

Preface

These North Dakota League of Cities "Model Municipal Ordinances" on traffic and offenses have been prepared for the use of North Dakota municipalities. Drafting of these sample ordinances was made possible by a grant from the North Dakota Combined Law Enforcement Council to the North Dakota League of Cities. The work was performed by the University of North Dakota School of Law during the summer of 1975 under a contract with the North Dakota League of Cities.

Dean Robert K. Rushing served as Project Director and Mr. Dwight Kalash monitored the progress of the project. Professor Edward J. Ward prepared the ordinances in Chapter I, "Traffic", and Professor Thomas M. Lockney drafted the ordinances for Chapter II, "Offenses". Assistance was also received from Mr. Roger Becker, UND Law School Librarian; Mr. Arne Boyum, Executive Director of the North Dakota League of Cities; Mr. Howard Olson, Assistant Court Administrator of the North Dakota Supreme Court; Mr. John Graham, Assistant Director of the North Dakota Legislative Council; and Mr. Joe Carlson of the Highway Safety Division of the North Dakota State Highway Department.

A few words from the drafters about the overall approach to the ordinances presented here may be helpful.

The overriding problem facing someone drafting a set of ordinances is determining the extent of the authority of municipalities and avoiding conflicts with state law. In the area of traffic ordinances, to avoid the problem of conflict with state law and to provide for uniformity, most of the ordinances are adopted by reference from Title 39 of the North Dakota Century Code. Pursuant to NDCC §40-05-01, the ordinances are adopted along with subsequent amendments. This will ensure that later changes of state law will not create conflicts with the ordinances. Those sections of state law adopted by reference are reproduced in full for convenience and so that they may be readily available in those municipalities without easy access to the North Dakota Century Code.

All traffic ordinances adopted by reference from Title 39 of the North Dakota Century Code include amendments made in 1975. Thus, they will remain current until at least 1977. At that time some updating may be necessary to keep the ordinances in the ordinance book in line with the state law. On the other hand, despite the language which may appear in the ordinance book, adoption of a section from the North Dakota Century Code by reference with subsequent amendments means that that section will always, in effect, be the same as the corresponding state section.

In those areas where the subject matter is uniquely municipal, that is, where there is no state law pro-

vision or the state law provision is inappropriate, other sources have been used. The general format of the Model Traffic Ordinance, published by the National Committee on Uniform Traffic Laws and Ordinances, has been followed. In some instances sections have been taken from the earlier version of the North Dakota League of Cities Model Municipal Ordinances. In a few cases, sections from the municipal codes of certain cities, e.g., Fargo and Bismarck, have been used.

The problem of conflict with state law, or of "superceding" state law, is more difficult in the drafting of ordinances covering offenses. Our approach has been to coordinate the general maximum penalty authorized by NDCC §40-05-06 for city fines and jail sentences with the sentences authorized by the new State criminal code (NDCC §12.1-32-01(5)) for class B misdemeanors (30 days/\$500). Thus, the upper limit of city authority is assumed to be congruent with the classification of offenses under state law as class B misdemeanors with the exception of items specifically authorized by NDCC Title 40-05.

This approach is compelled by the Supreme Court's decision in Waller v. Florida, 397 U.S. 387 (1970). Since, under that case, prosecution of conduct as a less serious offense under a city ordinance precludes later prosecution for a more serious state offense based on the same conduct, such preemption of state law would be inappropriate. See N.D. Atty. Gen. Op. to R.G. Nerison, Nov. 27, 1972.

Our main effort, therefore, has been to conform the model ordinances to the state statutes. Sources for the criminal offenses have been indicated, although in many instances the sources have been modified. Our attempt to conform to the state statutes has in some instances led to the drafting of ordinances that may appear unduly wordy. That is, since the general approach of the new State code is consolidation of offenses and classification of consolidated offenses by degrees and circumstances, many of the ordinances based upon state law define offenses in large part by exclusion of circumstances that may make the offense more serious and thus punishable as class A misdemeanors or higher. This wordiness and possible confusion was felt to be unavoidable without sacrificing the important goal of clearly delineating the limits of authority for municipal courts.

Hopefully, our attention to State law has not been overly slavish, nor has it frustrated our goal of drafting clear and understandable ordinances. Length may occasionally appear excessive; however, we have attempted as have the drafters of the new State criminal code to eliminate unnecessary legal jargon, thus making it necessary to spell out with greater particularity the conduct intended to be prohibited. For example, the new code speaks in terms of various kinds of theft (of property, services, etc.) rather than employing hoary terms

such as purloining, embezzlement, larceny by false pretenses, fraudulent conversion, and so forth. Therefore, although the statutes (and corresponding ordinances) may be long, we hope that they will be more understandable than those currently in use.

We should also mention the classification system used in chapter 2 for offenses. The new state criminal code defines "offense" as "conduct for which a term of imprisonment or a fine is authorized by statute after conviction", NDCC §12.1-01-04(21). In 1975, S.B. 2040 created a new category of crime called an infraction. The relation of "offense" to "infraction", however, was left ambiguous. It appears that "offense" may still be considered to be a synonym for "crime" and that an "infraction" is a crime for all purposes, except that conviction cannot lead to imprisonment, and that certain procedural consequences follow (no right to counsel at public expense; no right to jury trial; no culpability requirement). The ordinances we have drafted use "offense" as a general label for conduct violative of the ordinance prohibitions and as a classification parallel to a class B misdemeanor. We also include provisions dealing with infractions. Infractions are to be treated as offenses for all purposes except punishment and the procedural incidents set forth in ch. 2, §5-3. Although we have classified only violations of ch. 1 not otherwise specifically classified (§20-11) and some subsections of ch. 2, §4-3, Disorderly Conduct, as infractions in these ordinances, if cities wish to bring all other prohibitions in their ordinances into conformity with State law, they may well consider following the State example of classifying many regulatory type offenses as infractions. The infraction classification is particularly well designed for such offenses since imprisonment is seldom if ever utilized as a sanction and the culpability problem is most difficult for the less serious regulatory offenses.

UND School of Law
July, 1975

*Amended
Ord. # 279
added sec.
20-14
and
also amended
by Ord. # 286
by adding
Sec. 19-13*

1 AN ORDINANCE ADOPTING A CODE FOR THE REGULATION OF VEHICULAR,
2 PEDESTRIAN AND BICYCLE TRAFFIC WITHIN THE JURISDICTION OF THE
3 CITY OF ROLLA, NORTH DAKOTA, COMPRISED OF ACTICLES 1 TO 20,
4 INCLUSIVE, AND PROVIDING PENALTIES FOR VIOLATION, AND REPEALING
5 ORDINANCES NO. 9, 10, 68, 157, 193, 222, 237, 264, 267, 268, 269,
AND SECTION 1 OF ORDINANCE NO. 228.

6 BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROLLA,
7 NORTH DAKOTA:

8 Article XII Regulations for Bicycles.

9 Section 12-11(a) Penalties. Every person convicted of a
10 violation of any provision of this article shall be punished by
11 a fine of not more than \$250.00 or by imprisonment for not more
than 30 days or by impounding of such person's bicycle for a
period not to exceed 14 days or by any combination thereof.

12 Other penalty sections.

13 Section 19-1 Persons under the influence of intoxicating
14 liquor or narcotic drugs not to operate vehicle - Penalty. The
provisions of N.D.C.C. Section 39-08-01 and all subsequent
amendments shall be and are hereby incorporated by reference in
this ordinance.

15 Section 19-2 Reckless driving - Aggravated reckless driving -
16 Penalty. The provisions of N.D.C.C. Section 39-08-03 and all
subsequent amendments shall be and are hereby incorporated by
17 reference in this ordinance.

18 Section 19-3 Accidents involving damage to vehicle - Penalty.
19 The provisions of N.D.C.C. Section 39-08-05 and all subsequent
amendments shall be and are hereby incorporated by reference in
this ordinance.

20 Section 19-6 Penalty for driving while license suspended or
21 revoked. The provisions of N.D.C.C. Section 39-06-42 and all sub-
sequent amendments shall be and are hereby incorporated by
22 reference in this ordinance.

23 Section 19-7 Operation of snowmobiles. The provisions of
24 N.D.C.C. Section 39-24-09(5)(b) and (c) and Section 39-24-11 and
all subsequent amendments shall be and are hereby incorporated
by reference in this ordinance. *in addition to this section, ord # 279*

25 Section 19-8 Penalty for harassment of domestic animals.
26 The provisions of N.D.C.C. Section 39-08-19 and all subsequent
amendments shall be and are hereby incorporated by reference
27 in this ordinance.

28 Section 19-9 Operation of motor vehicle, tractor, or other
29 vehicle prohibited on flood protective works - Exception - Penalty.
The provisions of N.D.C.C. Section 39-10-65 and all subsequent
30 amendments shall be and are hereby incorporated by reference in
this ordinance.

31 Section 19-12 Penalty. The provisions of N.D.C.C. Section
32 39-12-21 and all subsequent amendments shall be and are hereby
33 incorporated by reference in this ordinance.
34

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34

Section 20-2 Hearing - Time - Promise of defendant to appear - Failure to appear - Penalty. The provisions of N.D.C.C. Section 39-07-08 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

Section 20-6 Failure to appear, pay statutory fee, post bond - Procedure - Penalty. The provisions of N.D.C.C. Section 39-06.1-04 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

Section 20-8 Amount of statutory fees. The provisions of N.D.C.C. Section 39-06.1-06 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance. The fees required for a noncriminal disposition pursuant to either Section 20-4 or Section 20-5 shall be as follows:

1. For a nonmoving violation as defined in Section 20-9, a fee in the amount of ten dollars.
2. For a moving violation as defined in Section 20-10, a fee in the amount of twenty dollars.
3. For a violation of Section 5-2, involving a speed of more than fifteen miles per hour in excess of the lawful speed limit, a fee in the amount of forty dollars.
4. For a violation of Section 5-1 defining careless driving, a fee in the amount of thirty dollars.

Section 20-11 General penalty for violation of chapter. The provisions of N.D.C.C. Section 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.

Section 20-12 Effective date. This ordinance shall be in full force and effect and take effect immediately upon its final passage and approval, and publication of the title and penalty clauses.

First reading: Dec. 1, 1975
Second reading and final passage: Jan. 5, 1976
Approval: Jan. 5, 1976

Clarence Eller
CLARENCE ELLER
Mayor, City of Rolla, N.D.

ATTEST:
Wallace Mitchell
WALLACE MITCHELL
City Auditor.

Publication of title and penalty clauses:
Jan. 8, 1976

amended by
ord. # 289, by
adding
sub-section A
* Amended by
ord. # 289,
by adding
sub-sec. 5

ORDINANCE NO. 277

Chapter 1. Traffic
Table of Contents

Article I.	Definitions	1
Article II.	Traffic Administration	9
Article III.	Enforcement and Obedience to Traffic Regulations	10
Article IV.	Traffic Control Devices	14
Article V.	Speed Regulations	18
Article VI.	Turning Movements	23
Article VII.	One-Way Streets and Alleys	25
Article VIII.	Stop and Yield Intersections	26
Article IX.	Miscellaneous Driving Rules	30
Article X.	Pedestrians' Rights and Duties	42
Article XI.	Regulations for Motorcycles	46
Article XII.	Regulations for Bicycles	48
Article XIII.	Angle Parking	51
Article XIV.	Stopping	52
Article XV.	Reserved Parking Areas	57
Article XVI.	Time Limit Parking Zones	58
Article XVII.	Parking Meters	59
Article XVIII.	Regulating the Kinds and Classes of Traffic on Certain Roadways	60
Article XIX.	Criminal Traffic Violations	61
Article XX.	Disposition of Traffic Violations	65

North Dakota League of Cities
Model Municipal Ordinances

Chapter I. Traffic

I. Article I - Definitions

§1-1 Definitions

Words and phrases used in this Chapter shall have the meanings and be defined as provided in the North Dakota Century Code in Title 39, and NDCC §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 governmental 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; and
 - (6) Vehicles designated for the use of the adjutant general and assistant adjutant general in cases of emergency;
 - 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 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 or more of the frontage thereon for 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 miles of the limits thereof;
6. "Commercial freighting" shall mean the carriage of things other than passengers, for hire, except that such terms 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 cities or 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. "Flammable liquid" shall mean any liquid which has a flash point of seventy degrees Fahrenheit, or less, as determined by a tagliabue or equivalent closed-cup test device;
19. "Guest" shall mean and include a person who accepts a ride in any vehicle without giving compensation therefor;
20. "Gross weight" shall mean the weight of a vehicle without load plus the weight of any load thereon;
21. "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;

- 21.1 "House car" shall mean a motor vehicle which has been reconstructed or manufactured for private use as sleeping or living quarters;
22. "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;
23. "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 highways joining at any other angle may come in conflict. Where a highway includes two roadways thirty 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 roadways thirty feet or more apart, then every crossing of two roadways of such highways shall be regarded as a separate intersection;
24. "Intoxicating liquor" shall mean and include any beverage containing alcohol;
25. "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;
26. "Legal owner" shall mean a person who holds the legal title to a vehicle;
27. "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;
28. "Mail" shall mean to deposit mail properly addressed and with postage prepaid with the United States postal service;
29. "Manufacturer" shall mean any person engaged in the business of manufacturing motor vehicles or trailers;
30. "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;

31. [Reserved for future use.]
32. "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;
- 32a. "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.
33. "Nonresident" shall mean any person who is not a resident of this state;
34. "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;
35. "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;
36. "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;
37. "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;
38. "Pedestrian" shall mean any person afoot;
39. "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;
40. "Person" shall include every natural person, firm, copartnership, association, or corporation;
41. "Pneumatic tires" shall include all tires inflated with

compressed air;

42. "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;
43. "Police officer" shall mean every officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations;
44. "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;
45. "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 because of bodily injury to or death of two or more persons in any one accident, and in the amount of five thousand dollars because of injury to or destruction of property of others in any one accident;
46. "Railroad" shall mean a carrier of persons or property upon cars, other than streetcars, operated upon stationary rails;
47. "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;
48. "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;
49. "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;
50. "Right of way" shall mean the privilege of the immediate use of a roadway;

51. "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;
52. "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;
53. "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;
54. "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;
55. "Semitrailer" shall include every vehicle of the trailer type so designed and used in conjunction with a motor vehicle that some part of its own weight and that of its own load rests upon or is carried by a motor vehicle, except that it shall not include a "house trailer" or "mobile home" as defined in subsection 68 of this section;
56. "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;
57. "Solid tire" shall include every tire made of rubber or other resilient material other than a pneumatic tire;
58. "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;
59. "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;
60. "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;
61. "Stop", when required, shall mean complete cessation from movement;

62. "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;
63. "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;
64. "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;
65. "Trackless trolley coach" shall mean every motor vehicle which is propelled by electric power obtained from overhead trolley wires but not operated upon rails;
66. "Traffic" shall mean pedestrians, ridden or herded animals, vehicles, streetcars, and other conveyances either singly or together while using any highway for purpose of travel;
67. "Traffic-control signal" shall mean any device, whether manually, electrically, or mechanically operated, by which traffic is alternately directed to stop and to proceed;
68. "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;
69. "Truck" shall include every motor vehicle designed, used or maintained primarily for transportation of property;
70. "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;
71. "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

72. "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.

II. Article II - Traffic Administration

§2-1 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.

§2-2 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.

§2-3 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 forms.

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

§2-4 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.

§2-5 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 deter-

mining remedial measures.

§2-6 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.

§2-7 Drivers' files to be maintained

1. The police department or the traffic division thereof shall maintain a suitable record of all traffic accidents, warnings, arrests, convictions, and complaints reported for each driver, which shall be filed alphabetically under the name of the driver concerned.

2. Said division shall study the cases of all such drivers charged with frequent or serious violations of the traffic laws or involved in frequent traffic accidents or any serious accident, and report such information to the Highway Department or other appropriate state agencies.

3. Such records shall accumulate during at least a five-year period and from that time on such records shall be maintained complete for at least the most recent five year period.

§2-8 Traffic division to submit annual traffic safety report

The traffic division shall annually prepare a traffic report which shall be filed with the mayor. Such report shall contain information on traffic matters in this city as follows:

1. The number of traffic accidents, the number of persons killed, the number of persons injured, and other pertinent traffic accident data;

2. The number of traffic accidents investigated and other pertinent data on the safety activities of the police;

3. The plans and recommendations of the division for future traffic safety activities.

§2-9 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.

III. Article III - Enforcement and Obedience to Traffic Regulations

§3-1 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 thereat or in the immediate vicinity.

§3-2 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 §20-11 of this Chapter.

§3-3 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.

§3-4 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.

§3-5 Use of coasters, roller skates and similar devices restricted

No person upon roller skates, or riding in or by means of any coaster, toy vehicle, or similar device, shall go upon any roadway except while crossing a street on a crosswalk and when so crossing such person shall be granted all of the rights and shall be subject to all of the duties applicable to pedestrians. This section shall not apply upon any street while set aside as a play street as authorized herein.

§3-6 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.

§3-7 Emergency vehicles

The provisions of NDCC §§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.

§3-8 Operation of vehicles on approach of authorized emergency vehicles

The provisions of NDCC §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.

§3-9 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 five 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 NDCC §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 3-9(a) 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 had 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.

(e) 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.

IV. Article IV - Traffic Control Devices

§4-1 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.

§4-2 Specifications for

All traffic-control signs, signals, and devices shall conform to the specifications approved by the state highway commissioner pursuant to NDCC §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.

§4-3 Traffic-control signal legend

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

Whenever traffic is controlled by traffic-control signals exhibiting the words "Go", "Caution", or "Stop", or exhibiting different colored lights successively one at a time or with arrows, the following colors only shall be used and said terms and lights shall indicate and apply to drivers of vehicles and pedestrians as follows:

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 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. Red alone or "Stop":
 - 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 and shall remain standing until an indication to proceed is shown except as provided in subdivision b of subsection 3;
 - b. Vehicular traffic facing a steady red signal may cautiously enter the intersection to make a right turn after stopping as required by subdivision a of subsection 3 unless a sign is in place prohibiting such turn. Such vehicular traffic shall yield the right of way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection; and
 - c. Unless otherwise directed by a pedestrian-control signal as provided in §4-5, 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.

§4-4 Flashing signals

The provisions of NDCC §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 §8-5.

§4-5 Pedestrian control signals

The provisions of NDCC §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.

§4-6 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 lane except when lawfully passing another vehicle or preparatory to making a lawful turning movement or performing other lawful traffic movements.

§4-7 Obedience to and required traffic-control devices

The provisions of NDCC §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 this 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 the 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.

§4-8 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.

§4-9 Interference with official traffic-control devices or railroad signs or signals

The provisions of NDCC §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.

V. Article V - Speed Regulations

§5-1 Basic Rule

The provisions of NDCC §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.

§5-2 Speed Limitations

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

Subject to the provisions of §5-1 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 an hour when approaching within fifty 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 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 feet in each direction from such crossing;

2. Twenty 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 an hour when approaching within fifty 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 feet of his approach 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 feet from such intersection;

4. Twenty miles an hour when the driver's view of the highway ahead is obstructed within a distance of one hundred feet;

5. Twenty-five 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 miles an hour under other circumstances, unless otherwise permitted, restricted, or required by conditions.

b. The highway commissioner may designate and post special areas of state highways where lower speed limits shall apply.

c. 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.

d. 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.

§5-3 (a) When Local Authorities May or Shall Alter Maximum Speed - Limits - Signs Posted

The provisions of NDCC §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 miles per hour; or
- c. Decreases the limit outside an urban district, but not to less than thirty-five 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

§5-4 Speed Limitations Inapplicable to Whom - Liability of Exempt Driver For Reckless Driving

The provisions of NDCC §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 exemptions 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.

§5-5 Minimum Speed Limits

The provisions of NDCC §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.

§5-6 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 speeds otherwise applicable within the district or at intersections and shall erect appropriate signs giving notice thereof.

§5-7 Exhibition Driving and Drag Racing - Definitions - Penalty

The provisions of NDCC §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.

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 or 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 purposes by drivers of motor vehicles, including snowmobiles.

§5-8 Radar Evidence in Speed Violations

The provisions of NDCC §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 radiomicro waves 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 radiomicro waves or other electrical device, or has received a radio message from the officer who observed the speed of the motor vehicle recorded by the radiomicro waves or other electrical device.

VI. Article VI - Turning Movements

§6-1 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.

§6-2 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.

§6-3 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.

§6-4 Required position and method of turning at intersections

The provisions of NDCC §39-10-35 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 a 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 inter-

section 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.

§6-5 Vehicle turning left at intersection

The provisions of NDCC §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.

§6-6 Turning on curve or crest of grade prohibited

The provisions of NDCC §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.

§6-7 Turning movements and required signals

The provisions of NDCC §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 §6-4 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 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.

§6-8 Signals by hand and arm or signal lamps

The provisions of NDCC §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 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.

§6-9 Methods of giving hand-and-arm signals

The provisions of NDCC §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.

VII. Article VII - One-Way Streets and Alleys

§7-1 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.

§7-2 Authority to restrict direction of movement on streets during certain periods

The city traffic engineer or authorized person may determine and designate streets, parts of streets or specific lanes thereon upon which vehicular traffic shall proceed in one direction during one period and the opposite direction during another period of the day and shall place and maintain appropriate markings, signs, barriers or other devices to give notice thereof. The city traffic engineer or authorized person

walk, 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.

§8-3 Stop signs and yield signs

The provisions of NDCC 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 as authorized in §8-1.

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 or 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.

§8-4 Emerging from alley, driveway, private road, or building

The provisions of NDCC §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 nearest the street to be entered where the driver has a view of approaching traffic thereon.

§8-5 Obedience to signal indicating approach of train

The provisions of NDCC §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 approaching a railroad grade crossing under any of the circumstances stated in this section, the driver of such vehicle shall stop within fifty feet but not less than fifteen 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 and twenty 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.

§8-6 All vehicles must stop at certain railroad grade crossings

The provisions of NDCC §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 feet but not less than fifteen feet from the nearest rail of such railroad and shall proceed only upon exercising due care.

§8-7 Certain vehicles must stop at all railroad grade crossings

The provisions of NDCC §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 flash-point below two hundred degrees Fahrenheit, cargo tank vehicles transporting a commodity having a temperature above its flash-point 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 feet but not less than fifteen 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.

IX. Article IX - Miscellaneous Driving Rules

§9-1 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.

§9-2 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.

§9-3 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.

§9-4 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.

§9-5 When permits required for parades and processions

No funeral, procession or parade containing (200) or more persons or (50) or more vehicles except 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.

§9-6 Drive on right side of roadway - exceptions

The provisions of NDCC §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 center line in making a left turn into or from an alley, private road, or driveway.

§9-7 Passing vehicles proceeding in opposite directions

The provisions of NDCC §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.

§9-8 Overtaking a vehicle on the left

The provisions of NDCC §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.

§9-9 When overtaking on the right is permitted

The provisions of NDCC §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 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.

§9-10 Limitations on overtaking on the left

The provisions of NDCC §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 any approaching vehicle.

§9-11 Further limitations on driving on left of center of roadway

The provisions of NDCC §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 feet of or traversing any intersection or railroad grade crossing, or
- c. When the view is obstructed upon approaching within one hundred 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 §9-6 nor to the driver of a vehicle turning left into or from an

alley, private road, or driveway.

§9-12 No-passing zones

The provisions of NDCC §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 within 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 §9-6 nor to the driver of a vehicle turning left into or from an alley, private road, or driveway.

§9-13 Driving on roadways laned for traffic

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

Whenever any roadway has been divided into two or more clearly marked lanes for traffic, the following rules in addition to all others consistent herewith shall apply:

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.

§9-14 Following too closely

The provisions of NDCC §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.

§9-15 Driving on divided highways

The provisions of NDCC §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.

§9-16 Restricted access

The provisions of NDCC §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.

§9-17 Restrictions on use of controlled-access roadway

The provisions of NDCC §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 ordinance, 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.

§9-18 Vehicle entering roadway

The provisions of NDCC §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.

§9-19 Vehicle approaching or entering intersection

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

1. When two 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.

§9-20 Overtaking and passing school bus

The provisions of NDCC §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 in in operation

on said school bus the flashing red lights specified in NDCC § 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 requirements of NDCC §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.

§9-21 Unattended motor vehicle

The provisions of NDCC §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.

§9-22 Limitations on backing

The provisions of NDCC §39-10-52 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

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.

§9-23 Obstruction to driver's view or driving mechanism

The provisions of NDCC §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.

§9-24 Opening and closing vehicle doors

The provisions of NDCC §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.

§9-25 Coasting prohibited

The provisions of NDCC §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.

§9-26 Following fire apparatus prohibited

The provisions of NDCC §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 feet or stop such vehicle within five hundred feet of any fire apparatus stopped in answer to a fire alarm.

§9-27 Crossing fire hose

The provisions of NDCC §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.

§9-28 Garbage, glass, etc., on highways prohibited

The provisions of NDCC §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.

§9-29 Driving through safety zone prohibited

The provisions of NDCC §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.

§9-30 Moving heavy equipment at railroad grade crossings

The provisions of NDCC §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 inch per foot of the distance between any two adjacent axles or in any event of less than nine 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 feet nor more than fifty 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.

§9-31 Alteration of odometers or other mileage recorders, hour meters on tachometers or other hour recorders - Penalty

The provisions of NDCC §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 on tachometer or other hour recorder for the purpose of deceiving another, shall be guilty of an infraction.

§9-32 Open bottle law - Penalty

The provisions of NDCC §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; 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.

§9-33 Permitting unauthorized minor to drive

No person shall cause or knowingly permit his child or ward under the age of eighteen years to drive a motor vehicle upon

any highway when such minor is not authorized under the laws of this state.

§9-34 Permitting unauthorized 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.

X. Article X - Pedestrians' Rights and Duties

§10-1 Pedestrian obedience to traffic-control devices and traffic regulations

The provisions of NDCC §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 §§4-3 and 4-5.

§10-2 Pedestrians' right-of-way in crosswalks

The provisions of NDCC §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 §11-3; and

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.

§10-3 Crossing at other than crosswalks

The provisions of NDCC §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.

§10-4 Drivers to exercise due care

The provisions of NDCC §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.

§10-5 Protection of blind or incapacitated pedestrians

The provisions of NDCC §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.

§10-6 Pedestrians to use right half of crosswalks

The provisions of NDCC §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.

§10-7 Pedestrians on roadways

The provisions of NDCC §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 along 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.

§10-8 Pedestrians' right-of-way on sidewalks

The provisions of NDCC §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.

§10-9 Pedestrians yield to authorized emergency vehicles

The provisions of NDCC §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.

§10-10 Blind pedestrian right-of-way

The provisions of NDCC §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.

§10-11 Pedestrians under influence of alcohol or drugs

The provisions of NDCC §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.

§10-12 Bridge and railroad signals

The provisions of NDCC §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.

§10-13 Pedestrians soliciting rides or business

The provisions of NDCC §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.

XI. Article XI - Regulations For Motorcycles

§11-1 Traffic laws apply to persons operating motorcycles

The provisions of NDCC §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 title, except as to special regulations in this chapter and except as to those provisions of this title which by their nature can have no application.

§11-2 Riding on motorcycles

The provisions of NDCC §39-10.2-02 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 article 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.

§11-3 Operating motorcycles on roadways laned for traffic

The provisions of NDCC §39-10.2-03 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.

§11-4 Clinging to other vehicles

The provisions of NDCC §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.

§11-5 Footrests

The provisions of NDCC §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.

§11-6 Equipment for motorcycle riders

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

1. No person shall operate or ride upon a motorcycle unless he is wearing protective headgear which complies with standards established by the motor vehicle department, except when participating in a lawful parade.

2. This section shall not apply to persons riding within an enclosed cab or on a golf cart.

§11-7 Other applicable law

The provisions of NDCC §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 pertaining to the disposition of traffic offenses shall apply to this article, and §11-2 through §11-4 shall be considered moving violations within the definition in §20-10.

XII. Article XII - Regulations For Bicycles

§12-1 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.

§12-2 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.

§12-3 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.

§12-4 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.

§12-5 Riding on roadways and bicycle paths

The provisions of NDCC §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 practicable,

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.

§12-6 Clinging to vehicles

The provisions of NDCC §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.

§12-7 Carrying articles

The provisions of NDCC §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.

§12-8 Lamps and other equipment on bicycles

The provisions of NDCC §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 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 feet to the rear may be used in addition to the red reflector.

§12-9 Riding on bicycles

The provisions of NDCC §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.

§12-10 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.

§12-11 (a) Penalties

Every person convicted of a violation of any provision of this article shall be punished by a fine or not more than~~250.00~~..... dollars or by imprisonment for not more than~~30~~..... days or by impounding of such person's bicycle for a period not to exceed~~14~~..... days or by any combination thereof.

§12-11 (b) Point system not applicable

The provisions of NDCC §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 §20-10, or any nonmoving violation as defined in §20-9 when committed on a bicycle as defined in §1-1 (2) shall not be cause for the licensing authority to assess points against the driving record of the violator pursuant to NDCC §39-06.1-10. Any other legally authorized penalty for a criminal traffic offense or noncriminal traffic violation shall be applicable to bicyclists.

XIV. Article XIV - Stopping, Standing or Parking Prohibited in Specific Places

§14-1 Stopping, standing or parking outside of business or residence districts

The provisions of NDCC §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 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 feet in each direction upon such highway.

2. §§14-1, 14-3, and 14-4 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.

§14-2 Officers authorized to remove illegally stopped vehicles

The provisions of NDCC §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 §14-1, 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.

§14-3 Stopping, standing, or parking prohibited in specified places

The provisions of NDCC §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 feet of a fire hydrant;
5. On a crosswalk;
6. Within ten feet of a crosswalk at an intersection;
7. Within fifteen 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 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 feet of the nearest rail of a railroad crossing;
10. Within twenty 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 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; or
14. At any place where official signs prohibit stopping.
15. In a traffic lane of a public street or highway.

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.

§14-4 Additional parking regulations

The provisions of NDCC §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 inches of the right-hand curb or as 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 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 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.

§14-5 Parking prohibited - All Times

When signs are erected giving notice thereof, it shall be unlawful for any person, firm, or corporation to park or leave standing, either attended or unattended, any motor vehicle in the following areas:

On any street on which a no parking sign is displayed for snow removal or street cleaning purposes, during the time specified for no parking; provided, the sign must be erected not later than 8:00 P.M. of any night during which snow removal or street sweeping will be attempted, otherwise not later than 3 hours before snow removal or sweeping will be attempted. Vehicles parked contrary to this provision will be removed as provided by Sec. 14-2 and the owner will be liable to pay the usual towing and storage charges of any local garage to which the vehicle is removed.

Also, at any place where the curb has been painted yellow.

§14-6 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.

§14-7 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.

§14-8 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.

§14-9 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.

§14-10 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 20 feet, or upon one side of a street as indicated by such signs when the width of the roadway does not exceed 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.

§14-11 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.

§14-12 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.

§14-13 Parking privileges for physically handicapped - Certificate - Revocation

The provisions of NDCC §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 accomodation 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 physically handicapped and who exercises the privileges granted a physically handicapped person under subsection 1 shall be guilty of an infraction.

XV. Article XV - Reserved Parking Areas

§15-1 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.

No person, firm or corporation shall park any bus, transport, tractor trailer, or loaded farm truck in the street adjacent to any residence location.

Amended by Ord. # 285A by adding Sec. 15-2.

XVI. Article XVI - Time Limit Parking Zones

§16-1 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.

XVIII. Article XVIII - Regulating the Kinds and Classes of Traffic on Certain Roadways

§18-1 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 _____ (see below) at any time upon any of the following streets or parts of streets: State limits shall apply to Highways 30, 5 and 281, Front Street and 4th Street N.E.; State limits also shall apply to 1st Ave. N.E. and 1st Ave. S.E. and the streets between them and Main Ave. A limit of 60% of State limits shall apply to all other streets.

Where limitations may be exceeded without probable damage, and in unusual circumstances, the Chief of Police may in his discretion issue a special permit. For additional limitations for school buses, see Sec. 18-3 below.

§18-2 Commercial vehicles prohibited from using certain streets

When signs are erected giving notice thereof, no person shall operate any commercial vehicle exceeding _____ pounds gross weight at any time upon any of the following streets or parts of streets except that such vehicles may be operated thereon for the purpose of delivering or picking up materials or merchandise and then only by entering such street at the intersection nearest the destination of the vehicle and proceeding thereon no farther than the nearest intersection thereafter: _____ N.A.

§18-3 Size restrictions upon vehicles using certain highways

1. It is hereby determined upon the basis of an engineering and traffic investigation that the size permitted by State law is greater than physical conditions will allow upon the streets or parts of streets described below:

That is, school buses are hereby limited to the use of the following streets, namely Highways #30, #5 and #281, and Fourth St. N.E., Fifth St. N.E., and Fifth Ave. N.E.

2. When signs are erected giving notice thereof, no person shall operate any vehicle exceeding the dimensions specified above.

§18-4 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.
(b) When signs are so erected giving notice thereof,
no person shall disobey the restrictions stated on such signs.

XIX. Article XIX - Criminal Traffic Violations

*Amended
in #323*

§19-1 Persons under the influence of intoxicating liquor
or narcotic drugs not to operate vehicle - Penalty

The provisions of NDCC §39-08-01 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

1. No person shall drive or be in actual physical control of any vehicle upon a highway or upon public or private areas to which the public has a right of access for vehicular use in this state if:

- a. He is an habitual user of narcotic drugs or is under the influence of a narcotic drug;
- b. He is under the influence of intoxicating liquor; or
- c. He is under the influence of any controlled substance to a degree which renders him incapable of safe driving.

2. A person violating any provision of this section is guilty of an offense. The minimum penalty for such violation shall be either three days in jail or a fine of one hundred dollars, or both such fine and imprisonment. Upon a second conviction for a violation occurring within eighteen months of a previous violation resulting in a prior conviction, such person shall be punished by imprisonment in the county jail for not less than three days nor more than thirty days, and in the discretion of the court, a fine of not less than one hundred fifty dollars nor more than five hundred dollars. In the event the complaint does not include the allegation that, if convicted, such conviction would be the second such violation as provided in this section, the court may take judicial notice of such fact if indicated by the records of the state highway department or make such finding based on other evidence.

3. Upon conviction, the court may order the motor vehicle owned and operated by the offender at the time of the offense to be impounded by the sheriff or the 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. The cost of the impoundment shall be borne by the offender, and if not paid within ten days after the end of the suspension period, the cost of the impoundment shall become a lien against the previously impounded motor vehicle which shall be enforced by the city or county in the same manner provided in NDCC §35-01-29. Any moneys paid to the court under this section shall be deposited in the general fund of the City or county, as is appropriate.

§19-2 Reckless driving - Aggravated reckless driving - Penalty

The provisions of NDCC §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 circumstances 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.

§19-3 Accidents involving damage to vehicle - Penalty

The provisions of NDCC §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 §19-4. 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.

§19-4 Duty upon striking unattended vehicle

The provisions of NDCC §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 a 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.

§19-5 Duty upon striking fixtures upon a highway

The provisions of NDCC §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 fixtures 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 §3-9.

*Amended
in # 323*

§19-6 Penalty for driving while license suspended or revoked

The provisions of NDCC §39-06-42 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

Except as provided in NDCC chapters 39-16 and 39-16.1, and in NDCC §39-06.1-11, any person who drives a motor vehicle on any public highway of this state at a time when his license or privilege so to do is suspended or revoked shall be guilty of an offense.

§19-7 Operation of snowmobiles

The provisions of NDCC §39-24-09(5)(b) and (c) and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

*also refer
to section
39-24-11*

It shall be unlawful for any person to drive or operate any snowmobile in the following ways which are declared to be unsafe and a public nuisance:

1. 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.
2. While under the influence of intoxicating liquor or a controlled substance.

*amended
by Ord #~~323~~
added Sec. 20-1*

§19-8 Penalty for harassment of domestic animals

The provisions of NDCC §39-08-19 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 §1-1 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 NDCC §36-21-13.

§19-9 Operation of motor vehicle, tractor, or other vehicle prohibited on flood protective works - Exception - Penalty

The provisions of NDCC §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.

§19-10 Driving without a license

Refer to Sec. 39-10-65 of

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

§19-11 License to be carried and exhibited on demand

The provisions of NDCC §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.

§19-12 Penalty

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

Any 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.

Amended by Ord. # 286, by adding section 19-13

XX. Article XX - Disposition of Traffic Offenses

§20-1 Halting person for violating traffic regulations -
Duty of officer halting

The provisions of NDCC §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 NDCC chapters 39-01 through 39-13, 39-18, 39-21, and 39-24, or of equivalent City ordinances, the officer halting such person, except as otherwise provided in §20-3, 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.

§20-2 Hearing - Time - Promise of defendant to appear -
Failure to appear - Penalty

The provisions of NDCC §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 §20-1 shall be within ten 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 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.

§20-3 Offenses under which person halted may not be entitled
to release upon promise to appear

The provisions of NDCC 39-07-09 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

The provisions of §20-1 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 §20-7, except reckless driving; or
2. The halting officer, acting within his direction, deems it inadvisable 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.

§20-4 Traffic violations noncriminal - Exceptions - Procedures

The provisions of NDCC §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 §20-1 and §20-2 for a traffic violation under state law or municipal ordinance, other than an offense listed in §20-7 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 his action, 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 §20-8. Within ten 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 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.

§20-5 Administrative hearing - Prepaid costs - Procedures - Appeals - Stay orders

The provisions of NDCC §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 §20-7, does not choose to follow one of the procedures set forth in §20-4, 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 days later, set at that first appearance.
2. At the time of a request for a hearing on the issue of commission of the violation, the person charged shall deposit with the official having jurisdiction the sum of fifteen dollars as a prepayment of all the costs of the hearing. The requirement of prepayment of costs need not be met if the official determines that the person is unable to make such prepayment without undue hardship. If, upon the hearing, the person charged is found not to have committed the violation, the fifteen-dollar deposit shall be returned. If the person is found to have committed the violation, or fails to appear at the hearing without just cause, the deposit shall be retained and deposited with the treasurer of the county or city, as the case may be. The sum paid pursuant to this subsection shall be in addition to any bond given by the person charged, and shall also be in addition to any statutory fee paid by that person upon a finding that he committed the violation.
3. 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 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 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.
4. 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 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. 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 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 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. 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.

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.

5. 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.

6. As used in §§20-4 through 20-6 the word "official" means

the municipal judge.

§20-6 Failure to appear, pay statutory fee, post bond - Procedure - Penalty

The provisions of NDCC §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 §§20-4 or 20-5, 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.

§20-7 Offenses excepted

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

The procedures authorized under §§20-4 and 20-5 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 §19-1.
2. Reckless driving or aggravated reckless driving in violation of §19-2.
3. Leaving the scene of an accident in violation of §19-3 through 19-5.
4. Driving while license or driving privilege is suspended or revoked in violation of §19-6.
5. Violating §19-7.

Amended by Ord. # 289, by adding sub-sec. A. See Ord. # 289

*Amended by Ord. II
289, by adding
sub-sec. 5.
See Ord. # 289*

6. Driving without a license in violation of §19-10.

§20-8 Amount of statutory fees

The provisions of NDCC §39-06.1-06 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

The fees required for a noncriminal disposition pursuant to either §20-4 or §20-5 shall be as follows:

1. For a nonmoving violation as defined in §20-9, a fee in the amount of ten dollars.

2. For a moving violation as defined in §20-10, a fee in the amount of twenty dollars.

3. For a violation of §5-2, involving a speed of more than fifteen miles per hour in excess of the lawful speed limit, a fee in the amount of forty dollars.

4. For a violation of §5-1 defining careless driving, a fee in the amount of thirty dollars.

§20-9 "Nonmoving violation" defined

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

For the purposes of §20-8, a "nonmoving violation" shall mean §§9-24, 9-33, 9-34, or the provisions of Article XIV.

§20-10 "Moving violation" defined

The provisions of NDCC §39-06.1-09 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

For the purposes of §20-8, a "moving violation" shall mean a violation of §5-1; §5-2 involving speeds of fifteen miles per hour or less in excess of the lawful speed limit; §19-10; §19-11; §3-9; §9-32; §5-5; or a violation of the provisions of Article IX except those sections within those chapters which are specifically listed in §20-9.

§20-11 General penalty for violation of chapter

The provisions of NDCC §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.

Sec. 20-12 Effective date. This ordinance shall be in full force and effect and take effect immediately upon its final passage and approval, and publication of the title and penalty clauses.

Sec. 20-13 Ordinances No. 9, 10, 68, 157, 193, 222, 237, 264, 267, 268, 269, and Section 1 of Ordinance No. 228 are hereby repealed.

First reading: *Dec. 1, 1975*

Second reading and final passage: *Jan. 5, 1976*

Approval: *Jan. 5, 1976*

Clarence Eller

CLARENCE ELLER

Mayor, City of Rolla, N.D.

ATTEST:

Wallace Mitchell

WALLACE MITCHELL

City Auditor.

Publication of title and penalty clauses:

Jan. 8, 1976