notice unless the person halted shall demand an earlier hearing, and, if the person halted desires, he may have the right, at a convenient hour, to an immediate hearing or to a hearing within twenty-four (24) hours. Such hearing shall be before the municipal court. Upon the receipt from the person halted of a written promise to appear at the time and place mentioned in the summons or notice, such officer shall release him from custody. Any person refusing to give such written promise to appear shall be taken immediately by the halting officer before the nearest or most accessible magistrate, or to such other place or before such other person as may be provided by a statute or ordinance authorizing the giving of bail. Any person willfully violating his written promise to appear shall be guilty of an offense, regardless of the disposition of the charge upon which he originally was halted.

05/05/80

15.2003 Offenses Under Which Person Halted May Not Be Entitled To Release Upon Promise To Appear

The provisions of *N.D.C.C.* § 39-07-09 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

The provisions of section 15.2001 shall not apply to a person if:

1. The halting officer shall have good reason to believe such person guilty of any felony or when such person is halted and charged with any of the offenses listed in section 15.2007, except reckless driving; or
2. The halting officer, acting within his discretion, deems it advisable to release such person upon his promise to appear when halted and charged with either of the following offenses:
 - a. Reckless driving; or
 - b. Driving in excess of speed limitations established by the state or by local authorities in their respective jurisdictions.

The halting officer forthwith shall take any person not released upon his promise to appear before the nearest or most accessible magistrate.

05/05/80

15.2004 Traffic Violations Noncriminal - Exceptions - Procedures

The provisions of *N.D.C.C.* § 39-06.1-02 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

Any person cited, in accordance with the provisions of section 15.2001 and section 15.2002 for a traffic violation under state law or municipal ordinance, other than an offense listed in section 15.2007 shall be deemed to be charged with a noncriminal offense and may appear before the designated official and pay the statutory fee for the violation charged at or prior to the time scheduled for a hearing, or, if he has posted bond in person or by mail, he may forfeit bond by not appearing at the designated time. If the person appears at the time scheduled in the citation, he may make a statement in explanation of this citation, and the official may at that time, in his discretion, waive, reduce, or suspend the statutory fee or bond, or both. If the person cited follows the foregoing procedures, he shall be deemed to have admitted the violation and to have waived his right to a hearing on the issue of commission of the violation. The bond required to secure appearance before the official designated in the citation shall be identical to the statutory fee established by section 15.2008. Within ten (10) days after forfeiture of bond or payment of the statutory fee, the official having jurisdiction over the violation shall certify to the licensing authority:

1. Admission of the violation; and
2. In speeding violations, whether the speed charged was in excess of the lawful speed limit by more than nine (9) miles per hour and the miles per hour by which the speed limit was exceeded.

This section shall not be construed as allowing a halting officer to receive the statutory fee or bond, unless he is otherwise authorized by law to do so.

05/05/80

15.2005 Administrative Hearing - Prepaid Costs - Procedures - Appeals - Stay Orders

The provisions of *N.D.C.C.* § 39-06.1-03 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

1. If a person cited for a traffic violation, other than an offense listed in section 15.2007 does not choose to follow one of the procedures set forth in section 15.2004, he may request a hearing on the issue of his commission of the violation charged, such hearing to be held at the time scheduled in the citation or at some future time, not to exceed ninety (90) days later, set at that first appearance.
2. If the official finds that the person had committed the traffic violation, he shall notify the licensing authority of that fact, and whether the person was driving more than nine (9) miles per hour in excess of the lawful limit, stating specifically the miles per hour in excess of the lawful limit, if charged with a speeding violation, within ten (10) days of the date of the hearing. The fact that a person has admitted a violation, or has, in any proceeding, been found to have committed a violation, shall not be referred to in any way, nor be admissible as evidence in any court, civil, equity, or

criminal, except in an action or proceeding involving that person's driving license or privilege.

3. a. If a person is aggrieved by a finding that he committed the violation, he may, without payment of a filing fee, appeal that finding to the district court for trial anew, and the case may be tried to a jury, if requested. If, after trial in the district court, the person is again found to have committed the violation, there shall be no further appeal. Notice of appeal under this subsection shall be given within thirty (30) days after a finding of commission of a violation is entered by the official. Oral notice of appeal may be given to the official at the time that he adjudges that a violation has been committed. Otherwise, notice of appeal shall be in writing and filed with the official, and a copy of the notice shall be served upon the city attorney or state's attorney, as the case may be. An appeal taken under this subsection shall not operate to stay the reporting requirement of subsection (3) of this section, nor to stay appropriate action by the licensing authority upon receipt of that report.

b. The district court, upon application by the appellant, may:

- (1) Order a stay of any action by the licensing authority during pendency of the appeal, but not to exceed a period of one hundred twenty (120) days;
- (2) Order a stay and that the appellant be issued a temporary restricted driving certificate by the licensing authority to be effective for no more than one hundred twenty (120) days; or
- (3) Deny the application.

An application for a stay or temporary certificate under this subdivision shall be accompanied by a certified copy of the appellant's driving record, for the furnishing of which the licensing authority may charge a fee of Two Dollars (\$2.00). Any order granting a stay or a temporary certificate shall be forwarded forthwith by the clerk of court to the licensing authority, which shall issue a temporary certificate in accordance with the order in the manner provided by law. A court shall not make a determination on an application under this subdivision without notice to the appropriate prosecuting attorney. A person who violates or exceeds the restrictions contained in any temporary restricted driving certificate issued pursuant to this subdivision shall be guilty of a traffic violation and shall be assessed a fee of Twenty Dollars (\$20.00).

- c. If the person charged is found not to have committed the violation by the district court or the jury, the clerk of court shall report that fact to the licensing authority immediately. The city attorney shall prosecute the appeal.

4. The city must prove the commission of a charged violation at the hearing or appeal under this section by a fair preponderance of the evidence. Upon an appeal under subsection (4), the court and parties shall follow, to the extent applicable, the North Dakota Rules of Civil Procedure. If on the appeal from the finding of the official the finding is affirmed, costs may be assessed at the discretion of the trial judge.
5. As used in section 15.2004 through section 15.2006 the word "official" means the municipal judge.

05/05/80

15.2006 Failure to Appear, Pay Statutory Fee, Post Bond - Procedure - Penalty

The provisions of *N.D.C.C.* § 39-06.1-04 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

If a person fails to choose one of the methods of proceeding set forth in section 15.2004 or section 15.2005, he shall be deemed to have admitted to commission of the violation charged, and the municipal court shall report such fact to the licensing authority within ten days after the date set for the hearing. Failure to appear at the time designated, after signing a promise to appear, without paying the statutory fee or posting and forfeiting bond shall be an offense. Failure to appear without just cause at the hearing shall also be deemed an admission of commission of the violation charged.

05/05/80

15.2007 Offenses Excepted

The provisions of *N.D.C.C.* § 39-06.1-05 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

The procedures authorized under section 15.2004 and section 15.2005 may not be utilized by a person charged with one of the following offenses:

1. Driving or being in actual physical control of a vehicle while under the influence of a controlled substance or intoxicating liquor in violation of section 15.1901.
2. Reckless driving or aggravated reckless driving in violation of section 15.1902.
3. Leaving the scene of an accident in violation of section 15.1903 through section 15.1905.
4. Driving while license or driving privilege is suspended or revoked in violation of section 15.1906.
5. Violating section 15.1907.

6. Driving without a license in violation of section 15.1910.

05/05/80

15.2008 Amount of Fees

The fees required for a noncriminal disposition pursuant to either section 15.2004 or section 15.2005 shall be as follows:

- 1. For a nonmoving violation as defined in section 15.2009, a fee in the amount of Ten Dollars (\$10.00).
- 2. For a moving violation as defined in section 15.2010, a fee of Twenty Dollars (\$20.00) except for:
 - a. A violation of section 15.0501.1, a fee in the amount of Thirty Dollars (\$30.00).
 - b. A violation of section 15.0938, a fee in the amount of One Hundred Dollars (\$100.00).
 - c. A violation of section 15.0939, a fee in the amount of Twenty Dollars (\$20.00).
 - d. A violation of section 15.0940, a fee in the amount of One Hundred Dollars (\$100.00).
 - e. Except as provided in subsections f and g, for a violation of section 15.0502, a fee established as follows:

<u>Miles per hour over lawful speed limit</u>	<u>Fee</u>
1-5	\$ 5
6-10	\$ 5 plus \$1/each mph over 5 mph over limit
11-15	\$ 10 plus \$1/each mph over 10 mph over limit
16-20	\$ 15 plus \$2/each mph over 15 mph over limit
21-25	\$ 25 plus \$3/each mph over 20 mph over limit
26-35	\$ 40 plus \$3/each mph over 25 mph over limit
36-45	\$ 70 plus \$3/each mph over 35 mph over limit
46 +	\$ 100 plus \$5/each mph over 45 mph over limit

- f. On a highway on which the speed limit is higher than fifty-five (55) miles [88.51 km] per hour, for a violation of section 15.0502, a fee established as follows:

<u>Miles per hour over lawful speed limit</u>	<u>Fee</u>
1-10	\$ 2/each mph over limit

11+ \$20 plus \$5/each mph over 10 mph over limit

g. On a highway which the speed limit is posted in excess of sixty-five (65) miles [104.61 km] per hour, for a violation of section 15.0502, a fee of Five Dollars (\$5.00) for each mile per hour over the limit.

3. For a violation of section 15.0501, defining careless driving, a fee in the amount of Thirty Dollars (\$30.00).

06/07/01; 06/04/18

15.2009 "Nonmoving Violation" Defined

The provisions of *N.D.C.C.* § 39-06.1-08 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

For the purpose of section 15.2008, a "nonmoving violation" shall mean section 15.0924, section 15.0933, section 15.0934 or the provisions of Article 14.

05/05/80

15.2010 "Moving Violation" Defined

For the purpose of section 15.2008, a "moving violation" means a violation of section 15.0501; 15.0501.1; section 15.0502; section 15.1911; section 15.0932; section 15.0937; section 15-0938; section 15-0939; 15-0940; section 15.0505; section 15.1102; section 15.1103; section 15.1104; section 15.1105; section 15.1106; section 15.0309(1); or section 15.1907(2), except subdivision (b) and (c); or a violation of the provisions of Article 9 or Article 17 except those sections which are specifically listed in section 15.2009.

05/05/80; 12/03/18

15.2011 General Penalty For Violation of Chapter

The provisions of *N.D.C.C.* § 39-07-06 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

Any person violating any of the provisions of this chapter for which another criminal penalty is not provided specifically shall be guilty of an infraction. As used in this section, the phrase "another criminal penalty" includes provision for payment of a fixed fee for violating another section in this chapter, but does not include any other administrative sanction which may be imposed.

05/05/80

15.2012 Notification of Parents or Guardians of Juvenile Traffic Offenders

The municipal judge or his clerk shall notify the parent or guardian of any juvenile appearing before the court on a traffic offense of the charge as contained in the citation, the penalty attached to the offense and the time and place of any court hearing on the matter.

05/05/80

Article 21

Sections Not Adopted

The sections of Title 39 of the North Dakota Century Code not expressly adopted in Article 1 through Article 20, inclusive, are not adopted by reference.

05/05/80

Article 22
Filing of Ordinance

Incident to the adoption of certain portions of Title 39 of the North Dakota Century Code by reference, a copy of the text of the adopted code shall be filed in the office of the City Auditor as required by *N.D.C.C.* § 40-05-01(1) for use and examination by the public.

05/05/80

Article 23
Adoption of Amendments by Reference

The adoption of certain portions of Title 39 by reference shall be construed to incorporate such amendments thereto as may be made therein from time to time, and such copies of the adopted portions of Title 39 filed as required in Article 22 shall at all times be kept current in the office of the City Auditor of this City.

05/05/80

Article 24
Severability Clause

If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance, or the application of the provision to other persons or circumstances is not affected.

05/05/80

Article 25
Penalties

Any person who is convicted of violating or of failing to comply with any of the provisions of this ordinance may be punished by a fine of not more than One Thousand Dollars (\$1,000.00) or by imprisonment not to exceed thirty (30) days, or both and, upon conviction of any person of a violation of Article 19, section 15.1901, Persons Under the Influence of Intoxicating Liquor or Narcotic Drugs Not To Operate Vehicle - Penalty, or section 15.1906, Penalty for Driving While License Suspended or Revoked, the court may order the number plates of the motor vehicle owned and operated by the offender at the time of the offense to be impounded by the Sheriff or chief law enforcement officer of the city, as is appropriate, for the duration of the period of suspension of the offender's driver's license or driving privilege by the licensing authority.

11/02/98; 03/06/06