

Chapter 23 MOTOR VEHICLES AND TRAFFIC

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Article 23.ED Editor's note to Chapter 23

Sections:

23.ED.010 Editor's note to Chapter 23

Section 23.ED.010 Editor's note to Chapter 23

For state law as to authority of city to regulate traffic, see NDCC, §§ 40-05-01(17), 40-05-02(14). As to motor vehicles generally, see NDCC, § 39-01-01 et seq.

As to bicycles, see Ch. 6 of this Code. As to police, see Ch. 31. As to driving vehicles and animals across sidewalks and curbs, see § 33.04.380.

Article 23.04 In General

Sections:

23.04.010 Definitions

Section 23.04.010 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 North Dakota Century Code section 39-10-01 and all subsequent amendments shall be and are hereby incorporated by reference in this section.

In this chapter, unless the context or subject matter otherwise requires, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Authorized emergency vehicles.

- (a) "Class A Authorized Emergency Vehicles" shall mean:
 - (1) Vehicles of a governmentally-owned fire department.
 - (2) Vehicles when operated by or under the control of a police officer having authority to enforce the provisions of this chapter 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 state game and fish department.
 - (5) Vehicles owned or leased by the United States government used for law-enforcement purposes.
 - (6) Vehicles designated for the use of the adjutant general and assistant adjutant general in cases of emergency.
 - (7) Vehicles operated by or under the control of the director, assistant director and park superintendents of the state parks and recreation department.
- (b) "Class B Authorized Emergency Vehicles" shall mean wreckers and such other emergency vehicles as are authorized by the local authorities.
- (c) "Class C Authorized Emergency Vehicles" means those vehicles authorized by state and local disaster emergency services organizations and those vehicles used by volunteer firemen while performing their assigned disaster and emergency responsibilities.

Bicycle. A motorized bicycle and every device propelled by human power upon which any person may ride, having two tandem wheels either of which is more than twenty inches (50.8 centimeters) in diameter.

Bus. 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, designated and used for the transportation of persons for compensation; provided, every motor vehicle designed for carrying not more than fifteen persons and used for a ride-sharing arrangement, as defined in North Dakota Century Code, section 8-02-07, is not a "bus."

Business District. The territory contiguous to a highway when fifty percent or more of the frontage thereon for distance of three hundred feet (91.44 meters) or more is occupied by buildings in use for business.

Commercial Freighting. 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 the state, and not to exceed two miles (3.22 kilometers) from the corporate or recognized limits of the city; or
- (c) Hauling done by farmers for their neighbors in transporting agricultural products to or from market.

Commercial passenger transportation. The carriage of passengers for hire; except, that the term shall not include:

- (a) The carriage of passengers within the limits of the city.
- (b) The carriage by local buslines of passengers to or from a railroad station from or to places within any city or within two miles (3.22 kilometers) of the limits of the city.
- (c) The carriage of passengers under a ride-sharing arrangement, as defined in North Dakota Century Code, section 8-02-07.

Commissioner. The commissioner of the state highway department, acting directly or through his authorized agents.

Controlled-Access Highway. 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.

Crosswalk. 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.

Dealer. 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 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.

Department. The motor vehicle department of this state.

Director. The director of the division of public safety of this state.

Division. The division of public safety of this state.

Driver. Every person who drives or is in actual physical control of a vehicle.

Essential Parts. 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.

Explosives. 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.

Farm Tractor. Every motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines and other implements of husbandry.

Farm Trailer. Those trailers and semitrailers towed by a bona fide resident farmer hauling his own agricultural, horticultural, dairy and other farm products if the gross weight, not including the towing vehicle, does not exceed twenty-four thousand pounds (10,886.22 kilograms).

Flammable Liquid. Any liquid which has a flash point of seventy degrees Fahrenheit (21.11 degrees Celsius) or less, as determined by a Tagliabue or equivalent closed-cup test device.

Gross Weight. The weight of a vehicle without load plus the weight of any load thereon.

Guest. A person who accepts a ride in any vehicle without giving compensation therefor.

Highway. The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel and of every way privately maintained within a mobile home park, trailer park or campground containing five or more lots for occupancy by mobile homes, travel trailers or tents when any part thereof is open for purposes of vehicular travel.

House Car. A motor vehicle which has been reconstructed or manufactured for private use as sleeping or living quarters.

Implement of Husbandry. Every vehicle designed and adopted 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.

Intersection. 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 (9.14 meters) 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 (9.14 meters) or more apart, then every crossing of two roadways of such highways shall be regarded as a separate intersection.

Intoxicating Liquor. Any beverage containing alcohol.

Judgment. 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.

Legal Owner. A person who holds the legal title to a vehicle.

Lienholder. A person holding a security interest in a vehicle.

Local Authorities. Every county, municipal and other local board or body having authority to adopt local police regulations under the constitution and laws of this state.

Mail. To deposit mail properly addressed and with postage prepaid with the United States Postal Service.

Manufacturer. Any person who manufactures, assembles or imports and sells new motor vehicles to new motor vehicle dealers for resale in the state; but such term shall not include a person who assembles or specifically builds interior equipment on a completed vehicle supplied by another manufacturer, distributor or supplier.

Metal Tires. 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.

Motor Vehicle. "Motor vehicle" includes every vehicle which is self-propelled, every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails, and, for purposes of motor vehicle registration, title registration, and operator's licenses, motorized bicycles.

Motorcycle. 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.

Motorized Bicycle. A vehicle equipped with two or three wheels, foot pedals to permit muscular propulsion, a power source providing up to a maximum of two brake horsepower having a maximum piston or motor displacement of 3.05 cubic inches (49.98 milliliters) if a combustion engine is used, which will propel the vehicle, unassisted, at a speed not to exceed thirty miles (48.38 kilometers) per hour on a level road surface, is equipped with a power drive system that functions directly or automatically only, not requiring clutching or shifting by the operator after the drive system is engaged, and shall have a width no greater than thirty-two inches (81.28 centimeters).

Nonresident. Any person who is not a resident of this state.

Nonresident's Operating Privilege. 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.

Official Traffic-Control Devices. All signs, signals, markings and devices not inconsistent with this chapter placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning or guiding traffic.

Operator. 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.

Owner. A person, other than a lienholder, having the property in or title to a vehicle. The term includes a person entitled to the use and possession of a vehicle subject to a security interest in another person, but excludes a lessee under a lease not intended as security.

Park. When prohibited, the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading.

Pedestrian. Any person afoot.

Person. Every natural person, firm, copartnership, association or corporation.

Pneumatic tires. All tires inflated with compressed air. Pole Trailer. Every vehicle without motive power designated 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.

Police Officer. Every officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

Private Road or Driveway. 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.

Proof of Financial Responsibility. Proof of ability to respond in damages for liability, on account of accidents occurring subsequent to the effective date of such proof, arising out of the ownership, maintenance or use of a motor vehicle, in the amount of twenty-five thousand dollars because of bodily injury to or death of one person in any one accident and, subject to such limit for one person, in the amount of fifty thousand dollars because of bodily injury to or death of two or more persons in any one accident, and in the amount of ten thousand dollars because of injury to or destruction of property of others in any one accident.

Railroad. A carrier of persons or property upon cars, other than streetcars, operated upon stationary rails.

Railroad Sign or Signal. 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.

Reconstructed Vehicle. 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.

Residence District. Territory contiguous to a highway not comprising a business district, when the frontage on such highway for a distance of three hundred feet (91.44 meters) or more is occupied mainly by dwellings, or by dwellings and buildings in use for business.

Right-of-Way. The privilege of the immediate use of a roadway.

Road Tractor. 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.

Roadway. 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.

Saddle Mount. Placing the front wheels of the drawn vehicle upon the bed of the drawing vehicle.

Safety Zone. 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.

Salvage Certificate of Title. A document issued by the department for purposes of proof of ownership of a salvage or destroyed vehicle and not acceptable for motor vehicle registration purposes.

School Bus. Any motor vehicle owned by a public or governmental agency and operated for the transportation of children to or from school or to or from school-related activities, or privately owned and operated for compensation for the transportation of children to or from school or to or from school-related activities.

Semitrailer. Every vehicle of the trailer type so designed and used in conjunction with a truck or truck tractor that some part of its own weight and that of its own load rests upon or is carried by a truck or truck tractor; except, that it shall not include a "house trailer" or "mobile home" as defined in this section.

Sidewalk. 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.

Solid Tire. Every tire made of rubber or other resilient material other than a pneumatic tire.

Specially Constructed Vehicle. Any vehicle under distinctive name, make, model or type by a generally recognized manufacturer of vehicles and not materially altered from its original construction.

Stand or Standing. 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.

State. 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.

Stop. When required, complete cessation from movement.

Stop or Stopping. When prohibited, 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.

Street. 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.

Through Highway. 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.

Trackless Trolley Coach. Every motor vehicle which is propelled by electric power obtained from overhead trolley wires but not operated upon rails.

Traffic. Pedestrians, ridden or herded animals, vehicles, streetcars and other conveyances either singly or together while using any highway for purpose of travel.

Traffic-Control Signal. Any device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and to proceed.

Trailer. 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 herein which is designed and intended for use as living or sleeping quarters for people and which is not used for commercial hauling of passengers.

Truck. Every motor vehicle designed, used or maintained primarily for transportation of property.

Truck Tractor. 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.

Urban District. 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 (30.48 meters) for a distance of a quarter of a mile (402.34 meters) or more.

Used Vehicle. A motor vehicle which has been sold, bargained, exchanged, given away or the title to which has been transferred to another by the person who first acquired it from the manufacturer or importer, dealer or agent of the manufacturer or importer.

Vehicle. 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. (Ord. No. 866, § 1; Ord. No. 1002, § 1.)

Article 23.08 Traffic Administration

Sections:

23.08.010	Traffic division--Established
23.08.020	Same--Duties generally
23.08.030	Records of traffic violations
23.08.040	Accidents--Traffic division to investigate
23.08.050	Same--Studies
23.08.060	Same--Reports
23.08.070	Traffic division to designate method of identifying funeral processions

Section 23.08.010 Traffic division--Established

There is hereby established in the police department of this city a traffic division to be under the control of an officer or police person appointed by and directly responsible to the chief of police. (Ord. No. 866, § 1.).

Section 23.08.020 Same--Duties generally

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 such division by this chapter and the traffic ordinances of the city. (Ord. No. 866, § 1.)

Section 23.08.030 Records of traffic violations

- (a) The police department or the traffic division thereof shall keep a record of all violations of the traffic ordinances of the 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. Such record shall accumulate during at least a five-year period and from that time on the record shall be maintained complete for at least for the most recent five-year period.
- (b) All forms for records of violations and notices of violations shall be serially numbered. For each month and year a written record shall be kept available to the public showing the disposal of such form.
- (c) All such records and reports shall be public records. (Ord. No. 866, § 1.).

Section 23.08.040 Accidents--Traffic division to investigate

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. (Ord. No. 866, § 1.)

Section 23.08.050 Same--Studies

Whenever the accidents at any particular location become numerous, the traffic division shall cooperate with the city traffic engineer in conducting studies of such accidents and determining remedial measures. (Ord. No. 866, § 1.)

Section 23.08.060 Same--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. (Ord. No. 866, § 1.)

Section 23.08.070 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. (Ord. No. 866, § 1.)

Article 23.12 Enforcement of and Obedience to Traffic Regulations

Sections:

- 23.12.010 Authority of police and fire department officials**
- 23.12.020 Traffic commission--Created; composition; chairman; appointment and terms of members; resignations and removals**
- 23.12.030 Same--Duties**
- 23.12.040 Obedience to chapter required**
- 23.12.050 Obedience to police officer or fireman required; fleeing or attempting to elude police officer**
- 23.12.060 Issuance of warrant**
- 23.12.070 Illegally parked vehicles--Issuance and affixing of citation**
- 23.12.080 Same--Failure to comply with citation**
- 23.12.090 Same--Presumption of ownership and parking of vehicle**
- 23.12.100 Certain nonmotorized traffic to obey traffic regulations**
- 23.12.110 Use of coasters, roller skates and similar devices restricted**
- 23.12.120 Public employees to obey traffic regulations**
- 23.12.130 Emergency vehicles**
- 23.12.140 Operation of vehicles on approach of authorized emergency vehicle**
- 23.12.150 Immediate notice of accidents; reports by garages or repair shops**

Section 23.12.010 Authority of police and fire department officials

- (a) 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 the city and all of the state vehicle laws.
- (b) 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.
- (c) 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. (Ord. No. 866, § 1.)

Section 23.12.020 Traffic commission--Created; composition; chairman; appointment and terms of members; resignations and removals

There is hereby established a traffic commission, to serve without compensation, consisting of the public works director, or in his discretion, his representative, the chief of police or, in his discretion, his representative, a City Commissioner, and a state highway patrol representative. There shall, in addition to the aforesaid members, be appointed five members from the electorate of the city, whose terms shall be for a period of three years. The board of city commissioners shall appoint one member for a term of five years, one member for a term of four

years, one member for a term of three years, one member for a term of two years and one member for a term of one year. Commencing on January 1, 2000, as the terms of office expire, the board of city commissioners shall make appointments for vacancy for three year terms. Any member of the commission may resign or may be removed at the will of the board of city commissioners. (Ord. No. 483, art. 2, paragraph 20-030; Ord. No. 511, paragraph 1; Ord. No. 898, § 1; Ord. No. 1200, § 1; Ord. No. 1247 § 1.)

Section 23.12.030 Same--Duties

It shall be the duty of the traffic commission, and it shall have the authority within the limits of the funds at its disposal, to coordinate traffic activities, to carry on educational activities in traffic matters, to supervise the preparation and publication of traffic reports, to receive complaints having to do with traffic matters and to recommend to the legislative body of the city, the city engineer, the chief of police and other city officials ways and means for improving traffic conditions and the administration and enforcement of traffic regulations. (Ord. No. 483, art. 2, paragraph 20-030; Ord. No. 511, paragraph 1; Ord. No. 898, § 1.)

Section 23.12.040 Obedience to chapter required

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 shall be punished as provided in section 20-162. (Ord. No. 866, § 1.)

Section 23.12.050 Obedience to police officer or fireman required; fleeing or attempting to elude police officer

- (a) No person shall willfully refuse to comply with any lawful order or direction of any police officer or fireman vested by law with authority to direct, control or regulate traffic. Such violation shall be a class B misdemeanor as required by state law.
- (b) Any driver of a motor vehicle who willfully fails or refuses to bring his vehicle to a stop, or who otherwise flees or attempts to elude a pursuing police vehicle when given a visual or audible signal to bring the vehicle to a stop, shall be guilty of a class B misdemeanor. The signal given by the police officer may be by hand, voice, emergency light or siren. The officer giving such signal shall be in uniform, prominently displaying his badge of office, and his vehicle shall be appropriately marked showing it to be an official police vehicle. (Ord. No. 866, § 1; Ord. No. 872, § 1.)

Section 23.12.060 Issuance of warrant

In the event any person fails to comply with a traffic citation given to such person or attached to a vehicle, or fails to make appearance pursuant to a summons directing an appearance in the municipal court, as the case may be, or if any person fails or refuses to deposit bail as required and within the time permitted by ordinance, the clerk of the municipal court shall secure and issue a warrant for his arrest. (Ord. No. 881, § 1.)

Section 23.12.070 Illegally parked vehicles--Issuance and affixing of citation

Whenever any motor vehicle without driver is found parked or stopped in violation of any of the restrictions imposed by ordinance of the city or by state law, the officer finding such vehicle shall take its registration number and may take any other information displayed on the vehicle which may identify its user and shall conspicuously affix to such vehicle a traffic citation on a form provided by the city auditor for the driver to answer to the charge against him within five days during the hours and at a place specified in the citation. (Ord. No. 881, § 1.)

Section 23.12.080 Same--Failure to comply with citation

If a violator of the restrictions of article 23.56 does not appear in response to a traffic citation affixed to such motor vehicle within a period of five days, the municipal court shall send the owner of the motor vehicle to which the traffic citation was affixed a letter informing him of the violation and warning him that in the event such letter is disregarded for a period of five days a warrant of arrest will be issued. (Ord. No. 881, § 1.)

Section 23.12.090 Same--Presumption of ownership and parking of vehicle

- (a) In any prosecution charging a violation of any law or regulation governing the standing or parking of a vehicle proof that the particular vehicle described in the complaint was parked in violation of any such law or regulation together with proof that the defendant named in the complaint was at the time of such parking the registered owner of such vehicle shall constitute in evidence a prima facie presumption that the registered owner of such vehicle was the person who parked or placed such vehicle at the point where and for the time during which such violation occurred.
- (b) The foregoing stated presumption shall apply only where the procedure as prescribed in sections 23.12.070 and 23.12.080 has been followed. (Ord. No. 881, § 1.)

Section 23.12.100 Certain nonmotorized traffic to obey traffic regulations

- (a) Every person propelling any pushcart 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 chapter 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.
- (b) 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 chapter except those provisions of this chapter which by their very nature can have no application. (Ord. No. 866, § 1.)

Section 23.12.110 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. (Ord. No. 866, § 1.)

Section 23.12.120 Public employees to obey traffic regulations

The provisions of this chapter 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 chapter or in the State Vehicle Code. (Ord. No. 866, §1.)

Section 23.12.130 Emergency vehicles

The provisions of North Dakota Century Code, sections 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 section.

(a) Class A Authorized Emergency Vehicles.

(1) The driver of a class A authorized emergency vehicle may:

- a. Park or stand, irrespective of the provisions of this chapter;
- b. Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;
- c. Exceed the speed limit so long as he does not endanger life or

property; and

- d. Disregard regulations governing directions of movement or turning in specified directions

(2) The exceptions herein granted to a class A authorized emergency vehicle shall apply only:

- a. When the authorized emergency vehicle is in pursuit of or apprehension of a violator or a suspected violator requiring the use of these exemptions;
- b. 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 or combination red and white lights which are visible under normal atmospheric conditions for at least five hundred feet (152.4 meters); or
- c. In any instance when the head of a law-enforcement agency deems advisable within the area of his jurisdiction for the protection of persons and property and when giving audible signal by siren or when giving adequate warning by use of a flashing red or combination red and white lights which are visible under normal

- atmospheric conditions for at least five hundred feet (152.4 meters).
- (3) No emergency vehicle shall display or permit to be displayed any red lamp except when operated on official business.
- (b) Class B Authorized Emergency Vehicles.
- (1) The driver of a class B authorized emergency vehicle may:
 - a. Park or stand, irrespective of the provisions of this chapter;
 - b. Exceed the speed limit so long as he does not endanger life or property during the time of a local or national disaster; and
 - c. Disregard regulations governing direction of movement or turning in specified directions.
 - (2) 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:
 - a. When it is necessary for the authorized emergency vehicle to use these exemptions for the immediate protection of life or property;
 - b. When an authorized emergency vehicle is stopped on a highway for the purpose of performing a duty as required of him; or
 - c. When traveling at a speed slower than the normal flow of traffic.
- (c) Class C Authorized Emergency Vehicle. All class B specifications apply to class C authorized emergency vehicles; except, that a rotating blue flashing light shall be displayed in place of an amber light as provided in section 39-10-03.1 of the North Dakota Century Code. The division of disaster emergency services shall be responsible for promulgating the rules for the use of flashing blue lights in accordance with chapter 28-32 of the North Dakota Century Code.
- (d) Any law-enforcement officer who has stopped another vehicle along a highway and is still involved in that incident, where flashing red or combination red and white lights were used in making the stop, may switch to the use of amber lights, visible under normal atmospheric conditions for at least five hundred feet (152.4 meters), for the purpose of maintaining traffic flow. (Ord. No. 866, § 1.)

Section 23.12.140 Operation of vehicles on approach of authorized emergency vehicle

The provisions of North Dakota Century Code, section 39-10-26, and all subsequent amendments, shall be and are hereby incorporated by reference in this section.

- (a) 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 to 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.
- (b) 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.

- (c) 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 highways. (Ord. No. 866, § 1.)

Section 23.12.150 Immediate notice of accidents; reports by garages or repair shops

- (a) 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 at least one thousand dollars, shall immediately give notice of the accident to the local police department if the accident occurs within a municipality. Any person who violates this section must be assessed a fine of one hundred dollars. The name of the motor vehicle insurance policy carrier and the policy number of the driver or, if the driver is not the owner of the vehicle, the motor vehicle insurance policy carrier and the policy number of the owner of the vehicle must be furnished to the law enforcement officer investigating the accident. If the driver does not have the required information concerning insurance to furnish to the investigating law enforcement officer, the driver shall, within five days of the accident, supply that information to the driver's license division in the form the division requires.
- (b) When it shall appear to the magistrate that any person has failed to give immediate notice in compliance with this section or has failed to furnish the necessary insurance information to the driver's license division within five days of the accident, should the person not have the required information at the time of the accident, the magistrate shall notify the highway commissioner of such failure, so that appropriate action may be taken pursuant to North Dakota Century Code, section 39-08-09.
- (c)
 - (1) An accident notice is not required from any person who is physically incapable of making the report during the period of such incapacity.
 - (2) 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 not given by the driver.
 - (3) Whenever the driver is physically incapable of giving notice of an accident and such driver is not the owner of the vehicle, the owner of the vehicle involved shall, within five days after learning of the accident, give such notice and insurance information not given by the driver.
- (d) 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 subsection (a) of this section 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 thereto 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 subsection requires and may begin repairs immediately. After repairs have been made and before the vehicle is released, the sticker provided for herein shall be removed. (Ord. No. 866, § 1; Ord. No. 972, §§ 1 to 3; Ord. No. 993, § 1; Ord. No. 1202, § 1.)

Article 23.16 Traffic-Control Devices

Sections:

23.16.010	Authority to install
23.16.020	Specifications
23.16.030	Traffic-control signal legend
23.16.040	Flashing signals
23.16.050	Pedestrian control signals
23.16.060	Designation of walks, lanes, etc.
23.16.070	Obedience to required traffic-control devices.
23.16.080	Unauthorized signs
23.16.090	Interference with official traffic-control devices or railroad signs or signals
23.16.100	Avoiding a Traffic Device

Section 23.16.010 Authority to install

The city engineer or any person authorized by the governing body shall place and maintain traffic-control signs, signals, traffic preemption devices and devices when and as required under the traffic ordinances of the city to make effective the provisions of such ordinances, and may place and maintain such additional traffic-control devices as he may deem necessary to regulate traffic under the traffic ordinances of the city or under state law, or to guide or warn traffic. (Ord. No. 866, § 1.)

Section 23.16.020 Specifications

All traffic-control signs, signals and devices shall conform to the specifications approved by the state highway commissioner pursuant to North Dakota Century Code, section 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. (Ord. No. 866, § 1.)

Section 23.16.030 Traffic-control signal legend

The provisions of North Dakota Century Code, section 39-10-05, and all subsequent amendments, shall be and are hereby incorporated by reference in this section.

Whenever traffic is controlled by traffic-control signals exhibiting different colored lights or colored lighted arrows, successively one at a time or in combination, only the colors green, red and yellow shall be used, except for special pedestrian signals carrying a word or legend, and such lights shall indicate and apply to drivers of vehicles and pedestrians as follows.

(a) **Green Indication.**

- (1) Vehicular traffic facing a circular green 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 intersections or an adjacent crosswalk at the time such signals are exhibited.

- (2) Vehicular traffic facing a green arrow signal, shown alone or in combination with another indication, may cautiously enter the intersection only to make the movement indicated by such arrow or such other movement as is permitted by other indications shown at the same time. Such vehicular traffic shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.
 - (3) Unless otherwise directed by a pedestrian-control signal as provided for in section 23.16.050, pedestrians facing any green signal, except when the sole green signal is a turn arrow, may proceed across the roadway within any marked or unmarked crosswalk.
- (b) Steady Yellow Indication.
- (1) Vehicular traffic facing a steady yellow signal is thereby warned that the related green movement is being terminated or that a red indication will be exhibited immediately thereafter when vehicular traffic shall not enter the intersection.
 - (2) Pedestrians facing a steady yellow signal unless otherwise directed by a pedestrian-control signal as provided for in section 23.16.050 are thereby advised that there is insufficient time to cross the roadway before a red indication is shown and no pedestrian shall then start to cross the roadway.
- (c) Steady Red Indication.
- (1) 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 for in paragraph (2) of this subsection.
 - (2) Except when a sign is in place prohibiting a turn, vehicular traffic facing a steady red signal may cautiously enter the intersection to turn right, or to turn left from a one-way street into a one-way street, after stopping as required by paragraph (1) of this subsection. Such vehicular traffic shall yield the right-of-way to pedestrians lawfully within adjacent crosswalk and to other traffic lawfully using the intersection.
 - (3) Unless otherwise directed by a pedestrian-control signal as provided for in section 23.16.050, pedestrians facing a steady red signal alone shall not enter the roadway.

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. (Ord. No. 866, § 1.)

Section 23.16.040 Flashing signals

The provisions of North Dakota Century Code, section 39-10-07, and all subsequent amendments, shall be and are hereby incorporated by reference in this section.

- (a) 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:
 - (1) 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.
 - (2) 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.
- (b) This section shall not apply at railroad grade crossings. Conduct of drivers of vehicles approaching railroad grade crossings shall be governed by the rules as set forth in section 23.32.060. (Ord. No. 866, § 1.)

Section 23.16.050 Pedestrian control signals

The provisions of North Dakota Century Code, section 39-10-06, and all subsequent amendments, shall be and are hereby incorporated by reference in this section.

- (a) "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;
- (b) "Don't Walk." No pedestrians 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. (Ord. No. 866, § 1.)

Section 23.16.060 Designation of walks, lanes, etc.

The city engineer or any person shall, when authorized by the governing body:

- (a) 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.
- (b) 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.
- (c) 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. (Ord. No. 866, § 1.)

Section 23.16.070 Obedience to required traffic-control devices.

The provisions of North Dakota Century Code, section 39-10-04, and all subsequent amendments, shall be and are hereby incorporated by reference in this section.

- (a) The driver of any vehicle shall obey the instruction 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.
- (b) 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 the devices are required, such statute shall be effective even though no devices are erected or in place.
- (c) Whenever official traffic-control devices are placed in positions approximately conforming to the requirements of this chapter, 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.
- (d) Any official traffic-control device placed pursuant to the provisions of this chapter and purporting to conform to the lawful requirements pertaining to services shall be presumed to comply with the requirement of this chapter, unless the contrary shall be established by competent evidence. (Ord. No. 866, § 1.)

Section 23.16.080 Unauthorized signs

No person shall place, maintain or display upon or in view of any street any authorized 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. (Ord. No. 866, § 1.)

Section 23.16.090 Interference with official traffic-control devices or railroad signs or signals

The provisions of North Dakota Century Code, section 39-10-07 3, and all subsequent amendments, shall be and are hereby incorporated by reference in this section.

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. (Ord. No. 866, § 1.)

Section 23.16.100 Avoiding a Traffic Device

It is unlawful for a driver of any motor vehicle to drive off of a street, highway, or other public way and across a parking lot, private drive, or other private property to another street, highway, or other public way, so as to avoid a traffic signal or sign or to take a “short-cut” across such parking lot, private drive, or private property from one street or highway to another.
(Ord. No. 1400 § 1)

Article 23.20 Speed Regulations

Sections:

23.20.010	Basic rule
23.20.020	Speed limitations generally
23.20.030	When local authorities may or shall alter maximum speed limits; posting of signs
23.20.040	Speed limitations inapplicable to certain emergency vehicles; liability of exempt driver for reckless driving
23.20.050	Minimum speed limits
23.20.060	Regulation of speed by traffic signals
23.20.065	Speed of trains
23.20.070	Exhibition driving and drag racing prohibited; penalty
23.20.080	Radar evidence in speed violations
23.20.090	Care required in operating vehicle
23.20.100	Use of Compression Brakes Prohibited

Section 23.20.010 Basic rule

The provisions of North Dakota Century Code, section 39-09-01, and all subsequent amendments, shall be and are hereby incorporated by reference in this section.

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. (Ord. No. 866, § 1.)

Section 23.20.020 Speed limitations generally

The provisions of North Dakota Century Code, section 29-09-02, and all subsequent amendments, shall be and are hereby incorporated by reference in this section.

Subject to the provisions of section 23.20.010 and state law regulating the speed of vehicles it shall be unlawful for any person to drive a vehicle at a speed in excess of 25 miles per hour or at a speed in excess of the speed limit when signs are in place giving notice thereof. (Ord. No. 866, § 1; Ord. No. 881, § 1; Ord. No. 938, § 1; Ord. No. 947, § 1; Ord. No. 955, § 1; Ord. No. 962, § 1; Ord. No. 1005, § 1; Ord. No. 1018, § 1; Ord. No. 1061, § 1; Ord. No. 1165 § 1.)

Section 23.20.030 When local authorities may or shall alter maximum speed limits; posting of signs

The provisions of North Dakota Century Code, section 39-09-03, and all subsequent amendments shall be and are hereby incorporated by reference in this section.

- (a) Whenever the city, on the basis of any engineering and traffic investigation, determines that the maximum speed permitted under this chapter 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:
 - (1) Decreases the limit at an intersection;
 - (2) Increases the limit within an urban district but not to more than fifty-five miles per hour; or
 - (3) Decreases the limit outside an urban district, but not to less than thirty-five miles per hour.
- (b) The city shall determine by an engineering and traffic investigation the proper maximum speed for arterial streets and shall declare a reasonable and safe maximum limit thereon which may be greater or less than the minimum speed permitted under this chapter for an urban district.
- (c) Any altered limit established as hereinabove authorized shall be effective at all times or during hours of darkness or at other times as may be determined when appropriate signs giving notice thereof are erected upon such street or highway.
- (d) Any alteration of maximum limits on state highways or extensions thereof in the municipality shall not be effective until such alteration has been approved by the state highway commissioner.
- (e) Not more than six such alterations as hereinabove authorized shall be made per mile along a street or highway except in the case of reduced limits at intersections, and the difference between adjacent limits shall not be more an ten miles (16.09 kilo-meters) per hour. (Ord. No. 866, § 1.)

Section 23.20.040 Speed limitations inapplicable to certain emergency vehicles; liability of exempt driver for reckless driving

The provisions of North Dakota Century Code, section 39-09-06, and all subsequent amendments, shall be and are hereby incorporated by reference in this section.

The speed limitations provided for in this article shall not apply to class A authorized emergency vehicles. The exceptions provided for in this section shall not protect the driver of any such vehicle from the consequences of a reckless disregard of the safety of others. (Ord. No. 866, § 1.)

Section 23.20.050 Minimum speed limits

The provisions of North Dakota Century Code, section 39-09-09, and all subsequent amendments, shall be and are hereby incorporated by reference in this section.

- (a) 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.
- (b) Whenever the state highway commissioner and the superintendent of the highway patrol, acting jointly, or the city, determine on the basis of 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. (Ord. No. 866, § 1.)

Section 23.20.060 Regulation 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 intersection and shall erect appropriate signs giving notice thereof. (Ord. No. 866, § 1.)

Section 23.20.065 Speed of trains

No person shall operate any locomotive engine, railroad car or train of cars across any street or sidewalk crossing any railroad in the city at a greater speed than the speed as set forth as the maximum allowable operating speed for the Classification of the track at such crossing, in Part 213.9 of the Code of Federal Regulations, but in no event shall the speed at any crossing exceed forty miles per hour. This speed restriction herein shall apply only to the engine or leading end of all trains.

All track in the City of Dickinson is currently classified as CLASS 3 Track. If the Classification of any track is changed, the railroad shall file with the City Administrator a notice specifying the new Classification. The allowable speed for the new Classification shall be effective upon the filing of said notice. (Ord. No. 1110, § 2; Ord. No. 1172 § 1.)

Section 23.20.070 Exhibition driving and drag racing prohibited; penalty

The provision of North Dakota Century Code, section 39-08-03.1, and all subsequent amendments, shall be and are hereby incorporated by reference in this section.

- (a) 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, nor shall any person engage in a race, a speed competition, drag race or acceleration contest, test of physical endurance, or exhibition of speed or acceleration. Any person who violates this section by engaging in an act defined by subsection (b) must be assessed a fee
- (b) As used in this section:
 - (1) "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.
 - (2) "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.

- (3) "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.
- (c) 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. (Ord. No. 866, § 1; Ord. No. 1202, §2.)

Section 23.20.080 Radar evidence in speed violations

The provisions of North Dakota Century Code, section 39-03-15, and all subsequent amendments, shall be and are hereby incorporated by reference in this section.

The speed of any motor vehicle may be checked by the use of radio microwaves or other electrical device. The results of such checks shall be accepted as prima facie evidence of the speed of such motor vehicle in any court or legal proceedings where the speed of the motor vehicle is at issue. The driver of any such motor vehicle may be arrested without a warrant under this section, provided the arresting officer is in uniform or displays his badge of authority; provided, that such officer has observed the record of the speed of such motor vehicle by the radio microwaves or other electrical device, or has received a radio message from the officer who observed the speed of the motor vehicle recorded by the radio microwaves or other electrical device. (Ord. No. 866, § 1.)

Section 23.20.090 Care required in operating vehicle

The provisions of North Dakota Century Code, section 39-09-01.1, and all subsequent amendments, shall be and are hereby incorporated by reference in this section.

Any person driving a vehicle upon a highway or upon public or private areas to which the public has a right of access for vehicular use in the City shall drive the vehicle in a careful and prudent manner, having due regard to the traffic, surface and width of the highway or said public or private areas and other conditions then existing, and shall give such warnings as are reasonably necessary for safe operation under the circumstances. No person may drive any vehicle upon a highway or upon public or private areas to which the public has a right of access for vehicular use in a manner to endanger the life, limb or property of any person. (Ord. No. 866, § 1; Ord. No. 1117 § 1.)

Section 23.20.100 Use of Compression Brakes Prohibited

It shall be unlawful for the operator of a motor vehicle to retard the forward motion of said vehicle through the use of compression brakes, commonly known as "jake brakes," which use the vehicle's engine compression to slow the engine's revolutions per minute. The fine for violating this section is forty dollars (\$40) (Ord. No. 1263 § 1; Ord. No. 1267 § 1.)

Article 23.24 Turning Movements

Sections:

23.24.010	Authority to place devices altering normal course for turns
23.24.020	Authority to place restricted turn signs
23.24.030	Obedience to signs required
23.24.040	Required position and method of turning at intersections
23.24.050	Vehicle turning left at intersection
23.24.060	Limitations on turning around
23.24.070	Turning movements and required signals generally
23.24.080	Signals by hand and arm or signal lamps
23.24.090	Methods of giving hand and arm signals

Section 23.24.010 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 prescribed by law. (Ord. No. 866, § 1.)

Section 23.24.020 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 maybe 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. (Ord. No. 866, § 1.)

Section 23.24.030 Obedience to signs required

Whenever authorized signs are erected indicating that no right or left or U turn is permitted, no driver of a vehicle shall disobey the direction of such sign. (Ord. No. 866, § 1.)

Section 23.24.040 Required position and method of turning at intersections

The provisions of North Dakota Century Code, section 39-10-35, and-all subsequent amendments, shall be and are hereby incorporated by reference in this section.

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

- (a) 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;
- (b) 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 centerline thereof and by passing to the right of such centerline 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 centerline 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;

- (c) **Left Turns on Other Than Two-Way Roadways.** At any intersection where traffic is restricted to one direction on one or more of the roadways, the driver of a vehicle intending to turn left at any such intersection shall approach the intersection in the extreme left-hand lane lawfully available to traffic moving in the direction of travel of such vehicle and after entering the intersection the left turn shall be made so as to leave the intersection, as nearly as practicable, in the left-hand lane lawfully available to traffic moving in such direction upon the roadway being entered.

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. (Ord. No. 866, § 1.)

Section 23.24.050 Vehicle turning left at intersection

The provisions of North Dakota Century Code, section 39-10-23, and all subsequent amendments, shall be and are hereby incorporated by reference in this section.

The driver of a vehicle intending to turn to the left within an intersection or into any 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. (Ord. No. 866, § 1.)

Section 23.24.060 Limitations on turning around

The provisions of North Dakota Century Code, section 39-10-36, and all subsequent amendments, shall be and are hereby incorporated by reference in this section.

- (a) The driver of any vehicle shall not turn such vehicle so as to proceed in the opposite direction unless such movement can be made in safety and without interfering with other traffic.
- (b) No vehicle shall be turned so as to proceed in the opposite direction upon any curve or upon the approach to or near the rest of a grade, where such vehicle cannot be seen by the driver of any other vehicle approaching from either direction within five hundred feet.
- (c) The driver of any vehicle shall not turn such vehicle so as to proceed in an opposite direction upon any street in a business district and shall not upon any other street so turn a vehicle unless such movement can be made in safety and without interfering with other traffic. (Ord. No. 866, § 1.)

Section 23.24.070 Turning movements and required signals generally

The provision of North Dakota Century Code, section 39-10-38, and all subsequent amendments, shall be and are hereby incorporated by reference in this section.

- (a) No person shall turn a vehicle at an intersection unless the vehicle is in proper position upon the roadway as required in section 23.29.040 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 movements 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.
- (b) A signal of intention to turn right or left when required shall be given continuously during not less than the last one hundred feet travelled by the vehicle before turning.
- (c) 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.
- (d) The signals required on vehicles by subsection (b) of section 23.24.080 shall not be flashed on one side only on a disabled vehicle, flashed as a courtesy or "do pass" signal to operators of other vehicles approaching from the rear, nor be flashed on one side only of a parked vehicle except as may be necessary for compliance with this section. (Ord. No. 866, § 1.)

Section 23.24.080 Signals by hand and arm or signal lamps

The provisions of North Dakota Century Code, section 39-10-39, and all subsequent amendments, shall be and are hereby incorporated by reference in this section.

- (a) 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 (b) of this section.
- (b) 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. (Ord. No. 866, § 1.)

Section 23.24.090 Methods of giving hand and arm signals

The provisions of North Dakota Century Code, section 39-10-40, and all subsequent amendments, shall be and are hereby incorporated by reference in this section.

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:

- (a) Left turn: Hand and arm extended horizontally.
- (b) Right turn: Hand and arm extended upward.

(c) Stop or decrease speed: Hand and arm extended downward. (Ord. No. 866, § 1.)

Article 23.28 One-Way Streets and Alleys

Sections:

23.28.010 Authority to designate; signs required

Section 23.28.010 Authority to designate; signs required

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. (Ord. No. 866, § 1.)

Article 23.32 Stop and Yield Intersections

Sections:

23.32.010	Stop signs and yield signs
23.32.16.100	Avoiding a Traffic Device
23.32.020	Additional provisions as to stop signs and yield signs
23.32.23.16.100	Avoiding a Traffic Device
23.32.030	Designated through streets
23.32.040	Emerging from alley, driveway, private road or building
23.32.050	Obedience to signal indicating approach of train
23.32.055	Obstruction of streets
23.32.060	All vehicles must stop at certain railroad grade crossings
23.32.070	Certain vehicles must stop at all railroad grade crossings

Section 23.32.010 Stop signs and yield signs

The provisions of North Dakota Century Code, section 39-10-44, and all subsequent amendments, shall be and are hereby incorporated by reference in this section.

- (a) Preferential right-of-way at an intersection may be indicated by stop signs or yield signs.
- (b) Every stop sign and every yield sign shall be erected as near as practicable to the nearest line of the crosswalk on the near side of the intersection or, if there is no crosswalk, then as near as practicable to the nearest line of the intersecting roadway.
- (c) 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 night time be rendered luminous by internal illumination, by a light projected on the face of the sign or by efficient reflecting elements in the face of the sign.
- (d) 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.
- (e) 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. (Ord. No. 866, § 1.)

Section 23.32.16.100 Avoiding a Traffic Device

Section 23.32.020 Additional provisions as to stop signs and yield signs

The provisions of North Dakota Century Code, section 39-10-24, and all subsequent amendments, shall be and are hereby incorporated by reference in this section.

- (a) Preferential right-of-way may be indicated by stop signs or yield signs.
- (b) 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, 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.
- (c) 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, at a 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 continue 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 or 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. (Ord. No. 866, § 1.)

Section 23.32.23.16.100 Avoiding a Traffic Device

Section 23.32.030 Designated through streets

The board of city commissioners, with reference to highways, streets, or parts thereof, under their jurisdiction, may, by resolution, designate as through streets, any highway, street, or part thereof. The provisions of NDCC, section 39-07-03, and all subsequent amendments, shall be and are hereby incorporated by reference in this section. (Ord. No. 919, § 1; Ord. No. 1018, § 2.)

Section 23.32.040 Emerging from alley, driveway, private road or building

The provisions of North Dakota Century Code, section 39-10-45, and all subsequent amendments, shall be and are hereby incorporated by reference in this section.

The driver of a vehicle emerging from any alley, driveway, private road or building within a business or residence district shall stop such vehicle immediately prior to driving onto a sidewalk or onto the sidewalk area extending across such alley, building entrance, road or driveway, or in the event there is no sidewalk area, shall stop at the point of approaching traffic thereof. (Ord. No. 866, § 1.)

Section 23.32.050 Obedience to signal indicating approach of train

The provisions of North Dakota Century Code, sections 39-10-41, and all subsequent amendments, shall be and are hereby incorporated by reference in this section.

- (a) Whenever any person driving a vehicle approaches a railroad grade crossing under any of the circumstances stated in this section, the driver of such vehicle shall stop within fifty feet 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:
 - (1) A clearly visible electric or mechanical signal device gives warning of the immediate approach of a railroad train;
 - (2) 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;
 - (3) 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
 - (4) An approaching railroad train is plainly visible and is in hazardous proximity to such crossing.
- (b) 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. (Ord. No. 866, § 1.)

Section 23.32.055 Obstruction of streets

No streets shall be obstructed by any standing locomotive, railroad car or train of cars within the city for a longer period than fifteen minutes. (Ord. No. 1110, § 1.)

Section 23.32.060 All vehicles must stop at certain railroad grade crossings

The provisions of North Dakota Century Code, section 39-10-42, and all subsequent amendments, shall be and are hereby incorporated by reference in this section.

The state highway department and the city, with respect to highways under their respective jurisdictions, are hereby authorized to designate particularly dangerous highway grade crossings of railroads and to erect stop signs there. 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. (Ord. No. 866, § 1.)

Section 23.32.070 Certain vehicles must stop at all railroad grade crossings

The provisions of North Dakota Century Code, section 39-10-43, and all subsequent amendments, shall be and are hereby incorporated by reference in this section.

- (a) The driver of a bus carrying passengers, or of any school bus carrying any school child, or of any vehicle carrying any chlorine, empty or loaded cargo tank vehicles used to transport dangerous articles or any liquid having a flashpoint below two hundred degrees Fahrenheit, cargo tank vehicles transporting a commodity having a temperature above its flashpoint at the time of loading, certain cargo tank vehicles transporting commodities under special permits issued by a hazardous materials regulations board, and every motor vehicle which must have the following placards: "explosives," "poison," "flammable oxidizers," "compressed gas," "corrosives," "flammable gas," "radio-active" 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 such 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.
- (b) No stop need be made at any such crossing at which traffic is controlled by a police officer. For the purposes of this section, a United States marshal shall be considered a police officer. (Ord. No. 866, § 1.)

Article 23.36 Miscellaneous Driving Rules

Sections:

- 23.36.010 Driver not to obstruct intersection or crosswalk**
- 23.36.020 Driving through funeral or other procession**
- 23.36.030 Processions--Generally**
- 23.36.040 Same--Funeral processions to be identified**
- 23.36.050 Same--When permits required**
- 23.36.060 Vehicles to be driven on right side of roadway; exceptions**
- 23.36.070 Passing vehicles proceeding in opposite directions**
- 23.36.080 Overtaking vehicle on left generally**
- 23.36.090 When overtaking on right is permitted**
- 23.36.100 Limitations on overtaking on left**
- 23.36.110 Further limitations on driving on left of center of roadway**
- 23.36.120 No-passing zones**
- 23.36.130 Driving on roadways laned for traffic**
- 23.36.140 Following too closely**
- 23.36.150 Driving on divided highways**
- 23.36.160 Entering or leaving restricted-access highways**
- 23.36.170 Restrictions on use of controlled-access roadways**
- 23.36.180 Vehicle entering roadway**
- 23.36.190 Vehicle approaching or entering intersection**
- 23.36.200 Overtaking and passing school bus**
- 23.36.210 Unattended motor vehicle**
- 23.36.220 Limitations on backing**
- 23.36.230 Obstruction of driver's view or driving mechanism**
- 23.36.240 Opening and closing vehicle doors**
- 23.36.250 Coasting prohibited**
- 23.36.260 Following fire apparatus prohibited**
- 23.36.270 Crossing fire hose**
- 23.36.280 Garbage, glass, etc., on highways prohibited**
- 23.36.290 Driving through safety zone prohibited**
- 23.36.300 Moving heavy equipment at railroad grade crossings**
- 23.36.310 Alteration of odometers, hour meters, etc.**
- 23.36.320 Open bottle law; penalty**
- 23.36.330 Permitting unauthorized minor to drive**
- 23.36.340 Permitting unauthorized person to drive**
- 23.36.350 Use of a wireless communications device prohibited**
- 23.36.360 Use of an electronic communication device by minor prohibited**

Section 23.36.010 Driver not to obstruct intersection or crosswalk

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. (Ord. No. 866, § 1.)

Section 23.36.020 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 article. This provision shall not apply at intersections where traffic is controlled by traffic-control signals or police officers. (Ord. No. 866, § 1.)

Section 23.36.030 Processions--Generally

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 and as close as is practicable and safe. (Ord. No. 866, § 1.)

Section 23.36.040 Same--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. (Ord. No. 866, § 1.)

Section 23.36.050 Same--When permits required

No funeral, procession or parade containing two hundred or more persons or fifty 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. (Ord. No. 866, § 1.)

Section 23.36.060 Vehicles to be driven on right side of roadway; exceptions

The provisions of North Dakota Century Code, section 39-10-08, and all subsequent amendments, shall be and are hereby incorporated by reference in this section.

- (a) Upon all roadways of sufficient width a vehicle shall be driven upon the right half of the roadway, except as follows:
 - (1) When overtaking and passing another vehicle proceeding in the same direction under the rules governing such movement;
 - (2) When an obstruction exists making it necessary to drive to the left of the center of the highway; provided, that 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;
 - (3) Upon a roadway divided into three marked lanes for traffic under the rules applicable thereto; or
 - (4) Upon a roadway restricted to one-way traffic.
- (b) 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 onto a private road or driveway.

- (c) 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 centerline 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 paragraph (2) of subsection (a) hereof. However, this subsection shall not be construed as prohibiting the crossing of the centerline in making a left turn into or from an alley, private road or driveway. (Ord. No. 866, § 1.)

Section 23.36.070 Passing vehicles proceeding in opposite directions

The provisions of North Dakota Century Code, section 39-10-09, and all subsequent amendments, shall be and are hereby incorporated by reference in this section.

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. (Ord. No. 866, § 1.)

Section 23.36.080 Overtaking vehicle on left generally

The provisions of North Dakota Century Code, section 39-10-11, and all subsequent amendments, shall be and are hereby incorporated by reference in this chapter.

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:

- (a) 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.
- (b) 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. (Ord. No. 866, § 1.)

Section 23.36.090 When overtaking on right is permitted

The provisions of North Dakota Century Code, section 39-10-12, and all subsequent amendments, shall be and are hereby incorporated by reference in this section.

- (a) The driver of a vehicle may overtake and pass upon the right of another vehicle only under the following conditions:
 - (1) When the vehicle overtaken is making or about to make a left turn; or
 - (2) Upon a roadway which unobstructed pavement of sufficient width for two or more lines of vehicles moving lawfully in the direction being traveled by the overtaking vehicle.

- (b) 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. (Ord. No. 866, § 1.)

Section 23.36.100 Limitations on overtaking on left

The provisions of North Dakota Century Code, section 39-10-13, and all subsequent amendments, shall be and are hereby incorporated by reference in this section.

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. (Ord. No. 866, § 1.)

Section 23.36.110 Further limitations on driving on left of center of roadway

The provisions of North Dakota Century Code, section 39-10-14, and all subsequent amendments, shall be and are hereby incorporated by reference in this section.

- (a) No vehicle shall be driven to the left side of the roadway under the following conditions:
 - (1) 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;
 - (2) When approaching within one hundred feet of or traversing any intersection or railroad grade crossing; or
 - (3) When the view is obstructed upon approaching within one hundred feet of any bridge, viaduct or tunnel.
- (b) The foregoing limitations shall not apply upon a one-way roadway, nor under the conditions described in section 23.36.060, nor to the driver of a vehicle turning left into or from an alley, private road or driveway. (Ord. No. 866, § 1.)

Section 23.36.120 No-passing zones

The provisions of North Dakota Century Code, section 39-10-15, and all subsequent amendments, shall be and are hereby incorporated by reference in this section.

- (a) 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.

- (b) Where signs or markings are in place to define a no-passing zone as set forth in subsection (a) hereof, no driver shall at any time drive on the left side of the roadway with such no-passing zone or on the left side of any pavement striping designed to mark such no-passing zone throughout its length.
- (c) This section does not apply under the conditions described in section 23.36.060 nor to the driver of a vehicle turning left into or from an alley, private road or driveway. (Ord. No. 866, § 1.)

Section 23.36.130 Driving on roadways laned for traffic

The provisions of North Dakota Century Code, section 39-10-17, and all subsequent amendments, shall be and are hereby incorporated by reference in this section.

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:

- (a) 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.
- (b) 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.
- (c) 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.
- (d) 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. (Ord. No. 866, § 1.)

Section 23.36.140 Following too closely

The provisions of North Dakota Century Code, section 39-10-18, and all subsequent amendments, shall be and are hereby incorporated by reference in this section.

- (a) 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.
- (b) 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.

- (c) 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. (Ord. No. 866, §1.)

Section 23.36.150 Driving on divided highways

The provisions of North Dakota Century Code, section 39-10-19, and all subsequent amendments, shall be and are hereby incorporated by reference in this section.

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 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. (Ord. No. 866, § 1.)

Section 23.36.160 Entering or leaving restricted-access highways

The provisions of North Dakota Century Code, section 39-10-20, and all subsequent amendments, shall be and are hereby incorporated by reference in this section.

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. (Ord. No. 866, § 1.)

Section 23.36.170 Restrictions on use of controlled-access roadways

The provisions of North Dakota Century Code, section 39-10-21, and all subsequent amendments, shall be and are hereby incorporated by reference in this section.

The 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 any class or kind of traffic which is found incompatible with the normal and safe movement of traffic.

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. (Ord. No. 866, § 1.)

Section 23.36.175 Closing road because of hazardous conditions – Posting of official traffic-control devices – Entering closed road prohibited.

The provisions of North Dakota Century Code, section 39-10-21.1, and all subsequent amendments, shall and are hereby incorporated by reference in this section.

An individual, while operating a motor vehicle, may not knowingly enter a road closed which is posted with an appropriate traffic-control device at the point of entry. Violation of this section is punishable by a fine as set forth in NDCC 39-06.1-06(2)(g).

Section 23.36.180 Vehicle entering roadway

The provisions of North Dakota Century Code, section 39-10-25, and all subsequent amendments, shall be and are hereby incorporated by reference in this section.

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. (Ord. No. 866, § 1.)

Section 23.36.190 Vehicle approaching or entering intersection

The provisions of North Dakota Century Code, section 39-10-22, and all subsequent amendments, shall be and are hereby incorporated by reference in this section.

- (a) 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.
- (b) The right-of-way rule declared in this section is modified at through highways and otherwise as stated in this chapter. (Ord. No. 866, § 1.)

Section 23.36.200 Overtaking and passing school bus

The provisions of North Dakota Century Code, section 39-10-46, and all subsequent amendments, shall be and are hereby incorporated by reference in this section.

- (a) The driver of a vehicle meeting or overtaking from either direction any school bus stopped on the highway shall stop the vehicle before reaching such school bus when there is in operation on such school bus the flashing red lights specified in North Dakota Century Code, section 39-21-18, and such 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.
- (b) 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.
- (c) Every school bus shall be equipped with red visual signals meeting the requirements of North Dakota Century Code, section 39-21-18, which may be

actuated by the driver of such 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 such special visual signals:

- (1) On city streets on which the receiving or discharging of school children is prohibited by ordinance;
- (2) At intersections or other places where traffic is controlled by traffic-control signals or police officers; or
- (3) In designated school bus loading areas where the bus is entirely off the

roadway.

- (d) 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. (Ord. No. 866, § 1.)

Section 23.36.210 Unattended motor vehicle

The provisions of North Dakota Century Code, section 39-10-51, and all subsequent amendments, shall be and are hereby incorporated by reference in this section.

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. (Ord. No. 866, § 1.)

Section 23.36.220 Limitations on backing

The provisions of North Dakota Century Code, section 39-10-52, and all subsequent amendments, shall be and are hereby incorporated by reference in this section.

- (a) The driver of a vehicle shall not back the same unless such movement can be made with safety and without interfering with other traffic.
- (b) The driver of a vehicle shall not back the same upon any shoulder or roadway of any controlled-access highway. (Ord. No. 866, § 1.)

Section 23.36.230 Obstruction of driver's view or driving mechanism

The provisions of North Dakota Century Code, section 39-10-54, and all subsequent amendments, shall be and are hereby incorporated by reference in this section.

- (a) 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.
- (b) 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. (Ord. No. 866, § 1.)

Section 23.36.240 Opening and closing vehicle doors

The provisions of North Dakota Century Code, section 39-10-54.1, and all subsequent amendments, shall be and are hereby incorporated by reference in this section.

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. (Ord. No. 866, § 1.)

Section 23.36.250 Coasting prohibited

The provisions of North Dakota Century Code, section 39-10-56, and all subsequent amendments, shall be and are hereby incorporated by reference in this section.

- (a) 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.
- (b) The driver of a truck or bus, when traveling upon a downgrade, shall not coast with the clutch disengaged. (Ord. No. 866, § 1.)

Section 23.36.260 Following fire apparatus prohibited

The provisions of North Dakota Century Code, section 39-10-57, and all subsequent amendments, shall be and are hereby incorporated by reference in this section.

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. (Ord. No. 866, § 1.)

Section 23.36.270 Crossing fire hose

The provisions of North Dakota Century Code, section 39-10-58, and all subsequent amendments, shall be and are hereby incorporated by reference in this section.

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 consent of the fire department official in command. (Ord. No. 866, § 1.)

Section 23.36.280 Garbage, glass, etc., on highways prohibited

The provisions of North Dakota Century Code, section 39-10-59, and all subsequent amendments, shall be and are hereby incorporated by reference in this section.

- (a) 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.
- (b) 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.
- (c) 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. (Ord. No. 866, § 1.)

Section 23.36.290 Driving through safety zone prohibited

The provisions of North Dakota Century Code, section 39-10-64, and all subsequent amendments, shall be and are hereby incorporated by reference in this section.

No vehicle shall at any time be driven through or within a safety zone. (Ord. No. 866, § 1.)

Section 23.36.300 Moving heavy equipment at railroad grade crossings

The provisions of North Dakota Century Code, section 39-10-67, and all subsequent amendments, shall be and are hereby incorporated by reference in this section.

- (a) 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.
- (b) 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.
- (c) No such crossing shall be made when warning is given by automatic signal or crossing gates or 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. (Ord. No. 866, § 1.)

Section 23.36.310 Alteration of odometers, hour meters, etc.

The provision of North Dakota Century Code, section 39-21-51, and all subsequent amendments, shall be and are hereby incorporated by reference in this section.

Any person altering a motor vehicle odometer or other mileage recorder, hour meter, tachometer or other hour recorder for the purpose of deceiving another shall be guilty of an infraction. (Ord. No. 866, § 1.)

Section 23.36.320 Open bottle law; penalty

- (a) A person may not drink or consume alcoholic beverages, as defined in NDCC section 5-01-01, in or on any motor vehicle when the vehicle is upon a public highway or in an area used principally for public parking. A person may not 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 alcoholic beverages which has been opened, or the seal broken, or the contents of which have been partially removed. It is 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 have been partially removed except when such bottle or receptacle is 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 must be deemed to be within the area occupied by the driver and passengers. This subsection does not prohibit the consumption or possession of alcoholic beverages in a house car, as defined by subsection 25 of NDCC section 39-01-01, if the consumption or possession occurs in the area of the house car used as sleeping or living quarters and that area is separated from the driving compartment by a solid partition, door, curtain, or some similar means of separation; however, consumption is not authorized while the house car is in motion. Any person violating this subsection must be assessed a fee of one hundred dollars; however, the licensing authority may not record the violation against the person's driving record unless the person was the driver of the motor vehicle at the time that the violation occurred.

- (b) Subsection 1 does not apply to public conveyance that has been commercially chartered for group use, any passenger for compensation in a for-hire motor vehicle, or a privately owned motor vehicle operated by a person in the course of that person's usual employment transporting passengers at the employer's direction. This subsection does not authorize possession or consumption of an alcoholic beverage by the operator of any motor vehicle described in this subsection while upon a public highway or in an area used principally for public parking. (Ord. No. 866, § 1; Ord. No. 1080, §§ 1, 2; Ord. No. 1202, § 9.)

Section 23.36.330 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. (Ord. No. 866, § 1.)

Section 23.36.340 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. (Ord. No. 866, § 1.)

Section 23.36.350 Use of a wireless communications device prohibited.

1. The operator of a motor vehicle that is part of traffic may not use a wireless communications device to compose, read, or send an electronic message.
2. Under this section:
 - a. “Electronic message” means a self-contained piece of digital communication that is designed or intended to be transmitted between physical devices. The term includes e-mail, a text message, an instant message, a command or request to

access a world wide web page, or other data that uses a commonly recognized electronic communications protocol. The term does not include:

- (1) Reading, selecting, or entering a telephone number, an extension number, or voice mail retrieval codes and commands into an electronic device for the purpose of initiating or receiving a telephone or cellular phone call or using voice commands to initiate or receive a telephone or cellular phone call;
 - (2) Inputting, selecting, or reading information on a global positioning system device or other navigation system device;
 - (3) Using a device capable of performing multiple functions, such as fleet management systems, dispatching devices, smart phones, citizen band radios, music players, or similar devices, for a purpose that is not otherwise prohibited;
 - (4) Voice or other data transmitted as a result of making a telephone or cellular phone call; or
 - (5) Data transmitted automatically by a wireless communication device without direct initiation by an individual.
- b. "Traffic" means operation of a motor vehicle while in motion or for the purposes of travel on any street or highway and includes a temporary stop or halt of motion, such as at an official traffic-control signal or sign. The term does not include a motor vehicle that is lawfully parked.
3. This section does not apply if a wireless communications device is used for obtaining emergency assistance to report a traffic accident, medical emergency, or serious traffic hazard or to prevent a crime about to be committed, in the reasonable belief that an individual's life or safety is in immediate danger, or in an authorized emergency vehicle while in the performance of official duties. (Ord. No. 1425, § 1.)

Section 23.36.360 Use of an electronic communication device by minor prohibited.

An individual at least sixteen and under eighteen years of age who has been issued a class D license may not operate an electronic communication device to talk, compose, read, or send an electronic message while operating a motor vehicle that is in motion unless the sole purpose of operating the device is to obtain emergency assistance, to prevent a crime about to be committed, or in the reasonable belief that an individual's life or safety is in danger. (Ord. No. 1425, § 2.)

Article 23.40 Pedestrians' Rights and Duties

Sections:

23.40.010	Obedience to traffic-control devices and traffic regulations
23.40.020	Right-of-way in crosswalks
23.40.030	Crossing other than at crosswalks
23.40.040	Drivers to exercise due care
23.40.050	Pedestrians to use right half of crosswalks
23.40.060	Use of roadways
23.40.070	Right-of-way on sidewalks
23.40.080	Pedestrians to yield to authorized emergency vehicles
23.40.090	Blind pedestrian to have right-of-way
23.40.100	Pedestrians under influence of alcohol or drugs
23.40.110	Bridge and railroad signals
23.40.120	Soliciting rides or business

Section 23.40.010 Obedience to traffic-control devices and traffic regulations

The provisions of North Dakota Century Code, section 39-10-27, and all subsequent amendments, shall be and are hereby incorporated by reference in this section.

- (a) A pedestrian shall obey the instructions of any official traffic-control device specially applicable to him, unless otherwise directed by a police officer.
- (b) Pedestrians shall be subject to traffic and pedestrian-control signals as provided for in sections 23.16.030 and 23.16.050. (Ord. No. 866, § 1.)

Section 23.40.020 Right-of-way in crosswalks

The provisions of North Dakota Century Code, section 39-10-28, and all subsequent amendments, shall be and are hereby incorporated by reference in this section.

- (a) 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.
- (b) 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.
- (c) Subsection (a) of this section shall not apply under the conditions in subsection (b) of section 23.44.030.
- (d) 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. (Ord. No. 866, § 1.)

Section 23.40.030 Crossing other than at crosswalks

The provisions of North Dakota Century Code, section 39-10-29, and all subsequent amendments, shall be and are hereby incorporated by reference in this section.

- (a) 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.
- (b) 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.
- (c) Between adjacent intersections at which traffic-control devices are in operation pedestrians shall not cross at any place except in a marked crosswalk.
- (d) 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. (Ord. No. 866, § 1.)

Section 23.40.040 Drivers to exercise due care

The provisions of North Dakota Century Code, section 39-10-30, and all subsequent amendments, shall be and are hereby incorporated by reference in this section.

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. (Ord. No. 866, § 1.)

Section 23.40.050 Pedestrians to use right half of crosswalks

The provisions of North Dakota Century Code, section 39-10-32, and all subsequent amendments, shall be and are hereby incorporated by reference in this section.

Pedestrians shall move, whenever practicable, upon the right half of crosswalks. (Ord. No. 866, § 1.)

Section 23.40.060 Use of roadways

The provisions of North Dakota Century Code, section 39-10-33, and all subsequent amendments, shall be and are hereby incorporated by reference in this section.

- (a) 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.
- (b) 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.
- (c) 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.

- (d) 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. (Ord. No. 866, § 1.)

Section 23.40.070 Right-of-way on sidewalks

The provisions of North Dakota Century Code, section 39-10-33.1, and all subsequent amendments, shall be and are hereby incorporated by reference in this section.

The driver of a vehicle shall yield the right-of-way to any pedestrian on sidewalk. (Ord. No. 866, § 1.)

Section 23.40.080 Pedestrians to yield to authorized emergency vehicles

The provisions of North Dakota Century Code, section 39-10-33.2, and all subsequent amendments, shall be and are hereby incorporated by reference in this section.

- (a) 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.
- (b) 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. (Ord. No. 866, § 1.)

Section 23.40.090 Blind pedestrian to have right-of-way

The provisions of North Dakota Century Code, section 39-10-33.3, and all subsequent amendments, shall be and are hereby incorporated by reference in this section.

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. (Ord. No. 866, § 1.)

Section 23.40.100 Pedestrians under influence of alcohol or drugs

The provisions of North Dakota Century Code, section 39-10-33.4, and all subsequent amendments, shall be and are hereby incorporated by reference in this section.

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. (Ord. No. 866, § 1.)

Section 23.40.110 Bridge and railroad signals

The provisions of North Dakota Century Code, section 39-10-33.5, and all subsequent amendments, shall be and are hereby incorporated by reference in this section.

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. (Ord. No. 866, § 1.)

Section 23.40.120 Soliciting rides or business

The provisions of North Dakota Century Code, section 39-10-34, and all subsequent amendments, shall be and are hereby incorporated by reference in this section.

- (a) No person shall stand in a roadway for the purpose of soliciting a ride.
- (b) No person shall stand in a roadway for the purpose of soliciting employment, business or contributions from the occupant of any vehicle.
- (c) 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. (Ord. No. 866, § 1.)

Article 23.44 Motorcycles

Sections:

23.44.010	Applicability of traffic laws
23.44.020	Riding on motorcycles
23.44.030	Operating motorcycles on roadways laned for traffic
23.44.040	Clinging to other vehicles
23.44.050	Footrests
23.44.060	Equipment for riders
23.44.070	Other applicable law

Section 23.44.010 Applicability of traffic laws

The provisions of North Dakota Century Code, section 39-10.2-01, and all subsequent amendments, shall be and are hereby incorporated by reference in this section.

Every person operating a motorcycle shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of any other vehicle under this chapter, except as to special regulations in this article and except as to those provisions of this chapter which by their nature can have no application. (Ord. No. 866, § 1.)

Section 23.44.020 Riding on motorcycles

The provisions of North Dakota Century Code, section 39-10.2-02, and all subsequent amendments, shall be and are hereby incorporated by reference in this chapter.

- (a) 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.
- (b) A person shall ride upon a motorcycle only while sitting astride the seat, facing forward, with one leg on each side of the motorcycle.
- (c) No person shall operate a motorcycle while carrying any package, bundle or other article which prevents him from keeping both hands on the handlebars.
- (d) 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. (Ord. No. 866, § 1.)

Section 23.44.030 Operating motorcycles on roadways laned for traffic

The provisions of North Dakota Century Code, section 39-10.2-03, and all subsequent amendments, shall be and are hereby incorporated by reference in this section.

- (a) All motorcycles are entitled to a 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 (d) hereof.

- (b) The operator of a motorcycle shall not overtake and pass in the same lane occupied by the vehicle being overtaken.
- (c) No person shall operate a motorcycle between lanes of traffic or between adjacent lines or rows of vehicles.
- (d) Motorcycles shall not be operated more than two abreast in a single lane.
- (e) Subsections (b) and (c) above shall not apply to police officers in the performance of their official duties. (Ord. No. 866, § 1.)

Section 23.44.040 Clinging to other vehicles

The provisions of North Dakota Century Code, section 39-10.2-04, and all subsequent amendments, shall be and are hereby incorporated by reference in this section.

No person riding upon a motorcycle shall attach himself or the motorcycle to any other vehicle on a roadway. (Ord. No. 866, § 1.)

Section 23.44.050 Footrests

The provisions of North Dakota Century Code, section 39-10.2-05, and all subsequent amendments, shall be and are hereby incorporated by reference in this section.

Any motorcycle carrying a passenger, other than in a sidecar or enclosed cab, shall be equipped with foot rests for such passengers. (Ord. No. 866, § 1.)

Section 23.44.060 Equipment for riders

The provisions of North Dakota Century Code, section 39-10.2-06, and all subsequent amendments, shall be and are hereby incorporated by reference in this section.

- (a) No person under the age of eighteen years shall operate or ride upon a motorcycle unless protective head gear, which complies with standards established by the motor vehicle department, is being worn on the head of the operator and rider, except when participating in a lawful parade. If the operator of a motorcycle is required to wear protective head gear, any passenger must also wear protective head gear regardless of the age of the passenger.
- (b) No person shall operate a motorcycle within the city limits when such person has a passenger upon such motorcycle under the age of fourteen years unless such passenger or person who rides upon such motorcycle wears protective head gear which complies with standards established by the motor vehicle department, except when participating in a lawful parade.
- (c) This section shall not apply to persons riding within an enclosed cab or on a golf cart. (Ord. No. 866, § 1.)

Section 23.44.070 Other applicable law

The provisions of North Dakota Century Code, section 39-10.2-07, and all subsequent amendments, shall be and are hereby incorporated by reference in this section.

All of the provisions of article 23.80 of this chapter derived from North Dakota Century Code, chapter 39-06.1, pertaining to the disposition of traffic offenses, shall apply to this article. (Ord. No. 866, § 1.)

Article 23.46 Motorized Skateboards and Motorized Scooters

Sections:

- 23.46.010. Motorized skateboard or motorized scooter--definition.**
- 23.46.020. Application of traffic laws.**
- 23.46.030. Responsibility of parents, guardians and custodians.**
- 23.46.040. Prohibited operation.**
- 23.46.050. General operating restrictions.**
- 23.46.060. Operating restrictions on roadway.**
- 23.46.070. Required safety equipment.**
- 23.46.080. License--Required.**
- 23.46.100. Violations.**

Section 23.46.010. Motorized skateboard or motorized scooter--definition.

Motorized skateboard or motorized scooter means a self-propelled device which has a motor or engine, a deck on which a person may ride and at least two (2) wheels in contact with the ground and which is not otherwise defined in NDCC §39-01-01(38), as amended, as a "motor vehicle." (Ord. No. 1281 § 1.)

Section 23.46.020. Application of traffic laws.

- (a) All traffic laws shall apply to persons riding on motorized skateboards or motorized scooters. Every person operating a motorized skateboard or motorized scooter 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 the laws of this state declaring rules of the road applicable to vehicles, or by the traffic regulations of this city applicable to the driver of a vehicle, except as to special regulations in this chapter and except as to those provisions which by their nature can have no application.
- (b) This section shall not be construed to require the licensing or registration of motorized skateboards or motorized scooters, or the carrying of insurance covering accidents involving motorized skateboards or motorized scooters.
- (c) It is unlawful for any person operating a motorized skateboard or motorized scooter not to obey the instructions of official traffic-control signals, signs and other traffic direction devices applicable to vehicles, unless otherwise directed by a police officer. (Ord. No. 1281 §1.)

Section 23.46.030. Responsibility of parents, guardians and custodians.

No person shall, if a parent, guardian or custodian of a child, authorize or knowingly permit any child to violate this article. (Ord. No. 1281 §1.)

Section 23.46.040. Prohibited operation.

No person shall operate a motorized skateboard or motorized scooter:

- (1) On any sidewalk in the city, except for use in crossing such sidewalk by the most direct route to gain access to any public or private road or driveway;
- (2) In any city parking structure or city park, except for use on public roadways within such park;
- (3) On any public property that has been posted or designed by the owner of such property as an area prohibiting "skateboards";
- (4) On any public roadway consisting of a total of four (4) or more marked traffic lanes, or having an established speed limit of greater than twenty-five (25) miles per hour; or
- (5) On any private property of another, or any public property which is not held open to the public for vehicle use, without the written permission of the owner, the person entitled to immediate possession of the property, or the authorized agent of either. (Ord. No. 1281 §1.)

Section 23.46.050. General operating restrictions.

- (a) No child under the age of fourteen (14) shall operate a motorized skateboard or motorized scooter.
- (b) No person shall operate a motorized skateboard or motorized scooter in excess of the posted speed limit or at a speed greater than is reasonable and prudent under the circumstances then existing.
- (c) The operator of a motorized skateboard or motorized scooter, approaching a sidewalk, bicycle path, bicycle lane or multi-use path in order to cross such, shall yield the right-of-way to all other users.
- (d) Motorized skateboards or motorized scooters may be operated on a path or lane that is designated as a bicycle path or lane by state or local authorities. However, motorized skateboard or motorized scooter operators on said bicycle path or lane shall yield at all times to other users.
- (e) No operator shall allow passengers when the motorized skateboard or motorized scooter is in operation or motion.
- (f) No person operating or riding upon a motorized skateboard or motorized scooter shall attach themselves in any manner to any other vehicle.
- (g) No person shall operate a motorized skateboard or motorized scooter while carrying any package, bundle or article which prevents the operator from keeping both hands upon the steering mechanism at all times.
- (h) No person, other than the owner, shall operate a motorized skateboard or motorized scooter without the written permission of the owner.
- (i) No person shall operate a motorized skateboard or motorized scooter that has been structurally altered from the original manufacturer's design.
- (j) No person shall operate a motorized skateboard or motorized scooter in a crosswalk. (Ord. No. 1281 §1.)

Section 23.46.060. Operating restrictions on roadway.

- (a) A person operating a motorized skateboard or motorized scooter on a roadway at less than the normal speed of traffic, at the time and place and under the then existing conditions, shall ride as close as practicable to the right-hand curb or edge of the roadway, except under the following conditions and when the movement can be made safely:
 - (1) If overtaking and passing a bicycle or vehicle proceeding in the same direction;
 - (2) In preparing for a left turn at an intersection or into a private roadway or driveway;
 - (3) If reasonably necessary to avoid hazardous conditions ahead in the roadway; or
 - (4) If the lane in which the person is operating the motorized skateboard or motorized scooter is too narrow for a motorized skateboard or motorized scooter and a bicycle or another vehicle to travel safely side by side within the lane.
- (b) No operator of a motorized skateboard or motorized scooter shall transport extra fuel in a separate container or alter the fuel reservoir from the original manufacturer's design. This includes the prohibition of physically attaching fuel packs or containers to the operator's person.
- (c) Persons operating motorized skateboards or motorized scooters on the roadway shall not ride more than two (2) abreast. (Ord. No. 1281 §1.)

Section 23.46.070. Required safety equipment.

- (a) No person shall operate a motorized skateboard or motorized scooter without a head lamp emitting a beam and a red rear reflector anytime from sunset to sunrise, or any other time when there is not sufficient light to render clearly discernible, persons or vehicles on the roadway.
 - (1) A head lamp shall emit a white light and be visible from the front at a distance no less than five hundred (500) feet;
 - (2) A rear red reflector shall be visible when illuminated by a vehicle head lamp from a distance of not less than three hundred (300) feet; and
 - (3) A rear red lamp visible from a distance of five hundred (500) feet to the rear may be used in addition to the rear red reflector.
- (b) No person shall operate a motorized skateboard or motorized scooter unless it is equipped with a brake which enables the operator to make a braked wheel(s) skid on pavement.
- (c) Any operator of a motorized skateboard or motorized scooter under the age of eighteen (18) years being operated on a roadway shall at all times wear a protective helmet on his or her head in an appropriate and safely secured manner. The helmet shall meet minimum standards of testing and safety inspected by the bicycle industry.
- (d) No person shall operate a motorized skateboard or motorized scooter without wearing footwear. The footwear must have a sole and completely cover the feet and toes. (Ord. No. 1281 §1.)

Section 23.46.080. License--Required.

No person who resides within the City shall ride a motorized skateboard or motorized scooter on any street or upon any public path set aside for use of bicycles unless such motorized

skateboard or motorized scooter has been licensed and a license plate or decal is attached thereto, as provided in Chapter 6 regarding bicycles. (Ord. No. 1281 §1.)

Section 23.46.100. Violations.

Violations of any of the sections of this article concerning motorized skateboards or motorized scooters are designated as civil traffic violations and shall be prosecuted in the same manner as provided by law for other civil traffic violations. (Ord. No. 1281 §1.)

Article 23.48 Bicycles

Sections:

23.48.010	Effect of regulations
23.48.020	Applicability of traffic laws
23.48.030	Obedience to traffic-control devices
23.48.040	Riding on sidewalks
23.48.050	Riding on roadways and bicycle paths
23.48.060	Clinging to vehicles
23.48.070	Carrying articles
23.48.080	Lamps and other equipment
23.48.090	Riding on bicycles; motorized bicycles; age of operator
23.48.100	Parking
23.48.110	Penalties
23.48.120	Point system not applicable

Section 23.48.010 Effect of regulations

- (a) It is a violation of this article for any person to do any act forbidden or fail to perform any act required in this article.
- (b) 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 article.
- (c) Those 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. (Ord. No. 866, § 1.)

Section 23.48.020 Applicability of traffic laws

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 chapter, except as to special regulations in this article and except as to those provisions of this chapter which by their nature can have no application. (Ord. No. 866, § 1.)

Section 23.48.030 Obedience to traffic-control devices

- (a) Any person operating a bicycle shall obey the instructions of official traffic-control devices applicable to vehicles, unless otherwise directed by a police officer.
- (b) Whenever authorized signs are erected indicating that no right, 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. (Ord. No. 866, § 1.)

Section 23.48.040 Riding on sidewalks

- (a) No person shall ride a bicycle upon a sidewalk within a business district.
- (b) 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.

- (c) 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. (Ord. No. 866, § 1.)

Section 23.48.050 Riding on roadways and bicycle paths

The provisions of North Dakota Century Code, section 39-10.1-05, and all subsequent amendments, shall be and are hereby incorporated by reference in this section.

- (a) 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.
- (b) Persons riding bicycles upon a roadway shall not ride more than one abreast except on paths or parts of roadways set aside for the exclusive use of bicycles.
- (c) 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. (Ord. No. 866, § 1.)

Section 23.48.060 Clinging to vehicles

The provisions of North Dakota Century Code, section 39-10.1-04, and all subsequent amendments, shall be and are hereby incorporated by reference in this section.

No person riding upon any bicycle, coaster, rollerskates, sled or toy vehicle shall attach the same or himself to any vehicle upon a roadway, except a sled being pulled by a snowmobile. (Ord. No. 866, § 1.)

Section 23.48.070 Carrying articles

The provisions of North Dakota Century Code, section 39-10.1-06, and all subsequent amendments, shall be and are hereby incorporated by reference in this section.

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. (Ord. No. 866, § 1.)

Section 23.48.080 Lamps and other equipment

The provisions of North Dakota Century Code, section 39-10.1-07, and all subsequent amendments, shall be and are hereby incorporated by reference in this section.

Every bicycle, when in use at night, shall be equipped with a lamp on the front which shall emit a 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. (Ord. No. 866, § 1.)

Section 23.48.090 Riding on bicycles; motorized bicycles; age of operator

The provisions of North Dakota Century Code, sections 39-10.1-03 and 39-10.1-07, and all subsequent amendments, shall be and are hereby incorporated by reference in this section.

- (a) A person propelling a bicycle shall not ride other than upon or astride a permanent and regular seat attached thereto.
- (b) No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped.
- (c) No person under fourteen years of age may operate a motorized bicycle. (Ord. No. 866, § 1.)

Section 23.48.100 Parking

No person shall park a bicycle upon a street other than upon the roadway against the curb, upon the sidewalk in a rack to support the bicycle, against a building or at the curb, in such manner as to afford the least obstruction to pedestrian traffic. (Ord. No. 866, § 1.)

Section 23.48.110 Penalties

Every person convicted of a violation of any provision of this article shall be punished by a fine of not more than fifty dollars or by impoundment of such person's bicycle for a period not to exceed ninety days or by any combination thereof. (Ord. No. 866, § 1.)

Section 23.48.120 Point system not applicable

The provisions of North Dakota Century Code, section 39-10.1-08, and all subsequent amendments, shall be and are hereby incorporated by reference in this section.

Any violation of the provisions of this chapter, or any moving violation as defined in section 23.80.090, when committed on a bicycle as defined in section 23.04.010, shall not be cause for the licensing authority to assess points against the driving record of the violator pursuant to North Dakota Century Code, section 39-06.1-10. Any other legally authorized penalty for a criminal traffic offense or noncriminal traffic violation shall be applicable to bicyclists. (Ord. No. 866, § 1.)

Article 23.52 Angle Parking

Sections:

23.52.010 **Generally**

Section 23.52.010 **Generally**

The city engineer or other person authorized by the governing body may mark or sign streets upon which angle parking will be permitted (other than federal aid or state highways). Upon those streets which have been signed or marked for angle parking, no person shall park or stand a vehicle other than at the angle to the curb or edge of roadway indicated by such signs or markings. (Ord. No. 866, § 1.)

Article 23.56 Stopping, Standing or Parking Generally

Sections:

- 23.56.010** Outside of business or residence districts
- 23.56.020** Removal of illegally stopped vehicles--Authority of police officers
- 23.56.030** Same--Generally
- 23.56.040** Same--Recovery; costs; disposal of unclaimed vehicles
- 23.56.050** Prohibited in certain areas
- 23.56.060** Additional parking regulations
- 23.56.070** Where prohibited at all times
- 23.56.080** Parking of trucks, trailers, semitrailers, delivery cars and other commercial vehicles
- 23.56.090** Parking for certain purposes prohibited
- 23.56.100** Stopping, etc., in congested or hazardous places
- 23.56.110** Parking, etc., in alleys
- 23.56.120** Parking adjacent to schools
- 23.56.130** Prohibited on narrow streets
- 23.56.140** One-way streets
- 23.56.150** One-way roadways
- 23.56.160** Parking privileges for physically handicapped; certificate; revocation of privilege
- 23.56.170** Prohibited at all times on certain streets
- 23.56.180** Prohibited during certain hours on certain days and streets for cleaning purposes
- 23.56.190** Snow emergency routes--Defined; designated
- 23.56.200** Same--Parking on
- 23.56.210** Same--Declaration of snow emergency
- 23.56.220** Same--Signs to mark
- 23.56.230** Same--Removal of stalled vehicles
- 23.56.240** Same--Impoundment of illegally stopped vehicles
- 23.56.250** Evidence with respect to vehicles parked or left in violation of article
- 23.56.260** Prohibited during certain hours and days.
- 23.56.270** Parking by employers, employees and public servants prohibited in certain downtown areas
- 23.56.280** Assessment of businesses benefitted by certain parking lots; reassessment upon change in use
- 23.56.290** Leaving vehicle parked in one place for more than forty-eight hours; impoundment and notice procedures
- 23.56.300** Restricted time parking zone
- 23.56.310** Five minute parking zone for U.S. Post Office
- 23.56.320** City parking lots
- 23.56.330** Marking of parking spaces; parking within spaces
- 23.56.340** Parking across lines or in driveway
- 23.56.345** Penalty for parking violations.
- 23.56.346** Temporary occupation permit.
- 23.56.347** Permit process.
- 23.56.348** Permit fees.
- 23.56.350** Penalty

Section 23.56.010 Outside of business or residence districts

The provisions of North Dakota Century Code, section 39-10-47, and all subsequent amendments, shall be and are hereby incorporated by reference in this section.

- (a) 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 such highway, but in every event an obstructed width of the highway of not less than twelve feet opposite a standing vehicle shall be left for the free passage of the 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.
- (b) This section and sections 23.56.050 and 23.56.060 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. (Ord. No. 866, § 1.)

Section 23.56.020 Removal of illegally stopped vehicles-- Authority of police officers

The provisions of North Dakota Century Code, section 39-10-48, and all subsequent amendments, shall be and are hereby incorporated by reference in this section.

- (a) Whenever any police officer finds a vehicle standing upon a highway in violation of any of the provisions of section 23.56.010, 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.
- (b) Whenever any police officer finds a vehicle unattended upon any highway, bridge or crossway, 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.
- (c) 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:
 - (1) A report has been made that such vehicle has been stolen or taken without the consent of its owner;
 - (2) The person or persons in charge of such vehicle are unable to provide for its custody or removal;
 - (3) 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; or
 - (4) Whenever a snow emergency condition is declared and parking is prohibited in accordance with sections 23.56.190 through 23.56.260 and 23.56.350. (Ord. No. 866, § 1.)

Section 23.56.030 Same--Generally

Whenever a vehicle remains parked or left standing on any street, alley or public way where such parking is prohibited by this Code or other ordinance of the city, such vehicle shall be removed by or under the direction of the police department to some location selected by the police department, until the costs of such removal and storage have been paid and until the owner or legal possessor of such automobile, truck or vehicle properly identifies himself as being the person entitled to the possession of such vehicle. (Ord. No. 866, § 1.)

Section 23.56.040 Same--Recovery; costs; disposal of unclaimed vehicles

It shall be unlawful for any person to take or attempt to take such vehicle from the place where stored, as provided by sections 23.56.020 and 23.56.030, until it is released by the police department and until the costs of such removal and storage have been paid. The cost of removal of such vehicle shall be the actual cost to the city of such removal; in addition there shall be further taxed as costs the amount of fifty cents per day for storage of such vehicle by the police department.

If such vehicle is not claimed within one month after removal by the police department, such vehicle may be disposed of or sold in the manner provided by law for the disposal or sale of unclaimed motor vehicles. (Ord. No. 866, § 1.)

Section 23.56.050 Prohibited in certain areas

The provisions of North Dakota Century Code, section 39-10-49, and all subsequent amendments, shall be and are hereby incorporated by reference in this section.

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:

- (a) On a sidewalk;
- (b) From a perpendicular line from the edge of the driveway to the curb of a public or private driveway and for the purposes of this subsection "driveway" means every way or place in private ownership and used for vehicular traffic by the owner and those having express or implied permission from the owner, but not by other persons;
- (c) Within an intersection;
- (d) From a perpendicular line from the hydrant to the curb and then extending five feet in each direction from this point along the curb or roadway;
- (e) On a crosswalk;
- (f) Within ten feet of a crosswalk at an intersection;
- (g) Within fifteen feet upon the approach to any flashing beacon, stop sign or traffic-control signal located at the side of a roadway;
- (h) 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;
- (i) Within fifteen feet of the nearest rail of a railroad crossing;

- (j) 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 such entrance when properly signposted;
- (k) Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic;
- (l) On the roadway side of any vehicle stopped or parked at the edge or curb of a street;
- (m) Upon any bridge or other elevated structure upon a highway or within a highway tunnel;
- (n) At any place where official signs prohibit stopping;
- (o) At designated firelanes appropriately marked; or
- (p) On the public right-of-way except the street and that portion improved for driveway use so long as the vehicle so parked does not extend over the curbline or the edge of the sidewalk, or as allowed by a temporary right of way occupancy permit.

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. (Ord. No. 866, § 1; Ord. No. 1030, §§ 1, 2; Ord. No. 1196, § 1.)

Section 23.56.060 Additional parking regulations

The provisions of North Dakota Century Code section 39-10-50 and all subsequent amendments, shall be and are hereby incorporated by reference in this section.

- (a) 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.
- (b) 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.
- (c) The city may permit angle parking on a 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.
- (d) 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.
- (e) No person shall park, allow to stand or stop a vehicle so as to constitute or precipitate a fire hazard.

- (f) No motor vehicle, as described in North Dakota Century Code section 39-01-01 may be parked within seventy-five feet of any intersection, if said motor vehicle is over seven feet in height or six feet six inches in width. For purposes of this subsection, the distance from the intersection shall be measured from a point at which the extensions of the lateral curblines intersect. (Ord. No. 866, § 1; Ord. No. 1097, § 2.)

Section 23.56.070 Where prohibited at all times

When signs are erected giving notice thereof, it, shall be unlawful for any person to park or leave standing any motor vehicle, either attended or unattended. (Ord. No. 866, § 1.)

Section 23.56.080 Parking of trucks, trailers, semitrailers, delivery cars and other commercial vehicles

No truck-tractor, trailer, semitrailer, delivery car, service car or other commercial vehicle shall be parked on any street, avenue, boulevard, public property or alley in any residential district of the city for a period longer than one hour; provided, that such vehicles loading or unloading cargo may be parked on the streets, avenues, boulevards, public property or alleys long enough to complete their loading or unloading; provided, further, that such restrictions shall not apply to any truck or service car in use on any repair, maintenance or construction project in progress on any such street, avenue, boulevard, public property or alley. In no case shall any semitruck trailer be parked on any street, avenue, boulevard, public property or alley in any district of the city while such semitruck trailer is disconnected from the tractor, nor shall any truck, trailer, semitrailer, delivery car, service car or other commercial vehicle be parked on any street, avenue, boulevard, public property or alley in any district of the city between the hours of 10:00 P.M. and 6:00 A.M. Vehicles as identified in this section containing any flammable and/or hazardous substances, as defined by state law, are restricted to off-street parking in areas zoned as I (industrial). A violation of this section shall be punishable by the general penalty provided by section 11.12.010 of this Code. (Ord. No. 891, § 1; Ord. No. 902, § 1; Ord. No. 954, § 1.)

Section 23.56.090 Parking for certain purposes prohibited

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

- (a) Displaying such vehicle for sale.
- (b) Washing, greasing or repairing such vehicle except repairing such vehicle necessitated by emergency. (Ord. No. 866, § 1.)

Section 23.56.100 Stopping, etc., in congested or 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 could 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. (Ord. No. 866, § 1.)

Section 23.56.110 Parking, etc., 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 feet of the width thereof for free movement of vehicular traffic, nor shall he stop in such position as to block the driveway entrance to any abutting property. (Ord. No. 866, § 1.)

Section 23.56.120 Parking adjacent to schools

- (a) 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.
- (b) 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. (Ord. No. 866, § 1.)

Section 23.56.130 Prohibited on narrow streets

- (a) The city traffic engineer or authorized person may erect signs indicating no parking upon any street when the width of the roadway does not exceed twenty feet, or upon one side of a street as indicated by such signs when the width of the roadway does not exceed thirty feet.
- (b) When official signs prohibiting parking are erected upon narrow streets as authorized herein, no person shall park a vehicle upon any street in violation of any such sign. (Ord. No. 866, § 1.)

Section 23.56.140 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. (Ord. No. 866, § 1.)

Section 23.56.150 One-way roadways

In the event a highway includes two or more separate roadways and traffic is restricted to the direction upon any such roadways, no persons 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. (Ord. No. 866, § 1.)

Section 23.56.160 Parking privileges for physically handicapped; certificate; revocation of privilege

The provisions of NDCC section 39-01-15, and all subsequent amendments, are hereby incorporated by reference in this section.

- (a) Any mobility impaired person who displays prominently upon an automobile parked by that person or under that person's direction and for the

person's use, the distinguishing certificate specified in subsection (c) is entitled to courtesy in the parking of the automobile. Provided, however, that any municipality may, by ordinance, prohibit parking on any street or highway for the purpose of creating a fire lane, or to provide for the accommodation of heavy traffic during morning and afternoon rush hours, and the privileges extended to such impaired persons do not apply on streets or highways where and during such times as parking is prohibited.

(b) A mobility impaired person as used in this section includes any person who has lost the use of one or both legs; requires personal assistance or the use of crutches, a wheelchair, or a walker to walk two hundred feet (60.96 meters) without rest; is restricted by cardiac, pulmonary, or vascular disease from walking two hundred feet (60.96 meters) without rest; has a forced expiratory volume of less than one liter for one second or an arterial oxygen tension of less than sixty millimeters of mercury of room air while at rest and is classified III or IV by standards for cardiac disease set by the American Heart Association; or has an orthopedic, neurologic, or other medical condition that makes it impossible for the person to walk two hundred feet (60.96 meters) without assistance or rest.

(c) The registrar of motor vehicles may issue, for a fee of three dollars per year or part of a year, a special identifying certificate to any mobility impaired applicant upon submission by the applicant of a completed application and a written statement issued by a qualified physician to the registrar that the applicant is a mobility impaired person within the criteria of subsection (b). The application must include the information required by the registrar. The physician's statement must describe how the impairment limits the applicant's mobility and daily life functions of the applicant. The certificate is valid for a period, not to exceed three years, as determined by the registrar. A physician who provides a false statement that a person is mobility impaired for the purpose of that person obtaining a certificate under this subsection is guilty of an infraction for which a minimum fine of one hundred dollars must be imposed. A certificate issued under this subsection must be at least five and one-half inches (13.97 centimeters) in height and weight and one-half inches (21.59 centimeters) in width and must bear, in blue on white, the internationally accepted symbol of access for the mobility impaired.

The certificate must bear the expiration date and registration number assigned by the registrar. The registrar shall adopt rules governing the issuance of the certificate. A temporary certificate, valid for an initial period not to exceed three months, may be issued by the registrar for a fee of three dollars upon application supported by a physician's statement. The temporary certificate may be extended an additional period, not to exceed three months, upon application supported by a physician's statement that the extension is warranted. The registrar shall determine the form and size of the temporary certificate.

(d) A certificate issued under this section must be prominently displayed on the left-hand dashboard of the motor vehicle whenever the vehicle is occupying a space reserved for the mobility impaired and is being used by a mobility impaired person or another person for the purposes of transporting the mobility impaired

person. No part of the certificate may be obscured. A fee of five dollars may be imposed for a violation of this subsection.

- (e) If a law enforcement officer finds that the certificate is being improperly used, the officer may report to the registrar of motor vehicles any such violation and the registrar may, in the registrar's discretion, remove the privilege. Any person who is not mobility impaired and who exercises the privileges granted a mobility impaired person under subsection (a) is guilty of an infraction for which a fine of one hundred dollars must be imposed.
- (f) Whenever any public or private agency or authority designates parking spaces for use by motor vehicles operated by mobility impaired persons, those reserved spaces shall be indicated by blue paint on the curb or edge of the paved portion of the street or parking lot adjacent to the space. In addition to blue paint, the spaces reserved must also be indicated by official signs approved by the commissioner bearing the internationally accepted symbol of access for the mobility impaired which indicate, through the use of arrows, the total width of the reserved area. The sign must indicate that unauthorized use of the space is a nonmoving violation for which a fine one hundred dollars must be imposed. For particular events, a public or private agency may reserve additional parking spaces for use by motor vehicles operated by mobility impaired persons. In that case, the temporarily reserved spaces must be indicated by signs or other suitable means. A sign indicating that a space is reserved for the mobility impaired and blue paint on the curb or edge of the paved portion of the street or parking lot adjacent to the space, unless the space is a temporary mobility impaired parking space is sufficient basis for the enforcement of this section. A law enforcement officer may enforce this section in any parking lot or parking facility whether publicly or privately owned.
- (g) A person may not stop, stand, or park any vehicle in any designated parking space that is reserved for the mobility impaired unless the vehicle displays a mobility impaired identification certificate issued by the registrar of motor vehicles to a mobility impaired person. A mobility impaired person may not permit the use of a certificate issued under this section by a person who is not mobility impaired when that use is not in connection with the transport of the mobility impaired person. The registered owner of a vehicle may not allow that vehicle to be used in a manner that violates this subsection. Proof of intent is not required to prove a registered owner's violation of this subsection. The registered owner, however, may be excused from violation if the owner provides the citing authority with the name and address of the person operating the vehicle at the time of the violation. A vehicle may temporarily use a space reserved for mobility impaired persons without a mobility impaired certificate for the purpose of loading and unloading mobility impaired persons. A violation of this subsection is a nonmoving violation for which a fee of one hundred dollars must be imposed.
- (h) Any motor vehicle licensed in another state which displays a special authorized vehicle designation issued by the licensing authority of that state for vehicles used in the transportation of mobility impaired persons must be accorded the same privilege provided in this section for similar vehicles licensed in this state if the laws of the other state provide the same privileges to North Dakota

motor vehicles displaying the special identifying certificate authorized in this section. (Ord. No. 866, § 1; Ord. No. 1015, § 1; Ord. No. 1067, § 1.)

Section 23.56.170 Prohibited at all times on certain streets

Those streets or portions of streets upon which parking is prohibited shall be posted with special signs with wording similar to "NO PARKING ANYTIME". (Ord. No. 866, § 1; Ord. No. 1057, § 1; Ord. No. 1180 § 1.)

Section 23.56.180 Prohibited during certain hours on certain days and streets for cleaning purposes

For street cleaning purposes, when signs are erected in each block giving notice thereof, no person shall park a vehicle between the hours of 1:00 A.M. and 7:00 A.M. on streets running east and west on Mondays, Wednesdays and Fridays and between the hours of 1:00 A.M. and 7:00 A.M. on avenues running north and south on Tuesdays and Thursdays as follows:

- Broadway, between west line of Riverside Addition and Fifth Avenue South East.
- Eighth Avenue West, between Empire Road (10th Street West) and Villard Street.
- First Avenue East, between Third Street and Villard Street.
- First Avenue West, between Third Street and Villard Street.
- First Street, between Fourth Avenue West and Fourth Avenue East.
- First Avenue South East, between Broadway and First Street South East.
- First Street South East, between South Main and Fifth Avenue South East.
- Fourth Avenue East, between Third Street East and Villard Street.
- Fourth Avenue West, between Fourth Street and Villard Street.
- Ninth Street, between Fifth Avenue West and Fourth Avenue East.
- South Main (Highway 22), between Heart River Bridge and Villard Street.
- Second Avenue East, between Second Street and Villard Street.
- Second Avenue West, between Third Street and Villard Street.
- Second Street, between Eighth Avenue West and State Avenue; between Fourth Avenue West and Fourth Avenue East.
- Seventh Street, between Sims Street and Third Avenue West.
- Sims Street, between Twelfth Street and Villard Street.
- Third Avenue East, between Second Street and Villard Street.
- Third Avenue West, between Tenth Street West and Villard Street.
- Third Street, between Fourth Avenue East and Eighth Avenue West.
- Tenth Avenue East, between North Line of Suncrest Addition and Villard Street.
- Villard Street, between Tenth Avenue East and State Avenue.

This prohibition shall be effective from March 15, through October 31 of each year. (Ord. No. 866, § 1.)

Section 23.56.190 Snow emergency routes--Defined; designated

Snow emergency routes are those streets normally traversing the entire city or a major part of the city and which are essential to the rapid movement of emergency vehicles and normally carry the heaviest traffic volumes. The Board of City Commissioners shall designate by

resolution the streets or portions of streets which shall constitute the snow emergency routes within the City. (Ord. No. 866, § 1; Ord. No. 1181 § 1.)

Section 23.56.200 Same--Parking on

Upon the declaration of a snow emergency, parking on designated snow emergency routes shall be prohibited. This parking prohibition shall remain in effect until the declaration of a snow emergency has been terminated. (Ord. No. 866, § 1; Ord. No. 1181 § 2.)

Section 23.56.210 Same--Declaration of snow emergency

A declaration of a snow emergency shall be made upon the basis of falling snow, sleet or freezing rain or upon the basis of the forecast of the same. Upon its declaration, a snow emergency shall remain in effect until it has been officially terminated. The City Commission shall designate by resolution those officials and employees empowered to declare or terminate a snow emergency. The declaration and termination of a snow emergency shall be publicly announced by local radio and television broadcast and when feasible, the official newspaper. These announcements shall contain information regarding the prohibition of parking on snow emergency routes. (Ord. No. 866, § 1; Ord. No. 1181 § 3.)

Section 23.56.220 Same--Signs to mark

Snow emergency routes shall be posted with special signs with wording "NO PARKING DURING SNOW EMERGENCY". (Ord. No. 866, § 1; Ord. No. 880, § 1; Ord. No. 1181 § 4.)

Section 23.56.230 Same--Removal of stalled vehicles

Whenever a vehicle becomes stalled for any reason on a snow emergency route on which there is a parking prohibition in effect, the person operating the vehicle shall take immediate action to have the vehicle towed or pushed off the snow emergency route. No person shall abandon or leave his vehicle on a snow emergency route except for the purpose of securing assistance during the actual time necessary to go to a nearby telephone or nearby garage, gasoline station or other place of assistance, and return without delay (one-half hour maximum allowed).

To facilitate the completion of plowing of all city streets other than snow emergency routes, after a snow emergency has been declared, it shall be unlawful for any person to stop, stand, park or leave unattended, other than adjacent to the street curb, a vehicle for more than one-half hour following the declaration of a snow emergency. (Ord. No. 866, § 1; Ord. No. 1181 § 5.)

Section 23.56.240 Same--Impoundment of illegally stopped vehicles

Any vehicle stopped on any snow emergency route in violation of the provisions of this article or on any other street of the city in violation of sections 23.56.170 through 23.56.260, providing for the completion of plowing of snow or ice may be impounded by members of the city police department and held in accordance with section 23.56.020. (Ord. No. 866, § 1.)

Section 23.56.250 Evidence with respect to vehicles parked or left in violation of article

In any prosecution with regard to a vehicle parked or left in a place of violation of any provision of this article, proof that the particular vehicle described in the complaint was parked or left in violation of a provision of this article, together with proof that the defendant named in the complaint was at the time the registered owner of such vehicle, shall constitute prima facie evidence that the defendant was the person who parked or left the vehicle in violation of this article. (Ord. No. 866, § 1.)

Section 23.56.260 Prohibited during certain hours and days.

For cleaning, construction, marking and other similar purposes, parking shall be prohibited on certain days and or between certain hours by the posting of special signs with wording similar to: "NO PARKING ON (days specified)"; "NO PARKING BETWEEN (hours specified)"; or "NO PARKING ON (days specified) BETWEEN (hours specified)". (Ord. No. 866, § 1; Ord. No. 1180 § 2.)

Section 23.56.270 Parking by employers, employees and public servants prohibited in certain downtown areas

Section 23.56.270 of the City Code of the City of Dickinson is hereby repealed in its entirety. (Ord. No. 1584 § 1)

Section 23.56.280 Assessment of businesses benefitted by certain parking lots; reassessment upon change in use

(a) Businesses. Any corporation, firm, partnership, association, organization and any other group acting as a unit, as well as an individual, who currently has established or hereafter establishes a business in a building on property within the boundaries of a special assessment district created for downtown parking, including Downtown Improvement District No. 3, Downtown Improvement District No. 4, and all similar Downtown Improvement Districts hereafter created and is benefitted by area parking lots, shall be assessed to create funds and revenue in order to allow limited free parking in such areas. The Special Assessment Commission shall determine the method of assessment for all buildings within the district, subject to approval of the Board of City Commissioners. Each parking space not provided on the property shall be multiplied by the amount necessary to provide an annual assessment, not to exceed the annual assessment required to maintain said Downtown Improvement District which shall be the amount assessed against such property annually before the city certifies taxes and special assessments to the county.

Any new business established within such district shall be notified of this assessment or reassessment. Notice shall be served personally to the new business, whereupon the proprietor shall be afforded thirty days from such personal service to protest the assessment procedure. All protests which may be filed with the city auditor within such time shall be heard and considered at the next regular meeting of the board of

city commissioners or within such time as the matter may properly be scheduled for the governing body to hear and consider the same.
(Ord. No. 998, § 1; Ord No. 1116, § 2; Ord. No. 1213, § 2; Ord. No. 1318 §1)

Section 23.56.290 Leaving vehicle parked in one place for more than forty-eight hours; impoundment and notice procedures

- (a) The owner, driver or other person having under his control or charge any automobile, truck, trailer, motor vehicle, tractor, motorcycle, motorized bicycle, semitrailer, truck tractor, house trailer, mobile home or any other type vehicle as described in North Dakota Century Code, section 39-01-01 shall not cause or allow such vehicle to stand or remain to be parked in any one place upon any street, avenue or alley of the city, or any city-owned parking lot, for a period of time longer than forty-eight hours. Nothing in this section shall be deemed to conflict with any other provisions of this article providing parking restrictions or limitations of a lesser time as therein provided.
- (b) The city, through its peace officers or other duly authorized officials, shall take into custody and impound any motor vehicle or other vehicle as herein described according to the policies and procedures established by the board of city commissioners and the police department. A notice shall be affixed to the automobile, truck, trailer, motor vehicle, tractor, motorcycle, motorized bicycle, semitrailer, truck tractor, house trailer, mobile home or any other type of vehicle as described in North Dakota Century Code, section 39-01-01 identifying the owner or other person having control of the motor vehicle, and such notice shall state that the vehicle will be towed to a place of impoundment within forty-eight hours. The notice shall set forth the date, and the place of the taking, the year, make, model and such other information established by the board of city commissioners and the police department. The notice shall inform the owner of his right to reclaim the vehicle from the city, thereby taking it into custody, upon payment of all towing and storage charges resulting from taking the vehicle into custody. (Ord. No. 866, § 1; Ord. No. 873, § 3; Ord. No. 930, § 1; Ord. No. 1097, § 1; Ord No. 1367 §1.)

Section 23.56.300 Restricted time parking zone

The city traffic engineer or authorized person may determine and designate vehicle restricted time parking zones for a period of not longer than shown on the sign designating the restriction between the hours of 9:00 A.M. and 5:00 P.M. of any day except Sundays and holidays. The city traffic engineer or authorized person shall cause to be placed and maintain official signs giving notice thereof. No person shall park a vehicle for a period of time longer than shown on the sign and no such restricted time parking zone shall be enforceable unless properly signed. Anyone disagreeing with the determination and designation of the city traffic engineer or authorized person may present their disagreement to the board of city commissioners at a regularly scheduled meeting as to the decision of such location. (Ord. No. 866, § 1; Ord. No. 934, § 1; Ord. No. 1031, § 1.)

Section 23.56.310 Five minute parking zone for U.S. Post Office

When signs are erected giving notice thereof, no person shall park a vehicle for a period of time longer than five minutes between the hours of 9:00 A.M. and 5:00 P.M. of any day except Sundays and holidays upon the following:

The street adjacent to:

Lot 13, Block 11, original plat of the city, post office, all. (Ord. No. 866, § 1; Ord. No. 883, § 1; Ord. No. 1031, § 2.)

Section 23.56.320 City parking lots

The following described land and premises within the city owned or leased by the city shall be operated, regulated and maintained by the city as public parking lots for motor vehicles used in the city:

- (a) Lot 1, (PIN-0010-0200-2001) West 90 feet Lots 20, 21, 22, 23, 24, Block 2, Original Plat; west of Dickinson Press;
- (b) Lot 2 (PIN-0010-1300-....) Lots 18, 19, 20 and 21, Block 13, Original Plat; north of City Hall;
- (c) Lot 3 (PIN-0010-1600-0900) Lots 11 and 12, Block 16, Original Plat; south of Kirkwood National Bank;
- (d) Lot 4 (PIN-0010-1100-0100) Lots 1, 2, 3, 4, 5, 6, 7, Block 11, Original Plat; north of L-Air Apartment Building;
- (e) Lot 5 (PIN-7000-0000-1210) and (PIN-7000-0000-0030) West of Burlington Northern Depot;
- (f) Lot 6 (PIN 0010-0100-0100) Lots 1, 2, and part of 3, Block 1, Original Plat; north of downtown Fire Hall;
- (g) Lot 7 (PIN-0010-1100-2100) Lots 21, 22, 23, 24, Block 11, Original Plat; north of Post Office;
- (h) Lot 8 (PIN-1190-0100-0100) Lot 9, Block 1, South Dickinson; behind Pizza Patrol;
- (i) Lot 9 (PIN-0010-1400-0300) Lots 3, 4, 5, and South 2 feet of Lot 2, Block 14, Original Plat; north of KDIX Radio Station;
- (j) Lot 10 (PIN-0010-0800-1300) Lots 13, 14, and West 12.5 feet of Lot 15, Block 8, original Plat; east of Excel Cleaners Building; and
- (k) Lot 11 (PIN-0010-0900-9000) Lots 9 and 10, Block 9, Original Plat; west of Excel Cleaners Building;
- (l) Such other lots as are designated by resolution by the Board of City Commissioners.

It shall be unlawful for any person to cause, allow or suffer any vehicle registered in his name or operated or controlled by him to be upon any space within parking lot herein unless an appropriate parking rental, as provided by resolution of the city, has been paid or unless such vehicle is parked on a specific parking area which is posted and designated as a free and appropriate public parking area. Any person found in violation of this provision may be punished as provided in section 23.56.350. (Ord. No. 866, § 1; Ord. No. 883, § 2; Ord. No. 960, § 2; Ord. No. 1031, § 2; Ord. No. 1141 § 2; Ord. No. 1169 § 1; Ord. No. 1213, § 3; Ord. No. 1318 § 2.)

Section 23.56.330 Marking of parking spaces; parking within spaces

Suitable spaces for the parking of motor vehicles in each of the lots provided for in this article shall be indicated by lines or markings, and each vehicle parked within such area shall park within such lines or markings. (Ord. No. 866, § 1.)

Section 23.56.340 Parking across lines or in driveway

It shall be unlawful for any person to park any vehicle across the lines or markings provided for in section 23.56.330 in the driveway leading into or out of any of the city parking lots. (Ord. No. 866, § 1.)

Section 23.56.345 Penalty for parking violations.

The fees required for a non-criminal disposition pursuant to either section 23.80.040 or section 23.80.050 shall be a fee of fifteen dollars for a violation of sections 23.56.050, 23.56.060, 23.56.070, 23.56.080, 23.56.090, 23.56.100, 23.56.110, 23.56.120, 23.56.130, 23.56.140, 23.56.150, 23.56.180, 23.56.300, or 23.56.310. (Ord. No. 1202, § 10; Ord. No. 1292 § 1.)

Section 23.56.346 Temporary occupation permit.

A temporary occupation permit is required to use any portion of public right-of-way for display, sales, signs, parking or any other use.

Temporary occupancy permits shall not be issued on the public right of way of 3rd Avenue West from 10th Street West to 29th Street West or Main Avenue from the Heart River Bridge to 8th Street South. (Ord. No. 1196, § 2.)

Section 23.56.347 Permit process.

A temporary occupation permit applicant shall file an application with the City Administrator containing the following:

1. Name and address of the applicant.
2. Name and address of the person or organization the applicant represents.
3. The exact time and date of commencement and termination of each act or activity desired.
4. The purpose and location of each activity.
5. Such other relevant information as the City Administrator may require for the investigation of the activity and the applicant.

Upon completion and filing of the application, the City Administrator may issue the temporary occupation permit. (Ord. No. 1196, § 3.)

Section 23.56.348 Permit fees.

The applicant, prior to issuance of the permit, shall pay the amount as set forth in the City of Dickinson fee schedule. (Ord. No. 1196, § 4.)

Section 23.56.350 **Penalty**

Every person violating the provisions of this article shall, upon conviction, be punished by a fine of not to exceed five hundred dollars or imprisonment not to exceed thirty days, or by both fine and imprisonment in the discretion of the court, and the court shall have the power to suspend such sentence and to revoke the suspension thereof. (Ord. No. 866, § 1; Ord. No. 882, § 1.)

Article 23.60 Reserved Parking Areas

Sections:

23.60.010 **Generally**

Section 23.60.010 Generally

No person 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 and pedestrians and designate the same by appropriate signs. (Ord. No. 866, § 1.)

Article 23.64 Time Limit Parking Zones

Sections:

23.64.010 **Generally.**

Section 23.64.010 **Generally.**

When signs are erected giving notice thereof, no person shall park or leave standing, either attended or unattended, any motor vehicle for more than five consecutive minutes on street areas so posted, or for more than ten consecutive minutes on street areas so posted, or more than thirty consecutive minutes on street areas so posted, or more than sixty consecutive minutes on street areas so posted, or for more than one hundred twenty consecutive minutes on street areas so posted, when such 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. (Ord. No. 866, § 1.)

Article 23.68 Equipment of Vehicles

Sections:

23.68.010	Vehicles other than motorcycles
23.68.015	Safety belts required
23.68.020	Child restraint devices
23.68.030	Equipment requirements--Penalty
23.68.040	Motorcycle equipment
23.68.050	When lighted lamps are required; penalty

Section 23.68.010 Vehicles other than motorcycles

The provisions of North Dakota Century Code, chapter 39-21, and all subsequent amendments, shall be and are hereby incorporated by reference in this section. (Ord. No. 866, § 1.)

Section 23.68.015 Safety belts required

A driver may not operate upon a highway a motor vehicle designed for carrying fewer than eleven passengers, which was originally manufactured with safety belts unless each front seat occupant is wearing a properly adjusted and fastened safety belt subject to the limitations at NDCC 39-21-41.4. A peace officer may not issue a citation for a violation of this section unless the officer lawfully stopped or detained the driver for another violation. Violation of this section is punishable by a fine as set forth in NDCC 39-06.1-06(2). (Ord. No. 1104, § 1; Ord. No. 1202, § 3; Ord. No. 1590, § 5.)

Section 23.68.020 Child restraint devices

- (a) If a child, under three years of age, is present in any motor vehicle, that motor vehicle must be equipped with at least one child restraint system for each such child. The child restraint system must meet the standards adopted by the United States Department of Transportation for these systems (49 CFR 571.213). While the motor vehicle is in motion, each such child must be properly secured in the child restraint system in accordance with the manufacturer's instructions. While the motor vehicle is moving, each child of three through ten years of age who is in the motor vehicle, must be in an approved child restraint system or buckled in a seatbelt. Use of child restraint systems and seatbelts is not required in motor vehicles that were not equipped with seatbelts when manufactured. If all of the seatbelts are used by other family members in the vehicle, this section does not apply.
- (b) Violation of this section is punishable by a fine as set forth in NDCC 39-06.1-06(2)(c).
- (c) Violation of this section is not, in itself, evidence of negligence. The fact of a violation of this section is not admissible in any proceeding other than one charging the violation. (Ord. No. 917, § 1; Ord. No. 1054, § 1; Ord. No. 1202, § 4.)

Section 23.68.030 Equipment requirements--Penalty

The provisions of North Dakota Century Code, section 39-21-46, and all subsequent amendments, shall be and are hereby incorporated by reference in this section.

- (a) It is unlawful for any person to drive or move, or for the owner to cause or knowingly permit to be driven or moved, on any highway/roadway/street any vehicle or combination of vehicles which the actor knows to be in such unsafe condition as to endanger any person, or which the actor knows does not contain those parts or is not at all times equipped with lamps and other equipment in proper condition and adjustment as required in this chapter and North Dakota Century Code chapter 39-21, or which the actor knows is equipped in any manner in violation of this chapter and North Dakota Century Code chapter 39-21, or for any person to do any act forbidden or fail to perform any act required under this chapter and North Dakota Century Code chapter 39-21. Unless otherwise specifically provided in this chapter or in section 23.80.090 or 23.80.100, any person who, in violation of this chapter, drives, or any owner who causes or knowingly permits to be driven upon a highway/roadway/street any vehicle or combination of vehicles which that person knows is unsafe or improperly equipped is guilty of an infraction.
- (b) Nothing contained in this chapter and North Dakota Century Code chapter 39-21 may be construed to prohibit the use of additional parts and accessories on any vehicle not inconsistent with the provisions of this chapter and North Dakota Century Code chapter 39-21.
- (c) The provisions of this chapter and North Dakota Century Code chapter 39-21 with respect to equipment on vehicles do not apply to implements of husbandry, road machinery, road rollers, or farm tractors except as specifically made applicable.
- (d) The provisions of this chapter and North Dakota Century Code chapter 39-21 with respect to equipment required on vehicles do not apply to motorcycles or motordriven cycles, except as specifically made applicable.
- (e) The provisions of this chapter and North Dakota Century Code chapter 39-21 and regulations of the North Dakota Motor Vehicle Department do not apply to vehicles moved solely by human power, except as specifically made applicable. (Ord. No. 1027, § 1.)

Section 23.68.040 Motorcycle equipment

The provisions of North Dakota Century Code, chapter 39-27, and all subsequent amendments, shall be and are hereby incorporated by reference in this section. (Ord. No. 866, § 1.)

Section 23.68.050 When lighted lamps are required; penalty

Every vehicle upon a street within this city at any time from sunset to sunrise, and every farm tractor upon a highway within this city at any time from a half hour after sunset to a half hour before sunrise, and at any other time when, due to insufficient light or unfavorable atmospheric conditions, persons and vehicles on the highway are not clearly discernible at a distance of one thousand feet (304.8 meters) ahead, shall display lighted lamps and illuminating devices as hereinafter respectively required for different classes of vehicles, subject to exceptions with respect to parked vehicles. Stoplights, turn signals, and other signaling devices shall be lighted as prescribed for the use of such devices. Any person who violates the provisions of this

section shall be assessed a fee of forty dollars for each violation. (Ord. No. 866, § 1; Ord. No. 1035, § 1; Ord. No. 1202, § 5.)

Article 23.72 Regulation of Kinds and Classes of Traffic on Certain Roadways

Sections:

23.72.010	Weight and load restrictions
23.72.020	Commercial vehicles prohibited from using certain streets
23.72.030	Size restrictions
23.72.040	Restrictions upon use of streets by certain vehicles

Section 23.72.010 Weight and load restrictions

The city engineer or street superintendent may classify any street or part of a street so designated to be restricted from travel by trucks, truck-tractors, trailers, semitrailers, commercial buses, delivery vehicles or any other commercial vehicles, whether loaded or unloaded, except for the expressed use of making deliveries to locations within the restricted area, upon determination that conditions exist which would cause damage to the street should any person operate his/her vehicle on such street. Signs shall be erected giving notice of such restriction. The board of city commissioners shall approve or disapprove the restriction at their next regularly scheduled city commission meeting. This section shall not apply to vehicles and equipment of the city's public works department and fire department. For the purposes of this section, the word "street" shall mean any street, avenue, land, alley, drive or any other title that indicates a street. (Ord. No. 866, § 1; Ord. No. 956, § 1.)

Section 23.72.020 Commercial vehicles prohibited from using certain streets

When signs are erected giving notice thereof, no person shall operate any commercial vehicle exceeding the maximum indicated gross weight at any time upon any street or part of a street so designated; except, that such vehicles may be operated thereon for the purpose of delivering or picking up materials or merchandise and then only by entering such street at the intersection nearest the destination of the vehicle and proceeding thereon no further than the nearest intersection thereafter. (Ord. No. 866, § 1.)

Section 23.72.030 Size restrictions

When signs are erected giving notice thereof, no person shall operate any vehicle exceeding the dimensions specified by such sign or signs at any time upon any street or part of a street so designated. (Ord. No. 866, § 1.)

Section 23.72.040 Restrictions upon use of streets by certain vehicles

- (a) 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 motordriven cycles, bicycles, horse drawn vehicles or other nonmotorized 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. (Ord. No. 866, § 1.)

Article 23.76 Criminal Traffic Violations

Sections:

23.76.010	Persons under the influence of intoxicating liquor or any other drugs or substances not to operate vehicle--Penalty
23.76.020	Reckless driving
23.76.030	Accidents involving damage to vehicle
23.76.040	Duty upon striking fixtures or other property
23.76.050	Penalty for driving while license suspended or revoked
23.76.060	Violations involving operation of snowmobiles
23.76.070	Violations involving operation of off-highway vehicles
23.76.080	Harassment of domestic animals
23.76.090	Operation of motor vehicle, etc., prohibited on flood protective works
23.76.100	Operator's license--Driving without
23.76.110	Same--To be carried and exhibited on demand
23.76.120	Violations of motor vehicle registration provisions; penalties
23.76.130	Display of number plates and tabs
23.76.140	Driving without liability insurance--Penalty
23.76.150	Driving as permitted by class of license
23.76.160	Weighing

Section 23.76.010 Persons under the influence of intoxicating liquor or any other drugs or substances not to operate vehicle--Penalty

The provisions of the North Dakota Century Code, section 39-08-01, and all subsequent amendments thereto, shall be and are hereby adopted and incorporated by reference herein.

- (a) A person may not 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 city if any of the following apply:
- (1) That person has an alcohol concentration of at least eight one-hundredths of one percent by weight at the time of the performance of a chemical test within two hours after the driving or being in actual physical control of a vehicle.
 - (2) That person is under the influence of intoxicating liquor.
 - (3) That person is under the influence of any drug or substance or combination of drugs or substances to a degree which renders that person incapable of safely driving.
 - (4) That person is under the combined influence of alcohol and any other drugs or substances to a degree which renders that person incapable of safely driving.

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

- (5) That individual refuses to submit to any of the following:
- (1) A chemical test, or tests, of the individual's blood, breath, or urine to determine the alcohol concentration or presence of other drugs, or combination thereof, in the individual's blood, breath, or urine, at the direction of a law enforcement officer under NDCC section 39-06.2-10.2 if the individual is driving or is in actual physical control of a commercial motor vehicle; or
 - (2) A chemical test, or tests, of the individual's blood, breath, or urine to determine the alcohol concentration or presence of other drugs, or combination thereof, in the individual's blood, breath, or urine, at the direction of a law enforcement officer under NDCC section 39-20-01; or
 - (3) An onsite screening test, or tests, of the individual's breath for the purpose of estimating the alcohol concentration in the individual's breath upon the request of a law enforcement officer under section 39-20-14.
The fact that any person charged with violating this section is or has been legally entitled to use alcohol or other drugs or substances is not a defense against any charge for violating this section, unless a drug which predominantly caused impairment was used only as directed or cautioned by a practitioner who legally prescribed or dispensed the drug to that person.
- (b) An individual who operates a motor vehicle on a highway or on public or private areas to which the public has a right of access for vehicular use in this state who refuses to submit to a chemical test, or tests, required under NDCC 39-06.2-10.2, 39-20-01, or 39-20-14, is guilty of an offense under this section.
- (c) An individual violating this section is guilty of a Class B misdemeanor for the first or second offense in a seven-year period. The minimum penalty for violating this section is as provided in subsection (e) hereof. The court shall take judicial notice of the fact that an offense would be a subsequent offense if indicated by the records of the Highway Department Commissioner or make a subsequent offense finding based on other evidence.
- (d) Upon conviction of a second or subsequent offense within five years under this section, the court may order the motor vehicle number plates of all of the motor vehicles owned and operated by the offender at the time of the offense to be destroyed by the office of the police officer that made the arrest. The offender shall deliver the number plates to the court without delay at a time certain as ordered by the court following the conviction. The court shall deliver the number plates to the office and notify the Department of Transportation of the order. An offender who does not provide the number plates to the court at the appropriate time is subject to revocation of probation.
- (e) A person convicted of violating this section, must be sentenced in accordance with this subsection:

- (1) For a first offense, the sentence must include both a fine of at least five hundred dollars (\$500) and an order for addiction evaluation by an appropriate licensed addiction treatment program.
- (2) In addition, for a first offense when the convicted person has an alcohol concentration of at least sixteen one-hundredths of one percent by weight, the offense is an aggravated first offense and the sentence must include a fine of at least seven hundred fifty dollars (\$750) and at least two (2) days' imprisonment.
- (3) For a second offense within seven (7) years, the sentence must include at least ten (10) days' imprisonment of which forty-eight hours must be served consecutively a fine of at least one thousand five hundred (\$1,500) dollars; ~~and~~ an order for addiction evaluation by an appropriate licensed addiction treatment program; and at least twelve (12) months' participation in the twenty-four seven sobriety program described in NDCC Chapter 54-12 as a mandatory condition of probation.
- (4) The execution or imposition of sentence under this section may not be deferred under subsection 4 of North Dakota Century Code section 12.1-32-02 for an offense for an offense subject to this section.
- (5) If the offense is subject to this Section 23.76.010, the court may not suspend a sentence, but may convert each day of a term of imprisonment to ten hours of community service for an offense subject to subsection (d)(3). The court may require the defendant to complete alcohol and substance abuse treatment and rehabilitation under the direction of the drug court program as a condition of probation in accordance with rules adopted by the supreme court. If the district court finds that a defendant has failed to undergo an evaluation or complete treatment or has violated any condition of probation, the court shall revoke the defendant's probation and shall sentence the defendant in accordance with this section.
- (6) For purposes of this Section, conviction of an offense under a law or ordinance of another state which is equivalent to this Section shall be considered a prior offense if such offense was committed within the time limitations specified in this Section.
- (7) If the penalty mandated by this Section includes imprisonment upon conviction of a violation of this section or equivalent ordinance, and if an addiction evaluation has indicated that the defendant needs treatment, the court may order the defendant to undergo treatment at an appropriate licensed addiction treatment program under NDCC 12.1-32-02(g)(1) and the time spent by the defendant in the treatment must be credited as a portion of a sentence of imprisonment or placement under this Section. A court may not order the Department of Corrections and Rehabilitation to be responsible for the costs of treatment in a private treatment facility.
- (8) As used in this Section, the term "imprisonment" includes house arrest. As a condition of house arrest, a defendant may not consume alcoholic beverages. The house arrest must include a program of electronic home detention and the defendant shall participate in the twenty-four seven sobriety program. The defendant shall defray all costs associated with the

electronic home detention. For an offense under subsection (e)(3) of this Section, no more than ninety percent of the sentence may be house arrest.

- (9) If the court sentences an individual to the legal and physical custody of the Department of Corrections and Rehabilitation, the Department may place the individual in an alcohol treatment program designated by the Department. Upon the individual's successful completion of the alcohol treatment program, the Department shall release the individual from imprisonment to serve the remainder of the sentence of imprisonment on probation, which may include placement in another facility or treatment program. If an individual is placed in another facility or treatment program after release from imprisonment, the remainder of the individual's sentence of imprisonment must be considered time spent in custody.
- (f) As used in this Article, participation in the twenty-four seven sobriety program under NDCC Chapter 54-12 means compliance with NDCC sections 54-12-27 through 54-12-31, and requires sobriety breath testing twice per day seven days per week or electronic alcohol monitoring, urine testing, or drug patch testing. The offender is responsible for all twenty-four seven sobriety program fees and the court may not waive the fees.
- (g) Notwithstanding any other provision of law, the municipal court or municipal judge has no jurisdiction to hear, try and determine an offense which could be a violation of North Dakota Century Code, section 39-08-01, or equivalent ordinance, if the person charged with the offense has twice previously been convicted of a violation of North Dakota Century Code, section 39-08-01, or equivalent ordinance, within the seven (7) years preceding the commission of the offense charged. If such an offense is charged in the municipal court and the municipal judge has notice of prior violations of North Dakota Century Code, section 39-08-01, or equivalent ordinance, twice within the seven (7) years preceding the commission of the offense charged, municipal judge shall dismiss the charge, without prejudice and direct that the charge be filed against the person in the county court. (Ord. No. 1516 § 1.)

Section 23.76.020 Reckless driving

The provisions of North Dakota Century Code, section 39-08-03, and all subsequent amendments; shall be and are hereby incorporated by reference in this section.

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

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

Except as otherwise herein provided, any person violating the provisions of this section shall be guilty of an offense. (Ord. No. 866, § 1.)

Section 23.76.030 Accidents involving damage to vehicle

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 until he has given the driver's name and address and the name of the motor vehicle insurance policy carrier of the driver and owner, as well as the registration number of the vehicle. Every such stop shall be made without obstructing traffic more than is necessary. Any person failing to stop or comply with such requirements under such circumstances is guilty of a class B misdemeanor. (Ord. No. 866, § 1; Ord. No. 993, § 2.)

Section 23.76.040 Duty upon striking fixtures or other property

The driver of any vehicle involved in an accident resulting only in damage to fixtures or other property 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 the registration number of the vehicle he is driving and shall, upon request and if available, exhibit his operator's or chauffeur's license and shall make report of such accident when and as required in section 23.12.150. Any person violating this section is guilty of a class B misdemeanor. (Ord. No. 866, § 1; Ord. No. 993, § 4; Ord. No. 1192, § 1.)

Section 23.76.050 Penalty for driving while license suspended or revoked

The provisions of North Dakota Century Code, section 39-06-42, and all subsequent amendments, shall be and hereby are incorporated by reference in this section.

- (a) Except as provided in North Dakota Century Code, chapters 39-16 and 39-16.1 and section 39-06.1-11, any person who drives a motor vehicle on a highway or on public or private areas to which the public has a right of access for vehicular use in this state while that person's license or privilege so to do is suspended or revoked is guilty of a class B misdemeanor.
- (b) If the suspension or revocation was imposed for violation of North Dakota Century Code section 39-08-01 or equivalent ordinance, or was governed by North Dakota Century Code section 39-06-31 or chapter 39-20, the sentence must be at least four consecutive days' imprisonment and such fine as the court deems proper. The execution of sentence may not be suspended or the imposition of a sentence deferred under subsection 3 or 4 of North Dakota Century Code section 12.1-32.02. Forfeiture of bail is not permitted in lieu of the defendant's personal appearance in open court for arraignment on a charge under this subsection.
- (c) In addition to any other punishment imposed, the court may order the number plates of the motor vehicle owned and operated by the offender at the time of the offense to be impounded by the sheriff or chief law enforcement officer of the city for the duration of the period of suspension or revocation. When a period of suspension has been extended under subsection 5 of North Dakota Century Code section 39-06-17, the court may order the number plates to be impounded in accordance with this subsection the impounded number plates may be released, upon order of the court, to a bona fide purchaser of the offender's

motor vehicle, if that purchaser produces a new certificate of title to the motor vehicle issued by the registrar of motor vehicles.

- (d) The city hereby authorizes its municipal judge to order impoundment of motor vehicle number plates in the manner provided by subsection (c). (Ord. No. 866, § 1; Ord. No. 873, § 2; Ord. No. 1027, § 3.)

Section 23.76.060 Violations involving operation of snowmobiles

- (a) Definitions. For the purposes of this section, the following words and phrases shall have the meanings respectively ascribed to them by this subsection:

Daylight Hours. Any time except from one-half hour after sunset to one-half hour before sunrise or at any other time when there is not sufficient light to render clearly discernible persons and vehicles at a distance of five hundred feet.

Operate. To ride in or on and control the operation of a snowmobile.

Operator. Every person who operates or is in actual physical control of a snowmobile.

Owner. A person, other than a lienholder, having the property in or title to a snowmobile entitled to the use or possession thereof.

Register. The act of assigning a registration number to a snowmobile by the registrar of motor vehicles of the state.

Registrar. The registrar of motor vehicles under North Dakota Century Code, chapter 39-02, acting directly or through his authorized agent.

Roadway. That portion of a highway improved, designed or ordinarily used for vehicular travel.

Snowmobile. A self-propelled vehicle designed for travel on snow or ice or a natural terrain steered by wheels, skis or runners.

Street or Highway. The entire width between the boundary lines of way or place when any part thereof is open to the use of the public in the city, as a matter of right, for the purposes of vehicular traffic.

- (b) Prohibited Operation. It shall be unlawful for any person to drive or operate any snowmobile in the following ways or under the following circumstances, which are hereby declared to be unsafe and a public nuisance:

(1) At a rate of speed greater than reasonable or proper under all the surrounding circumstances.

(2) 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.

(3) While under the influence of intoxicating liquor or narcotics or habit-forming drugs.

(4) Without a lighted head lamp and tail lamp when required for safety.

(5) In any tree nursery or planting in a manner which damages or destroys growing stock.

(6) Without a manufacturer-installed or equivalent muffler in good-working order and connected to the snowmobile exhaust system.

(7) Under the age of fourteen years.

(8) On direct crossing of a street or highway unless:

- (A) The crossing is made at an angle of approximately ninety degrees to the direction of the highway and at a place where no obstruction prevents a quick and safe crossing;
 - (B) The snowmobile is brought to a complete stop before crossing the shoulder of main traveled way of the highway;
 - (C) The driver yields the right-of-way to all oncoming traffic which constitutes an immediate hazard; and
 - (D) In crossing in a divided highway, the crossing is made only at an intersection of such highway with another public street or highway.
- (9) In violation of any rule or regulation promulgated for regulating the use of snowmobiles by the state highway commissioner where applicable within the geographical limits of the city.
 - (10) At a speed in excess of ten miles per hour at any time upon any street, alley, highway or other public ground or place in the city.
 - (11) While towing a sled, skid or any other vehicle, unless the sled, skid or other vehicle is connected to the snowmobile by a hinged swivel and secure hitch.
 - (12) Passing another snowmobile while such snowmobile is in operation and underway on any street, alley, highway or other public ground or place in the city.
 - (13) If the operator does not hold a valid, current North Dakota driver's license or is not accompanied by a licensed driver who is actually occupying a seat in the snowmobile.
 - (14) Abreast of another snowmobile upon any street, alley, highway or other public ground or place.
 - (15) Between the hours of 10:30 P.M. and 7:30 A.M.; except, that on Friday and Saturday the beginning hour is changed from 10:30 P.M. to 11:00 P.M. with the further exception that snowmobiles entering the city are not limited by time as long as they meet with the provisions of this section.
 - (16) In any municipal park or recreation area except when posted as "open" to snowmobiles, and within the hours permitted.
 - (17) Upon private property, other than that of the snowmobile owner or operator, without express permission of the owner.
 - (18) While carrying a strung bow or loaded firearm.
 - (19) Leaving or allowing a snowmobile to be or remain unattended on public property, streets, highway or other public grounds or places while the motor is running or with keys to start the same in the ignition switch.
 - (20) At any time with more than two persons riding thereon in addition to the operator.
 - (21) Without observing all traffic signs, signals, rules and regulations applying to motor vehicles when also applicable to snowmobiles.
- (c) Prohibition of Use on All Streets. No person shall operate a snowmobile upon any road, street or highway in this city kept open for vehicular traffic except:
 - (1) During a period of emergency when travel by other vehicles is not possible.
 - (2) For a special snowmobile event of limited duration when conducted on a prearranged schedule under permit from the governing body.
 - (3) In crossing a street as herein provided.
 - (4) On streets or roads not maintained for winter vehicular travel.

- (5) In travelling from the operator's place of residence to the edge of the city limits, using the shortest route from such operator's residence to the edge of the city's limits.
- (d) Permissible use on streets as regulated herein. No person shall operate a snowmobile upon the roadway, shoulder or inside bank or slope of any road, street or highway in this city except as provided in this section. No snowmobile shall be operated upon a public street or highway unless it is equipped with at least one head lamp, one tail lamp and brakes all in working order which conform to standards prescribed by rule of the highway commissioner. When snowmobiles are operated within the right-of-way of any road, street or highway of this city pursuant to this section during times or conditions that warrant the use of lights, such snowmobiles shall travel in the same direction as the direction of motor vehicles on the side of the roadway immediately adjacent to the side of the right-of-way traveled by the snowmobiles.
- (e) Penalty. Any person who shall violate paragraph (2) or (3) of subsection (b) of this section shall be guilty of a class B misdemeanor. (Ord. No. 866, § 1.)

Section 23.76.070 Violations involving operation of off-highway vehicles

- (a) Definitions. As used in this chapter, unless the context otherwise requires:
 - (1) "Dealer" means any person engaged in the business of buying, selling, or exchanging off-highway vehicles or who advertises, or holds out to the public as engaged in the buying, selling, or exchanging of off-highway vehicles, or who engages in the buying of off-highway vehicles for resale.
 - (2) "Off-highway vehicle" means any wheeled motorized vehicle not designed for use on a highway and capable of cross-country travel on land, snow, ice, marsh, swampland, or other natural terrain. An off-highway vehicle must be classified into one of the following categories:
 - (a) Class I off-highway vehicle is a vehicle that does not qualify as road capable under chapters 39-21 and 39-27, has a seat or a saddle designed to be straddled by the operator, and has handlebars for steering control of two wheels.
 - (b) Class II off-highway vehicle is less than fifty inches (1270.00 millimeters) in width, travels on three or more low-pressure tires, has a saddle designed to be straddled by the operator, and has handlebars for steering control.
 - (c) Class III off-highway vehicle weighs less than eight thousand pounds, travels on four or more tires, has a seat and a wheel for steering control, and is designated for or capable of cross-country on or over land, water, sand, snow, ice, marsh, swampland, or other natural terrain.
 - (3) "Operate" means to ride in or on and control the operation of an off-highway vehicle.
 - (4) "Operator" means an individual who operates or is in actual physical control of an off-highway vehicle.
 - (5) "Owner" means a person, other than a lienholder, having the property in or title to an off-highway vehicle and entitled to its use or possession.

- (6) "Register" means the act of assigning a registration number to an off-highway vehicle.
- (7) "Emergency Circumstances" means emergency conditions (including snow emergency, natural disaster, man-made disaster, or public health emergency) that renders the use or operation of passenger vehicles impractical or impossible in the particular conditions at the time and location in question.
- (b) Registration. Except as provided in this section, a person may not operate an off-highway vehicle unless it has been registered in accordance with North Dakota Century Code, sections 39-29-03, 39-29-04, 39-29-05 and 39-29-06.
- (c) Permitted Operation. It shall be lawful for any person age sixteen (16) years or older and who is in possession of a valid driver's license to operate a Class III off-highway vehicle on any street or highway within the city limits of the City of Dickinson; provided, however, that the Class III off highway vehicle is equipped with such safety equipment, including head lights, tail lights, brake lights, and such other safety equipment, all in working order, which may be required by standards prescribed by rule of the North Dakota Highway Commissioner as may apply to passenger automobiles. At all times, Class III off highway vehicles within the city limits of the City of Dickinson shall comply with such standards and rules of operation governing passenger automobiles as may be otherwise provided by city ordinance or state statute.
- (d) Restricted Operation on City Streets and Public Right of Way. It shall be unlawful for any person to drive or operate any Class I or Class II off-highway vehicle on any street or public right of way within the city limits of the City of Dickinson, except in the following circumstances:
 - (1) A Class I or Class II off highway vehicle may be operated on city streets and other public rights of way in the event of Emergency Circumstances, as defined in Section 23.76.070(a)(7).
 - (2) A Class I or Class II off highway vehicle may be operated on city streets and other public rights of way for a special off highway vehicle event of limited duration, when conducted on a prearranged schedule under permit from the governing body.
 - (3) A Class II off-highway vehicle may travel from the operator's place of residence to the edge of the city limits, using the shortest route from such operator's residence to the edge of the city's limits; provided, however, that the Class II off highway vehicle shall not be operated on any street or public right of way having more than two lanes or with a speed limit in excess of twenty five miles per hour.
 - (4) Class II off-highway vehicles may be used for snow removal, provided that the off-highway vehicle has a mounted blade and an amber flashing light visible from all directions. The off-highway vehicle may go from one job site to another job site on city streets provided the operator obeys all other sections of the off-highway vehicle ordinance.
- (e) Prohibited Operation within City Limits not on City Streets or Public Right of Way. It shall be unlawful for any person to drive or operate any Class I or Class II off-highway vehicle within the city limits of the City of Dickinson in the following ways or under the following circumstances, which are hereby declared to be unsafe and a public nuisance:
 - (1) On a roadway, shoulder or inside bank or slope of any road, street or highway, except as provided in this section. Except in the event of Emergency

Circumstances as defined in 23.76.070(a) (7), a person may not operate an off-highway vehicle within the right-of-way of any controlled access highway.

- (2) On direct crossing of a street or highway, unless:
 - a. The crossing is made at an angle of approximately ninety degrees to the direction of the highway and at a place where no obstruction prevents a quick and safe crossing;
 - b. The off-highway vehicle is brought to a complete stop before crossing the shoulder or main traveled way of the highway;
 - c. The operator yields the right-of-way to all oncoming traffic which constitutes an immediate hazard; and
 - d. In crossing a divided highway, the crossing is made only at an intersection of the highway with another public street or highway.
 - (3) Without being equipped with at least one headlamp, one tail lamp and brakes, all in working order, which conform to standards prescribed by rule of the highway commissioner.
 - (4) At a rate of speed greater than reasonable or proper under all the surrounding circumstances.
 - (5) 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.
 - (6) While under the influence of intoxicating liquor or a controlled substance.
 - (7) In any tree nursery or planting in a manner which damages growing stock.
 - (8) Without a manufacturer-installed or equivalent muffler in good working order and connected to the off-highway vehicle's exhaust system.
 - (9) Without having in possession a valid driver's license or permit.
 - (10) In a direction other than the same direction as the direction of other motor vehicles traveling on the side of the roadway immediately adjacent to the side of the right-of-way travelled by the off-highway vehicle, when such off-highway vehicle is operated within the right-of-way of any road, street or highway during times or conditions that warrant the use of lights by other motor vehicles.
 - (11) In violation of any rule or regulation promulgated for regulating the use of off-highway vehicles by the state highway commissioner where applicable within the geographical limits of the city.
 - (12) In any municipal park or recreation area, except when posted as "open" to off-highway vehicles, and only along established paths and trails and within the hours permitted.
 - (13) Upon private property, other than that of the off-highway vehicle owner or operator, without express permission of the owner.
 - (14) While carrying a loaded firearm.
 - (15) Without observing all traffic signs, signals, rules and regulations applying to motor vehicles when also applicable to off-highway vehicles.
- (f) Operation by Person Under Age Sixteen. Except as otherwise provided in this section, a person under sixteen years of age who is not in possession of a valid operator's license or permit to operate an off-highway vehicle may not, except upon the lands of the person's parent or guardian, operate an off-highway vehicle. A person at least twelve years of age may operate an off-highway vehicle if the person has completed an off-highway vehicle safety training course prescribed by the director of the state parks and recreation

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

- (g) Liability Insurance. Any operator of an off-highway vehicle operated in the city under this section is required to have liability insurance on the off-highway vehicle and present proof when it is requested by any law enforcement officer.
- (h) Enforcement. Only peace officers of the state and their respective duly authorized representatives may enforce this section.
- (i) Penalties. Violation of any provision of subsection (d) or (e) of this Section is an infraction, for which a fee of forty dollars must be assessed. Violation of subsection (b) is an infraction, for which a fee of fifty dollars must be assessed. Violation of any other provisions of this section is an infraction, for which a fee of twenty dollars must be assessed. (Ord. No. 931, § 1; Ord. No. 974, § 1; Ord. No. 1202, §6; Ord. No. 1316 §1; Ord No. 1354 § 1.)

Section 23.76.080 Harassment of domestic animals

The provisions of North Dakota Century Code, section 39-08-19, and all subsequent amendments, shall be and are hereby incorporated by reference in this section.

Any person operating a motorcycle, snowmobile or other motor vehicle, as defined in Section 23.04.010, 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 North Dakota Century Code, section 36-21-13. (Ord. No. 866, § 1.)

Section 23.76.090 Operation of motor vehicle, etc., prohibited on flood protective works

The provisions of North Dakota Century Code, section 39-10-65, and all subsequent amendments, shall be and are hereby incorporated by reference in this section.

- (a) 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.
- (b) 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. (Ord. No. 866, § 1.)

Section 23.76.100 Operator's license--Driving without

No person shall drive any motor vehicle upon a highway in this city unless such person has a valid license as an operator or is expressly exempted from licensing requirements by the laws of this state. (Ord. No. 866, § 1.)

Section 23.76.110 Same--To be carried and exhibited on demand

The provisions of North Dakota Century Code, section 39-06-16, and all subsequent amendments, shall be and are hereby incorporated by reference in this section.

Every license 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 any district court, municipal court, county court, patrolman, peace officer or 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. (Ord. No. 866, § 1.)

Section 23.76.120 Violations of motor vehicle registration provisions; penalties

It is unlawful for any person to commit any of the following acts:

- (a) To operate, or for the owner thereof knowingly to permit anyone to operate, upon a highway any motor vehicle the registration of which has been canceled or revoked, or which is not registered, or which does not have attached thereto and displayed thereon a number plate, plates or validation tabs assigned thereto by the registrar of motor vehicles for the current registration period, subject to the exemptions allowed by the laws of the state. Any person, upon conviction for the violation of this provision, shall be subject to a fine as set forth in NDCC 39-06.1-06(1).
- (b) To display, cause or permit to be displayed or have in possession any registration card, registration number plate or validation tabs, knowing the same to be fictitious or to have been canceled, revoked, suspended or altered.
- (c) To lend any registration number plate, registration card or validation tabs to any person not entitled thereto, or knowingly permit the use of any registration number plate or registration card by any person not entitled thereto.
- (d) To fail or refuse to surrender to the department, upon demand, any registration card, registration number plate or validation tab which has been suspended, canceled or revoked as is provided in chapter 39-04 of the North Dakota Century Code.
- (e) To use a false or fictitious name or address in any application for the registration of any vehicle, or for any renewal or duplicate thereof, or to knowingly conceal a material fact or otherwise to commit a fraud in any application.
- (f) To operate a passenger motor vehicle without payment of the registration fees as required pursuant to chapter 39-04 of the North Dakota Century Code.

With the exception of subsection (a) of this section, any person, upon conviction for the violation of any such provisions, shall be guilty of a class B misdemeanor. (Ord. No. 988 § 1; Ord. No. 996, § 1.)

Section 23.76.125 Failure o register upon gainful employment.

The provisions of North Dakota Century Code, section 39-04-18, and all subsequent amendments, shall and are hereby incorporated by reference in this section.

The following motor vehicles may be operated upon highways, roads, and streets of this state without being registered, under such limitations as are herein specified:

- (a) Motor vehicles registered in any other state or territory when coming into this state a distance not exceeding twenty miles [32.19 kilometers]; provided, however, that such motor vehicles have displayed thereon the current license plates issued by the state territory in which they are registered and provided further that the owners or operators thereof are not residents of this state.
- (b) Passenger motor vehicles registered in any other state or territory; provided, however, that such motor vehicles have displayed thereon the current license plates issued by the state or territory in which they are registered and provided further that the owners or operators thereof are not residents of this state

Any individual is a resident of this state if the individual is gainfully employed or engages in any trade, profession, or occupation within this state and owns, leases, or rents a place of residence or otherwise lives within this state for the purposes of employment, or regardless of domicile or any other circumstance, remains in this state for a period of at least ninety consecutive days. For purpose of this subsection, a resident does not include a student at a university, college, or technical school in this state or a daily commuter from another jurisdiction exempts the vehicle of a daily commuter from this state from registration in that jurisdiction under reciprocity agreement.

A person operating a motor vehicle in violation of this subsection shall purchase an annual registration for that motor vehicle for a fee that is not discounted from the appropriate amount listed in a table in section 39-04-19 of the North Dakota Century Code. Any person, upon conviction for the violation of this provision, shall be subject to a fine as set forth in NDCC 39-06.1-06(2)(f).

Section 23.76.130 Display of number plates and tabs

Except as otherwise specifically provided, no person may operate or drive a vehicle on the public highways of the state, unless the vehicle has a distinctive number assigned to it by the department, and two number plates, bearing the distinctive number conspicuously displayed, horizontally and in an upright position, one on the front and one on the rear of the vehicle, each securely fastened; except, that number plates assigned to a motorcycle, trailer or housetrailer must be attached to the rear thereof. When only one number plates is furnished for an apportioned vehicle licensed under the international registration plan as authorized in North Dakota Century Code, section 39-19-04, truck tractor or semitrailer, the plate must be attached to the front of the apportioned vehicle or truck tractor and the rear of the semitrailer. The bottom of each number plate must be a height of not less than twelve inches (30.48 centimeters) above the level surface upon which the vehicle stands. As far as is reasonably possible, the plates must at all times be kept free and clear of mud, ice or snow, so as to be clearly visible, and all number plates, markers or evidence of registration or licensing except for the current year must be removed from the vehicle. All vehicle license plates issued by the department continue to be the property of the state for the period for which the plates are valid. An annual registration tab or sticker for the current registration year must be displayed on each number plate in those years for which tabs or stickers are issued in lieu of number plates.

Any person, upon the conviction for the violation of the provisions of this section, shall be subject to a fine of twenty dollars. (Ord. No. 996, § 2; Ord. No. 1202, § 7.)

Section 23.76.140 Driving without liability insurance--Penalty

A person may not drive, or the owner may not cause or knowingly permit to be driven, a motor vehicle in this City without a valid policy of liability insurance in effect in order to respond in damages for liability arising out of the ownership, maintenance, or use of that motor vehicle in the amount required by NDCC Chapter 39-16.1, as may be amended from time to time.

Upon being stopped by a law enforcement police officer for the purpose of enforcing or investigating the possible violation of an ordinance or state law, the person driving the motor vehicle shall provide to the officer upon request satisfactory evidence, including written or electronic proof of insurance, of the policy required under this section. If unable to comply with the request, that person may be charged with a violation of this Section. If that person produces satisfactory evidence, including written or electronic proof of insurance, of a valid policy of liability insurance in effect at the time of the alleged violation of this section to the office of the court under which the matter will be heard, that person may not be convicted or assessed any administration fee for violation of subsection 1.

Upon conviction for a violation of this Section, sentence shall be imposed as provided in NDCC §39-08-20 as may be amended from time to time.

(Ord. No. 993, § 5; Ord. No. 1026, § 1; Ord. No. 1079, § 1; Ord. No. 1117 § 2; Ord. No. 1157 § 4. Ord. No. 1543, § 1)

Section 23.76.150 Driving as permitted by class of license

A person issued a valid North Dakota operator's license pursuant to North Dakota Century Code Chapter 39-06 shall be deemed authorized to drive the type of motor vehicle or combination of vehicles as permitted by the class of license issued to him, such classes of license as more specifically set forth in North Dakota Century Code 39-06-14 or other applicable provision under Title 39 of the state law which provisions are incorporated by reference as though set forth in full.

Any person as a holder of a classified license who drives a motor vehicle otherwise than as permitted by the class of license issued to him must be deemed to be driving a motor vehicle without being duly licensed and shall be assessed a fee of twenty dollars. (Ord. No. 1045, § 1.)

Section 23.76.160 Weighing

The provisions of North Dakota Century Code, section 39-12-21, and all subsequent amendments, shall be and are hereby incorporated by reference in this section.

Any driver of a vehicle who refuses to stop and submit the vehicle and load to a weighing when directed to do so by the police officer or any agent of this state having police powers relating to motor vehicles, shall be guilty of an offense. (Ord. No. 866, § 1.)

Article 23.80 Disposition of Traffic Offenses

Sections:

23.80.010	Authority of officer halting person for violating traffic regulations
23.80.020	Hearing; time; promise of defendant to appear; failure to appear
23.80.030	Offenses under which person halted may not be entitled to release upon promise to appear
23.80.040	Noncriminal traffic violations-- Generally
23.80.050	Same--Administrative hearing; prepaid costs; procedures; appeals; stay orders
23.80.060	Same--Failure to appear, pay statutory fee or post bond
23.80.070	Offenses excepted from procedures of sections 23.80.040 and 23.80.050
23.80.080	Amounts of statutory fees
23.80.090	"Nonmoving violation" defined
23.80.100	"Moving violation" defined
23.80.110	General penalty for violation of chapter
23.80.120	Notification of parents or guardians of juvenile traffic offenders

Section 23.80.010 Authority of officer halting person for violating traffic regulations

The provisions of North Dakota Century Code, section 39-07-07, and all subsequent amendments, shall be and are hereby incorporated by reference in this section.

Whenever any person is halted for the violation of any of the provisions of North Dakota Century Code, 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 section 23.80.030, may:

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

A halting officer employed by any political subdivision of the state may not take a person into custody or require that person to proceed with the officer to any other location for the purpose of posting bond, where the traffic violation was a noncriminal offense under North Dakota Century Code, section 39-06.1-02. The officer shall provide the person with an envelope for use by that person to mail the bond. (Ord. No. 866, § 1.)

Section 23.80.020 Hearing; time; promise of defendant to appear; failure to appear

The provisions of North Dakota Century Code, section 39-07-08, and all subsequent amendments, shall be and are hereby incorporated by reference in this section.

The time to be specified in the summons or notice provided for in section 23.80.010 shall be within ten days after the issuance of such summons or notice. 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 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. (Ord. No. 866, § 1.)

Section 23.80.030 Offenses under which person halted may not be entitled to release upon promise to appear

The provisions of North Dakota Century Code, section 39-07-09, and all subsequent amendments, shall be and are hereby incorporated by reference in this section.

The provisions of section 23.80.010 shall not apply to a person if:

- (a) The halting officer shall have good reason to believe such person guilty of any felony or when such person is halted and charged with any of the offenses listed in section 23.80.070, except reckless driving; or
- (b) The halting officer, acting within his discretion, deems it inadvisable to release such person upon his promise to appear when halted and charged with either of the following offenses:
 - (1) Reckless driving; or
 - (2) 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. (Ord. No. 866, § 1.)

Section 23.80.040 Noncriminal traffic violations-- Generally

The provisions of North Dakota Century Code, section 39-06.1-02, and all subsequent amendments, shall be and are hereby incorporated by reference in this section.

Any person cited, in accordance with the provisions of North Dakota Century Code, sections 39-07-07 and 39-07-08, for a traffic violation under state law or municipal ordinance, other than an offense listed in North Dakota Century Code, section 39-06.1-05, 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, as provided by North Dakota Century Code, section 39-07-07, 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 take a statement in the explanation of this 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 appearing before the official designated in the citation shall be identical to the statutory fee established by North Dakota Century Code, section 39-06.1-06. 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:

- (a) Admission of the violation; and
- (b) 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. (Ord. No. 866, § 1.)

Section 23.80.050 Same--Administrative hearing; prepaid costs; procedures; appeals; stay orders

The provisions of North Dakota Century Code, section 39-06.1-03, and all subsequent amendments, shall be and are hereby incorporated by reference in this section.

- (a) If a person cited for a traffic violation, other than an offense listed in section 23.80.070, does not choose to follow one of the procedures set forth in section 23.80.040, he may request a hearing on the issue of his commission of the violation charged, the hearing to be held at the time scheduled in the citation or at some future time, not to exceed ninety days later, set at the first appearance.
- (b) 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 an appearance bond equal to the statutory fee for the violation charged.
- (c) If a person cited for a traffic violation, other than an offense listed in section 23.80.070, who has requested a hearing on the issue of the commission of the violation charged, appears at the time scheduled for the hearing and the state or city, as the case may be, does not appear or is not ready to prove the commission of a charged violation at the hearing, the official shall dismiss the charge.
- (d) 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 (14.48 kilometers) per hour in excess of the lawful limit, stating specifically the miles (kilometers) 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.
- (e)
 - (1) 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 or county court for trial anew. If, after trial in the appellate court, the person is again found to have committed the violation, there may be no further appeal. Notice of appeal under this subsection must 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 the official adjudges that a violation has been committed. Otherwise, notice of appeal must be in writing and filed with the official, and a copy of the notice must be served upon the prosecuting attorney. An appeal taken under this subsection may not operate to stay the reporting requirement of subsection (d) hereof, nor to stay appropriate action by the licensing authority upon receipt of that report.
 - (2) The appellate court upon application by the appellant may:
 - (A) 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;

- (B) 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
- (C) Deny the application.

An application for a stay or temporary certificate under this subparagraph must 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 must 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 may not make a determination on an application under this subparagraph 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 subparagraph is guilty of a traffic violation and must be assessed a fee of twenty dollars.

(3) If a person charged is found not to have committed the violation by the appellate court, the clerk of court shall report that fact to the licensing authority immediately. If an appeal under this subsection is from a violation of a city ordinance, the city attorney for the city wherein the alleged violation occurred shall prosecute the appeal. In all other cases, the appropriate state's attorney shall prosecute the appeal.

- (f) 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 (e) hereof, the court and parties shall follow, to the extent applicable, the North Dakota Rules of Civil Procedure. If, on the appeal from the finding of the official the finding is affirmed, costs may be assessed at the discretion of the trial judge.
- (g) As used in sections 23.80.040 and 23.80.050, the word "official" means a district judge, a judge of a county court, a municipal judge, or, when provided by statute, a person appointed by a district judge to serve as such official for all or a specified part of a judicial district. (Ord. No. 866, § 1; Ord. No. 1027, § 4.)

Section 23.80.060 Same--Failure to appear, pay statutory fee or post bond

The provisions of North Dakota Century Code, section 39-06.1-04, and all subsequent amendments, shall be and are hereby incorporated by reference in this section.

If a person fails to choose one of the methods of proceeding set forth in section 23.80.040 or section 23.80.050, 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. (Ord. No. 866, § 1.)

Section 23.80.070 Offenses excepted from procedures of sections 23.80.040 and 23.80.050

The provisions of North Dakota Century Code, sections 39-06.1-05, and all subsequent amendments, shall be and are hereby incorporated by reference in this section.

The procedures authorized under sections 23.80.040 and 23.80.050 may not be utilized by a person charged with one of the following offenses:

- (a) Driving or being in actual physical control of a vehicle in violation of section 23.76.010.
- (b) Reckless driving in violation of section 23.76.020.
- (c) A violation of North Dakota Century Code chapter 12.1-16 resulting from the operation of a motor vehicle.
- (d) Leaving the scene of an accident in violation of sections 20.76.030 and 20.76.040.
- (e) Driving while license or driving privilege is suspended or revoked in violation of section 20.76.050.
- (f) Violating paragraph (2) or (3) of subsection (b) of section 23.76.060.
- (g) Driving without liability insurance in violation of section 23.76.140.
- (h) Operating an unsafe vehicle in violation of section 23.68.030. (Ord. No. 866, § 1; Ord. No. 1027, § 5.)

Section 23.80.080 Amounts of statutory fees

The fees required for a noncriminal disposition pursuant to either section 23.80.040 or section 23.80.050 shall be as follows:

1. For a nonmoving violation as defined in North Dakota Century Code, section 39-06.1-08, a fee of any amount not to exceed twenty dollars.
2. For a moving violation as defined in North Dakota Century Code, section § 39-06.1-09, a fee of twenty dollars, except for:
 - a. A violation of North Dakota Century Code § 39-10-26, 39-10-26.2, 39-10-41, 39-10-42, 39-10-46, or 39-10-46.1, a fee of fifty dollars.
 - b. A violation of North Dakota Century Code § 39-10-05 involving failure to yield to a pedestrian or subsection 1 of North Dakota Century Code § 39-10-28, a fee of fifty dollars.
 - c. A violation of North Dakota Century Code § 39-21-41-2, a fee of twenty-five dollars.
 - d. A violation of subsection 1 of North Dakota Century Code § 39-12-02 or § 39-08-23, a fee of one hundred dollars.
 - e. A violation of subdivision d of subsections 1 of North Dakota Century Code § 39-12-04, a fee of one hundred dollars.
 - f. A violation of subsection 1 of North Dakota Century Code § 39-04-37 by an individual by becoming a resident of the state, a fee of one hundred dollars.
 - g. A violation of subsection 2 of North Dakota Century Code § 39-10-21.1, a fee of two hundred fifty dollars.
 - h. A violation of North Dakota Century Code § 39-10-59, a fee of one hundred dollars.

- i. A violation of North Dakota Century Code § 39-09-01, a fee of thirty dollars.
 - j. A violation of North Dakota Century Code § 39-09-01.1, a fee of thirty dollars.
 - k. A violation of North Dakota Century Code § 39-10-46 or 39-10-456.1, a fee of one hundred dollars.
 - l. a violation of subsection 1 of North Dakota Century Code § 39-08-20, a hundred fifty dollars for the first violation and three hundred dollars for a second or subsequent violation in three years.
3. Except as provided in subsection 7 and 11 of North Dakota Century Code § 39-06.1-06, for a violation of North Dakota Century Code § 39-09-02, or an equivalent ordinance, a fee established as follows:

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

- 4. For a violation of North Dakota Century Code § 39-09-01, or an ordinance defining careless driving, a fee of thirty dollars.
- 5. For a violation of North Dakota Century Code § 39-09-01.1, or an ordinance defining care required in driving, a fee of not less than ten dollars nor more than thirty dollars.
- 6. For a violation of North Dakota Century Code § 39-09-02(1)(b), or an ordinance defining a school zone speed, a fee of forty dollars for one through ten miles per hour over the posted speed; and forty dollars, plus one dollar for each additional mile per hour over ten miles per hour over the limit unless a greater fee would be applicable³ under this section.
- 7. For a violation of North Dakota Century Code § 39-09-02(2), or an ordinance defining a highway construction zone speed, a fee of eighty dollars for one through ten miles per hour over the posted speed; and eighty dollars plus two dollars for each mile per hour over ten miles per hour over the limit, unless a greater fee would be applicable under this section. The fee in this subsection does

not apply to a highway construction zone unless individuals engaged in construction are present at the time and place of the violation and the posted speed limit sign states "Minimum Fee \$80".

(Ord. No. 866, § 1; Ord. No. 1202, § 8; Ord. No. 1352 § 1.)

Section 23.80.090 "Nonmoving violation" defined

The provisions of North Dakota Century Code, section 3-06.1-08, and all subsequent amendments, shall be and are hereby incorporated by reference in this section.

For the purpose of section 23.80.070, a "nonmoving violation" shall mean sections 23.36.240, 23.36.330, 23.36.340, or the provisions of article 23.60. (Ord. No. 866, § 1.)

Section 23.80.100 "Moving violation" defined

The provisions of North Dakota Century Code, section 39-06.1-09, and all subsequent amendments, shall be and are hereby incorporated by reference in this section.

For the purpose of section 23.80.070, a "nonmoving violation" means sections 23.76.110, 23.36.310, 23.20.050, 23.44.020, 23.44.030, 23.44.040, 23.44.050, 23.44.060, 23.12.150(a) or 23.76.060(b) except paragraphs (2) and (3); or a violation of the provisions of article 23.36 or article 23.68 except section 23.68.050 and those sections which are specifically listed in section 23.80.080. (Ord. No. 866, § 1.)

Section 23.80.110 General penalty for violation of chapter

Unless another criminal penalty is specifically provided in any of the provisions of this chapter, any person who is convicted of violating or of failing to comply with any of the provisions of this chapter may be punished by a fine of not more than one thousand dollars or by imprisonment not to exceed thirty days, or both, and, upon conviction of any person of a violation of section 23.76.010 or section 23.76.050, the court may order the number plate of the motor vehicle owned and operated by the offender at the time of the offense to be impounded by the sheriff or chief law enforcement officer of the city, as is appropriate, for the duration of the period of suspension of the offender's driver's license or driving privilege by the licensing authority. (Ord. No. 866, § 1; Ord. No. 940, § 1; Ord. No. 933, § 6; Ord. No. 1157 § 4.)

Section 23.80.120 Notification of parents or guardians of juvenile traffic offenders

The municipal judge or his clerk shall notify the parent or guardian of any juvenile appearing before the court on a traffic offense of the charge as contained in the citation, the penalty attached to the offense and the time and place of any court hearing on the matter. (Ord. No. 866, § 1.)

Article 23.84 Equipment of Vehicle Size, Weight, and Load Restrictions

Sections:

- 23.84.010** Size, weight, and load restrictions of vehicles operated within the City
- 23.84.020** Regulating movement of engines, tractors, and heavy vehicles on pavement
- 23.84.030** Permits for excessive size and weight
- 23.84.040** Trucks Prohibited on certain streets - Truck routes established - Maps and signs required
- 23.84.050** Restricted use of streets and highways
- 23.84.060** Peace officers or other agents may weigh vehicle and require removal of excess load
- 23.84.070** Impounding overweight vehicle
- 23.84.080** Impounding receipt - Information
- 23.84.090** Impounding Notice - Perishables
- 23.84.100** Civil Complaint
- 23.84.110** Voluntary settlement of extraordinary road use fee charges
- 23.84.120** Mailing complaint
- 23.84.130** Cash bond-Holding
- 23.84.140** Trial-Charges
- 23.84.150** Payment of charges - Confiscation - Sale
- 23.84.160** Payment - Effect
- 23.84.170** Proceeds of Sale
- 23.84.180** Load Restrictions upon Vehicles using certain roads

Section 23.84.010 Size, weight, and load restrictions of vehicles operated within the City

No person, partnership, corporation, or other entity shall drive or permit to be driven through any agent or employee on any street or alley within the City any vehicle in violation of the restrictions on size, weight, and load established by North Dakota state law. (Ord. No.1401 §1)

Section 23.84.020 Regulating movement of engines, tractors, and heavy vehicles on pavement

No person, firm, corporation, or other entity shall move, or cause to be moved, over the paved streets, sidewalks, crosswalks, culverts, bridges, and viaducts within the City any motor vehicle, tractor, wagon, truck or other commercial vehicle, or other vehicle, object, or thing which will tend to injure the paving, sidewalks, crosswalks, culverts, bridges, or viaducts over which the same are transported or which exceeds the weight or weights as established pursuant to the preceding Section 23.84.010, or any vehicle to the wheels of which are attached spurs, bars, angle irons, or cleats which will tend to mar or deface the paving, sidewalk, crosswalks, culverts, bridges, or viaducts, except as authorized by a permit granted under Section 23.84.030.

Any person, firm, or corporation moving, or causing to be moved, any such engines, tractors, or vehicles shall pay or cause to be paid to the City, upon demand, any and all damages done to the paving, sidewalks, crosswalks, culverts, bridges, and viaducts. (Ord. No. 1401 §1)

Section 23.84.030 Permits for excessive size and weight

The city engineer may, under such policies as the city may establish, upon application in writing and good cause being shown therefore, issue a special permit in writing authorizing the applicant to operate or move a vehicle of a size and weight exceeding the maximum specified in this chapter upon any street or highway under the jurisdiction of and for the maintenance of which the city is responsible. Every such permit shall be issued for a single trip and may designate the route to be traversed and contain other restrictions or conditions deemed necessary by the city engineer. Every such permit shall be carried in the vehicle to which it refers and shall be open to inspection by any peace officer or other agent of the city, and it shall be unlawful for any person to violate any of the terms and conditions of such special permit. The fee for such special permit shall be established by resolution of the board of city commissioners. (Ord. No. 1401 §1)

Section 23.84.040 Trucks Prohibited on certain streets - Truck routes established - Maps and signs required

- (a) No truck or commercial vehicle exceeding a gross vehicle weight rating of 26,001 pounds shall be operated in the City of Dickinson except upon truck routes designated as hereinafter provided in subsection (b) of this section; provided, that this ordinance shall not prohibit:
- (1) Such vehicles from operating upon other city streets when delivering or picking up materials or merchandise, provided entrance or exit to or from such street is made at the nearest intersection; through streets as established elsewhere in the Dickinson city ordinances shall be considered as secondary truck routes and must be used in preference to other streets whenever possible.
 - (2) The operation of trucks owned or operated by the City of Dickinson.
 - (3) The operation of emergency vehicles, as defined in the traffic ordinances of the City of Dickinson, upon any street in the city.
 - (4) Trucks making more than one delivery on any one trip may take the most direct route between one delivery and the next.
 - (5) Commercial passenger buses, school buses, and other fleet passenger vehicles.
 - (6) Properly authorized snow removal equipment.
- (b) Truck routes shall be established by resolution of the board of city commissioners, after notice and hearing. The notice shall be by one publication in the official newspaper of the City at least 15 days prior to the date of the hearing. The truck routes, as established by the board of city commissioners, shall be stated in the resolution and on an official map which shall be kept and maintained in the office of the city engineer and shall be available for public inspection.
- (c) On each street or avenue designated as a truck route in accordance with subsection (b) above, such street or avenue may, but need not be, posted with appropriate signs.
- (d) A person operating a motor vehicle in violation of this Section, or the owner of the motor vehicle being operated in violation of this Section, must be assessed a One Hundred Dollars and No Cents (\$100.00). (Ord. No. 1401 §1; Ord. No. 1410§1; Ord. No. 1414 §1)

Section 23.84.045 Trucks prohibited on certain streets

Section 23.84.045 of the City Code of the City of Dickinson is hereby repealed.

Section 23.84.050 Restricted use of streets and highways

The board of city commissioners, by resolution, may prohibit the operation of vehicles or impose restrictions as to the weight of vehicles upon any street or highway under their jurisdiction or for the maintenance of which they are responsible whenever any of said streets or highways, by reason of deterioration, rain, snow, or other climatic conditions, will be seriously damaged or destroyed unless the use of vehicles thereon is prohibited or the permissible weights thereof reduced. The board when enacting any such resolution shall erect, or cause to be erected and maintained, signs designating the provisions of the resolution at each end of that portion of any street or highway affected thereby, and the resolution shall not be effective until or unless such signs are erected and maintained. The board may also, by resolution, prohibit the operation of trucks or other commercial vehicles, or impose limitations as to the weight thereof, on designated streets and highways, which prohibitions and limitations shall be designated by appropriate signs placed on such streets or highways. (Ord. No. 1401 §1)

Section 23.84.060 Peace officers or other agents may weigh vehicle and require removal of excess load

Any peace officer, designated agent of city, or city-designated personnel, having reason to believe that the weight of a vehicle and load is unlawful is authorized to weigh the same, either by means of portable or stationary scales, and may require that such vehicle be driven to the nearest scales. The peace officer, or other designated individual as aforesaid, may then require the driver to unload immediately such portion of the load as may be necessary to decrease the gross weight of such vehicle to the maximum allowed therefor. Any person violating this Section shall be guilty of a Class B misdemeanor as provided by NDCC §39-12-21. (Ord. No. 1401 §1; Ord. No. 1410 §2)

Section 23.84.070 Impounding overweight vehicle

Any vehicle found to have been moved or used upon any highway, street, alley or other public way within the city at a weight exceeding the limitations as specified in any ordinance or resolution established hereunder, may be impounded by any peace officer, designated agent of city, or city-designated personnel and taken to a warehouse, garage or other facility for storage. (Ord. No. 1401 §1)

Section 23.84.080 Impounding receipt - Information

A receipt must be given by the peace officer or other person impounding the vehicle, to the driver or person in charge of such vehicle. Such receipt must identify as nearly as possible the owner of the vehicle and cargo, the driver or person in charge of such vehicle, the cargo, the place vehicle is to be stored during impoundment, the weight of the loaded vehicle and the name and address of the impounding officer. Information as to the owner of the vehicle and cargo must be obtained from the driver or person in charge of the vehicle. (Ord. No. 1401 §1)

Section 23.84.090 Impounding Notice - Perishables

The impounding officer shall notify the owner or owners, if they can be found, by wire or telephone, of the impoundment and the charges involved. If the cargo consists of perishables, the impounding officer shall use reasonable diligence in assisting the operator or owner in finding suitable storage facilities for such perishables, but all risk of loss or damage to such perishables must be upon the owner, operator, or lessee of such vehicle. (Ord. No. 1401 §1)

Section 23.84.100 Civil Complaint

The city attorney of the city shall, if no settlement is made under the next succeeding section, immediately prepare and file a civil complaint on behalf of the city for the purpose of recovering charges for the extraordinary use of the highways, streets, alleys or other public roadways of the city. (Ord. No. 1401 §1)

Section 23.84.110 Voluntary settlement of extraordinary road use fee charges

Before the complaint is issued pursuant to the preceding section, the owner, or the owner’s driver or agent, may voluntarily pay the amount of the extraordinary road use fee, or may provide proof of surety coverage to ensure payment of the extraordinary road use fee, provided under Section 23.84.140, plus any towing or storage costs. Any settlement, whether made by the owner, or the owner’s driver or agent, must be presumed to be of a voluntary nature. A peace officer or a peace officer’s designee is authorized to receive the settlement payment on behalf of the city. The extraordinary road use fees must be remitted to the city administrator’s office. (Ord. No.1401 §1)

Section 23.84.120 Mailing complaint

A copy of the complaint must be served upon the driver or person in charge of the vehicle and a copy must be sent by registered or certified mail to the owner of the vehicle, if the address of such owner is known. (Ord. No. 1401 §1)

Section 23.84.130 Cash bond-Holding

Unless a cash bond is furnished in an amount sufficient to cover the charge for extraordinary use of highways, streets, alleys or other public roadway, as provided in the next succeeding section, together with the costs which may be collectible under any subsequent settlement made pursuant to this article, said vehicle must be held until a trial of the case can be held before the district court. (Ord. No. 1401 §1)

Section 23.84.140 Trial-Charges

At the trial of the action, the court shall hear testimony concerning the facts and if it is found that such vehicle or vehicles were moved upon the highways, streets, alleys or other public roadways of the city at a weight in excess of the limitations imposed under the provisions of this article, charges for the extraordinary use of the highways, streets, alleys, or roadways must be assessed as follows:

1. The storage charges and costs of the action must be assessed; and

2. An additional charge must be assessed as follows: (39-12-17, NDCC)

Pounds	Fee
1 to 1,000	\$20
1,001 to 2,000	\$40
2,001 to 3,000	\$60
3,001 to 4,000	\$140
4,001 to 5,000	\$220
5,001 to 6,000	\$305
6,001 to 7,000	\$380
7,001 to 8,000	\$495
8,001 to 9,000	\$575
9,001 to 10,000	\$655
10,001 to 11,000	\$1,100
11,001 to 12,000	\$1,200
12,001 to 13,000	\$1,300
13,001 to 14,000	\$1,680
14,001 to 15,000	\$1,800
15,001 to 16,000	\$1,920
16,001 to 17,000	\$2,550
17,001 to 18,000	\$2,700
18,001 to 19,000	\$2,850
19,001 to 20,000	\$3,000
20,001 to 21,000	\$4,200
21,001 to 22,000	\$4,400
22,001 to 23,000	\$4,600
23,001 to 24,000	\$4,800
24,001 to 25,000	\$5,000
25,001 to 26,000	\$5,200
26,001 to 27,000	\$5,400
27,001 to 28,000	\$5,600

An additional charge of \$200 for every 1,000 pound increase over 30,000 pounds consistent with the above formula. (Ord. No. 1401 §1)

Section 23.84.150 Payment of charges - Confiscation - Sale

If the charges and costs as provided in the preceding section are not paid immediately from a cash bond previously posted or other cash payment, the judge shall order the vehicle confiscated and sold by the sheriff of the county at a public sale to the highest bidder and the proceeds applied to the payment of the charges and costs assessed under the provisions of this article. (Ord. No. 1401 §1)

Section 23.84.160 Payment - Effect

The payment of charges may not be construed as a payment for the future use of highways, streets, alleys and other public roadways of the city by vehicles carrying excess loads. (Ord. No. 1401 §1)

Section 23.84.170 Proceeds of Sale

The proceeds of sale must be applied first to the payment of the costs of the proceeding, including any allowable attorney's and witness fees and costs, and next to the payment of the charges assessed. Such charges must be remitted to the city administrator to be credited to the city general fund. The balance of the proceeds of any sale after the payment of costs and charges must be paid over by the sheriff to the person entitled thereto as determined by the court, or must be deposited with the clerk of the court for such payment. (Ord. No. 1401 §1)

Section 23.84.180 Load Restrictions upon Vehicles using certain roads

When signs are erected giving notice thereof, no person shall operate any vehicle with a gross weight in excess of the amounts specified on said sign at any time upon any of the streets or parts of streets so posted. (Ord. No. 1401 §1)