

CHAPTER TEN

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CHAPTER TEN

TRAFFIC

ARTICLE 1- Definitions and General Provisions

10.0101 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 Section 39-01-01 of the North Dakota Century Code and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

1. "Department" means the Department of Transportation of this state as provided by Section 24-02-01.1 of the North Dakota Century Code.
2. "Director" means the Director of the Department of Transportation of this state as provided by Section 24-02-01.3 of the North Dakota Century Code.

10.0102 Parking Privileges for Mobility Impaired - Certificate - Revocation - Continuing Appropriation - Penalty

1. Any mobility impaired person who displays prominently upon an automobile parked by that person or under that person's direction and for that person's use, the distinguishing certificate specified in Subsection 4 or license plates issued under Section 39-04-10.2 of the North Dakota Century Code 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.
2. Mobility impaired 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 (200) feet without rest; is restricted by cardiac, pulmonary, or vascular disease from walking two hundred (200) feet without rest; has a forced expiratory volume of less than one (1) liter for one (1) second or an arterial oxygen tension of less than sixty (60) millimeters of mercury on 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 (200) feet without assistance or rest.
3. The Director may issue, for a fee of three dollars (\$3) 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 or an advanced practice registered nurse to the Director that the applicant is a mobility impaired person within the criteria of Subsection 2 above. The Director shall waive the requirement for a written statement from a qualified physician or an advanced practice registered nurse that the applicant's impairment is not reversible. The application must include the information required by the Director. The physician's or advanced practice registered nurse'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 (3) years as determined by the Director. A physician or an advanced practice registered nurse 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 (\$100) must be imposed. A certificate issued under this Subsection must be nine and one-half (9½) inches in height and three (3) inches in width and must bear, in white on blue, the internationally accepted symbol of access for the mobility impaired. The certificate must bear the expiration date and registration number assigned by the Director. The Director shall adopt rules governing the issuance of the certificate. A temporary certificate, valid for an initial period not to exceed three (3) months, may be issued by the Director for a fee of three dollars (\$3) upon application supported by a

physician's or an advanced practice nurse's statement. The Director may issue a maximum of one additional temporary certificate, for an additional fee of three dollars (\$3). The temporary certificate may be extended an additional period, not to exceed three (3) months, upon application supported by a physician's or an advanced practice registered nurse's statement that the extension is warranted. Temporary certificates must be the same size as other certificates issued under this Section and must be white on red. The Director may issue a maximum of one additional certificate, if the applicant does not have license plates issued under Section 39-04-10.2 for a fee of six dollars (\$6), to a mobility impaired person to whom a certificate has been issued under this Subsection. The additional certificates may only be used by or on behalf of the mobility-impaired person.

4. Except as provided in this Subsection, two dollars (\$2) of each fee for issuance of a certificate and one dollar (\$1) of each fee for issuance of an additional certificate under this Section must be deposited in the Department of Transportation fund for purposes of defraying the cost of issuing the certificate. The rest of the fee, and the five dollar (\$5) fee received for the issuance of an additional certificate under Subsection 4, must be deposited in the State Treasury and credited to the Employment of People with Disabilities fund. The fees deposited in the fund are hereby appropriated on a continuing basis to the Committee on Employment of People with Disabilities of the Department of Human Services for development of job opportunities for disabled individuals in this state. If a certificate is lost, mutilated, or destroyed, the person to whom the certificate was issued is entitled to a replacement. The person shall furnish proof satisfactory to the Director that the certificate has been lost, mutilated, or destroyed, and shall pay a replacement fee of three dollars (\$3).
5. A certificate issued under this Section must be hung from the rearview mirror 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 (\$5) may be imposed for a violation of this Subsection.
6. An applicant may appeal a decision denying issuance of the certificate to the Director. Written notice of the appeal must be received within ten (10) business days following receipt by the applicant of notice of denial. The applicant has sixty (60) days to provide additional supportive material to the Director for purposes of deciding the appeal. The Director shall affirm or reverse the decision to deny issuance of the certificate within thirty (30) days after receipt of the supportive material. Written notice of the decision must be given to the applicant.
7. If a law enforcement officer finds that the certificate is being improperly used, the officer may report to the Director any such violation, and the Director may, at the Director's discretion, remove the privilege. Any person who is not mobility impaired and who exercised the privileges granted mobility impaired person under

Subsection 1 is guilty of an infraction for which a fine of one hundred dollars (\$100) must be imposed.

8. Whenever any public or private entity designates parking spaces for use by motor vehicles operated by mobility impaired persons, those reserved spaces must comply with the requirements of Americans with Disabilities Accessibility Guidelines for Buildings and Facilities as contained in the appendix to Title 28, Code of Federal Regulations, part 36 (28 CFR 36) and must be indicated by blue paint on the curb or edge of the paved portion of the street parking lot adjacent to the space. In addition to blue paint, each reserved space must be indicated by an official sign approved by the Director bearing the internationally accepted symbol of access for the mobility impaired. The sign must indicate that unauthorized use of the space is a nonmoving violation for which a fee of one hundred dollars (\$100) 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, each temporarily reserved space must be indicated by a sign 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 shall enforce this Section in any parking lot or parking facility, whether publicly or privately owned.
9. 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 Director 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 a 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 (\$100) must be imposed. Notwithstanding Section 29-27-02.1 of the North Dakota Century Code, fifty percent of the fee imposed and collected under this Subsection is appropriated on a continuing basis to the local committee on persons with disabilities, if one exists in the city in which the violation occurred, for the development of job opportunities for disabled individuals in the community.
10. 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.

ARTICLE 2 - Traffic Administration

10.0201 Duty of Police Department

It shall be the duty 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 the traffic ordinances of this city.

10.0202 Records of Traffic Violations

1. The Police Department shall keep a record of all violations of the traffic ordinances of this city or of the state vehicle laws of which any person has been charged, together with a record of the final disposition of all such alleged offenses. Such record shall be so maintained as to show all types of violations and the total of each. Said record shall accumulate during at least a five-year period and from that time on the record shall be maintained complete for at least the most recent five (5)-year period.
2. All forms for records of violations and notices of violations shall be serially numbered. For each month and year a written record shall be kept available to the public showing the disposal of such form.
3. All such records and reports shall be public record.

10.0203 Police Department to Investigate Accidents

It shall be the duty of the Police 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.

Every law enforcement officer, who in the regular course of duty investigates a motor vehicle accident required to be reported as provided in Section 39-08-09 of the North Dakota Century Code either at the time and at the scene of the accident or thereafter by interviewing the participants, or witnesses, shall make and forward promptly a written report of such accident to the Director of the North Dakota Department of Transportation.

ARTICLE 3 - Enforcement and Obedience to Traffic Regulations

10.0301 Authority of Law Enforcement and Fire Department Officials

1. It shall be the duty of law enforcement officers to enforce all street traffic laws of this city and all of the state vehicle laws.
2. Law Enforcement officers are hereby authorized to direct all traffic by voice, hand, or signal in conformance with traffic laws in the event of a fire or other emergency, to expedite traffic, or to safeguard pedestrians. Law enforcement officers may direct traffic as conditions may require notwithstanding the provisions of the traffic laws.
3. Officers of the Fire Department, when at the scene of a fire, may direct or assist the law enforcement officers in directing traffic thereat or in the immediate vicinity.

10.0302 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.

10.0303 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 ordinance.

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

ARTICLE 4 - Motor Vehicle Registration

10.0401 Display of Number Plates and Tabs

Except as otherwise specifically provided, a person may not operate or drive a vehicle on the public highways of this 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 number plates assigned to a motorcycle, trailer, or house trailer must be attached to the rear thereof. When only one number plate is furnished for an apportioned vehicle licensed under the international registration plan as authorized in Section 39-19-04 of the North Dakota Century Code, 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 at a height of not less than twelve (12) inches above the level surface upon which the vehicle stands. Each plate must be mounted in a manner that does not cover any words, letter, or number on the plate. 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 of North Dakota 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 the area designated by the Department for the tab or sticker, in those years for which tabs or stickers are issued in lieu of number plates.

10.0402 Motor Vehicle Exceeding Gross Weight for Which Licensed Not to be Operated on Highway – Exception

Except as otherwise provided by law, a motor vehicle, or a combination of motor vehicles, may not be operated upon the highways of this state when the gross weight exceeds the gross weight for which the vehicle or combination of vehicles was licensed. Any person violating the provisions of this Section will be required to license such motor vehicle at the higher legal rate in accordance with the weight carried by the motor vehicle at the time of the violation for the entire license period. However, such registration may not be construed to authorize the movement of loads in violation of Chapter 39-12 of the North Dakota Century Code.

10.0403 Violations of Registration Provisions

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

1. To operate, or for the owner thereof knowingly to permit anyone to operate, upon a highway any vehicle the registration of which has been canceled or revoked, or for which the registration fees required in this Title have not been paid or which does not have attached thereto and displayed thereon a number plate, plates, or validation tabs assigned thereto by the Director for the current registration period, subject to the exemptions allowed in Chapter 39 of the North Dakota Century Code.
2. To display, or cause or permit to be displayed, or to 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.
3. To lend any registration number plate, registration card, or validation tabs to any person not entitled there to, or knowingly permit the use of any registration number plate or registration card by any person not entitled thereto.

10.0404 Registration Card to be Carried in or on Vehicle - Inspection of Card - Penalty

The registration card issued for a vehicle must be carried in the driver's compartment of the vehicle or, in the case of a house trailer or mobile home or a trailer or semitrailer, regardless of when such vehicle was acquired, inside or on the vehicle, at all times while the vehicle is being operated upon a highway in this state. The card is subject to inspection by any peace officer or highway patrol officer. Any person violating this Section must be assessed a fee of twenty dollars (\$20). However, a person cited for violation of this Section may not be found to have committed the violation if the person, within forty-eight (48) hours after being cited, produces and displays to any peace officer or highway patrol officer, or to the hearing official before whom the person was to appear, a registration card valid at the time the person was cited. A peace officer or highway patrol officer, upon citing a person for violating this Section, shall inform the person that a violation will be considered as not having occurred if the person produces and displays a valid registration card in the manner provided in this Section. A peace officer or highway patrol officer receiving evidence of the existence of a valid registration card as herein provided shall notify the hearing official of the appropriate jurisdiction of that fact.

ARTICLE 5 - Operators' License

10.0501 Operators Must be Licensed - Additional Licensing - Penalty

1. A person, unless expressly exempted in this Section, may not drive any 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 unless the person has a valid license as an operator under the provisions of this Chapter or a temporary operator's permit issued under Chapter 39-20 of the North Dakota Century Code. A person may not receive an operator's license unless and until that person surrenders to the Director all operator's licenses issued to the person by any jurisdiction. When a license issued by another jurisdiction is surrendered, the Director shall notify the issuing jurisdiction of its surrender. A person may not have more than one valid operator's license at any time.
2. Any person licensed as an operator hereunder may exercise the privilege thereby granted upon all streets and highways in this state and may not be required to obtain any other license to exercise such privilege by any county, municipal or local board, or body having authority to adopt local police regulations, except that municipalities may license draymen, parcel deliverymen, bus drivers, taxi drivers, porters, expressmen, watermen, and others pursuing like occupations, and the operation of taxicabs, as provided by Section 40-05-01 of the North Dakota Century Code.

10.0502 Instruction Permit

Any person who is at least fourteen years of age may apply to the Director for an instruction permit. The Director may issue to the applicant an instruction permit that entitles the applicant while having such permit in permittee's immediate possession to drive a motor vehicle upon the public highways for a period of one (1) year when accompanied by a licensed operator who holds a license corresponding to the vehicle the permittee operates, who is at least eighteen (18) years of age, who has had at least three (3) years of driving experience, and who is occupying a seat beside the driver. An individual other than the supervising driver and the permit holder may not be in the front seat unless the vehicle has only a front seat, in which case, the supervising driver must be seated next to the permit holder. Persons holding an instruction permit for the operation of a motorcycle shall operate the motorcycle only during hours when the use of headlights is not required pursuant to Section 39-21-01 of the North Dakota Century Code, and may not carry or transport any passenger. Any instruction permit may be renewed or a new permit issued for an additional period. A person who is not yet eighteen (18) years of age is not eligible for a license until that person has had an instruction permit issued for at least three (3) months. The Director may recognize an instruction permit issued by another jurisdiction in computing the six (6)-month instructional period.

10.0503 Drove Vehicle Other Than Permitted by Class

Any holder of a classified license who drives a motor vehicle otherwise than as permitted by the class of license issued to him/her must be deemed to be driving a motor vehicle without being duly licensed by Section 39-06-01 of the North Dakota Century Code.

10.0504 License to be Carried and Exhibited on Demand

Every licensee shall have the licensee's operator's license or permit in the licensee's immediate possession at all times when operating a motor vehicle and shall display the same, upon demand of any district court, municipal court, law enforcement officer, field deputy, or inspector of the Department. However, no person charged with violating this Section may be convicted or assessed any court costs if the person produces in court, to a law enforcement officer, or in the office of the arresting officer an operator's license or permit theretofore issued to that person and valid and not under suspension, revocation, or cancellation at the time of the person's arrest.

10.0505 Restricted Licenses

A restricted license issued under Section 39-06-17 of the North Dakota Century Code to a child at least fourteen years of age to operate a parent's or guardian's automobile authorizes the license holder to drive the type or class of motor vehicle specified on the restricted license only under the following conditions.

1. A restricted license holder must be in possession of the license while operating the motor vehicle.
2. An individual holding a restricted driver's license driving a motor vehicle may not carry more passengers than the vehicle manufacturer's suggested passenger capacity.

10.0506 Notice of Change of Address or Name

Whenever a person after applying for or receiving an operator's license or permit moves from the address named in the application or in the license or permit issued to that person or when the name of a licensee is changed by marriage or otherwise, that person shall within ten days thereafter notify the Director in writing or in person of that person's old and new addresses or of such former and new names and of the number of any license or permit then held by that person. A person may obtain a corrected license or permit by making application as provided for in Section 39-06-18 of the North Dakota Century Code. In the event of a name change, a corrected license must be obtained. The Department may change the address based on information received from any authorized address correction service of the United States postal service.

10.0507 Permitting Unauthorized Minor to Drive

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

10.0508 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.

ARTICLE 6 - Disposition of Traffic Offenses

10.0601 Traffic Violations Noncriminal - Exceptions – Procedures

Any person cited, in accordance with the provisions of Sections 39-07-07 and 39-07-08 of the North Dakota Century Code, for a traffic violation under state law or municipal ordinance, other than an offense listed in Section 39-06.1-05 of the North Dakota Century Code, 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 the person has posted bond in person, as provided by Section 39-07-07 of the North Dakota Century Code, or by mail, the person may forfeit bond by not appearing at the designated time. If the person appears at the time scheduled in the citation, the person may make a statement in explanation of their action, and the official may at that time, in his/her discretion, waive, reduce, or suspend the statutory fee or bond, or both. If the person cited follows the foregoing procedures, they shall be deemed to have admitted the violation and to have waived their right to a hearing on the issue of commission of the violation. The bond required to secure appearance before the official designated in the citation shall be identical to the statutory fee established by Section 39-06.1-06 of the North Dakota Century Code. Within ten (10) days after forfeiture of bond or payment of the statutory fee, the official having jurisdiction over the violation shall certify to the licensing authority:

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

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

10.0602 Notify Parents or Guardians of Juvenile Traffic Offenders

The presiding judge of the judicial district or their 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.

10.0603 Administrative Hearing - Procedures - Appeals -Stay Orders

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

1. If a person cited for a traffic violation, other than an offense listed in Section 39-06.1-05 of the North Dakota Century Code, does not choose to follow one of the procedures set forth in Section 39-06.1-02 of the North Dakota Century Code, the person may request a hearing on the issue of their 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 (90) days later, set at the first appearance.
2. At the time of a request for a hearing on the issue of commission of the violation, the person charged shall deposit with the official having jurisdiction an appearance bond equal to the statutory fee for the violation charged.
3. If a person cited for a traffic violation, other than an offense listed in Section 39-06.1-05 of the North Dakota Century Code, 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 a charged violation at the hearing, the official shall dismiss the charge.
4. If the official finds that the person had committed the traffic violation, the official shall notify the licensing authority of that fact, and whether the person was driving more than nine (9) miles per hour in excess of the lawful limit, stating specifically the miles per hour in excess of the lawful limit, if charged with a speeding violation, within ten (10) days of the date of the hearing. The fact that a person has admitted a violation, or has, in any proceeding, been found to have committed a violation, shall not be referred to in any way, nor be admissible as evidence in any court, civil, equity or criminal, except in an action or proceeding involving that person's driving license or privilege.
5. a. If a person is aggrieved by a finding that they committed the violation, they 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 shall be no further appeal. Notice of appeal under this Subsection shall be given within thirty (30) days after a finding of commission of a violation is entered by the official. Oral notice of appeal may be given to the official at the time that the official adjudges that a violation has been committed. Otherwise, notice of appeal shall be in writing and filed with the official, and a copy of the notice shall be served upon the prosecuting attorney. An appeal taken under this Subsection shall not operate to stay the reporting requirement of Subsection 4, nor to stay appropriate action by the licensing authority upon receipt of that report.

- b. The appellate court upon application by the appellant may:
 - i. Order a stay of any action by the licensing authority during pendency of the appeal, but not to exceed a period of one hundred twenty (120) days;
 - ii. Order a stay and that the appellant be issued a temporary restricted driving certificate by the licensing authority to be effective for no more than one hundred twenty (120) days; or
 - iii. Deny the application.

An application for a stay or temporary certificate under this subdivision shall be accompanied by a certified copy of the appellant's driving record, for the furnishing of which the licensing authority may charge a fee of two dollars (\$2). Any order granting a stay or a temporary certificate shall be forwarded forthwith by the Clerk of Court to the licensing authority, which shall issue a temporary certificate in accordance with the order in the manner provided by law. A court shall not make a determination on an application under this subdivision without notice to the appropriate prosecuting attorney. A person who violates or exceeds the restrictions contained in any temporary restricted driving certificate issued pursuant to this subdivision shall be guilty of a traffic violation and shall be assessed a fee of twenty dollars (\$20).

- c. If the 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.
- 6. The state or the city, as the case may be, 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 5, 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.
 - 7. As used in Sections 39-06.1-02, 39-06.1-03 and 39-06.1-04 of the North Dakota Century Code, 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.

10.0604 Failure to Appear, Pay Statutory Fee, Post Bond - Procedure – Penalty

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

If a person fails to choose one of the methods of proceeding set forth in Sections 39-06.1-02 or 39-06.1-03 of the North Dakota Century Code, the person shall be deemed to have admitted to commission of the violation charged, and the official having jurisdiction shall report such fact to the licensing authority within ten (10) 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 a class B misdemeanor. Failure to appear without just cause at the hearing shall also be deemed an admission of commission of the violation charged.

10.0605 Offenses Excepted

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

The procedures authorized under Sections 39-06.1-02 and 39-06.1-03 of the North Dakota Century Code may not be utilized by a person charged with one of the following offenses:

1. Driving or being in actual physical control of a vehicle in violation of Section 39-08-01 of the North Dakota Century Code or an equivalent ordinance.
2. Reckless driving or aggravated reckless driving in violation of Section 39-08-03 of the North Dakota Century Code or an equivalent ordinance.
3. A violation of Chapter 12.1-16 of the North Dakota Century Code resulting from the operation of a motor vehicle.
4. Leaving the scene of an accident in violation of Sections 39-08-04, 39-08-05, 39-08-07 or 39-08-08 of the North Dakota Century Code or equivalent ordinances.
5. Driving while license or driving privilege is suspended or revoked in violation of Section 39-06-42 of the North Dakota Century Code or an equivalent ordinance.
6. Violating subdivisions b or c of Subsection 5 of Section 39-24-09 of the North Dakota Century Code.
7. Operating a modified motor vehicle in violation of Section 39-21-45.1 of the North Dakota Century Code.
8. Driving without liability insurance in violation of Section 39-08-20 of the North Dakota Century Code.
9. Failing to display a placard or flag, in violation of any rule implementing Section 39-21-44 of the North Dakota Century Code, while transporting explosive or hazardous materials.
10. Operating an unsafe vehicle in violation of Subsection 1 of Section 39-21-46 of the North Dakota Century Code.

10.0606 Amount of Statutory Fees

The fees required for a non-criminal disposition pursuant to either Section 39-06.1-02 or 39-06.1-03 of the North Dakota Century Code must be as follows:

1. For a nonmoving violation as defined in Section 39-06.1-08 of the North Dakota Century Code, a fee of any amount not to exceed twenty dollars (\$20).
2. For a moving violation as defined in Section 39-06.1-09 of the North Dakota Century Code, a fee of twenty dollars (\$20), except for:
 - a. A violation of Sections 39-10-26, 39-10-26.2, 39-10-41, 39-10-42, 39-10-46, or 39-10-46.1 of the North Dakota Century Code a fee of fifty dollars (\$50).
 - b. A violation Subsection 1 of Section 39-10-28 of the North Dakota Century Code, a fee of fifty dollars (\$50).
 - c. A violation of Section 39-21-41.2 of the North Dakota Century Code, no fee may be imposed by the state, a city, or a county including a city or county operating under a home rule charter.
3. For a violation of Section 39-09-02 (Speed Limitations) of the North Dakota Century Code, or an equivalent ordinance, a fee established as follows:

Miles Per Hour Over
Lawful Speed Limit

Fee

1 - 5	\$ 5.00
6 - 10	\$ 5.00 plus \$1/each mph over 5 mph over limit
11 - 15	\$ 10.00 plus \$1/each mph over 10 mph over limit
16 - 20	\$ 15.00 plus \$2/each mph over 15 mph over limit
21 - 25	\$ 25.00 plus \$3/each mph over 20 mph over limit
26 - 35	\$ 40.00 plus \$3/each mph over 25 mph over limit
36 - 45	\$ 70.00 plus \$3/each mph over 35 mph over limit
46 +	\$100.00 plus \$5/each mph over 45 mph over limit

4. For a violation of Section 39-09-01 of the North Dakota Century Code, or an ordinance defining careless driving, a fee of thirty dollars (\$30).
5. For a violation of Section 39-09-01.1 of the North Dakota Century Code, or an ordinance defining care required in driving, a fee of not less than ten dollars (\$10), nor more than thirty dollars (\$30).

6. For a violation of any traffic parking regulations, except a violation of Subsection 10 of Section 39-01-15 of the North Dakota Century Code, a fee in the amount of five dollars (\$5).
7. For a violation of Section 10.2001.1 of this ordinance a fee shall be twenty dollars (\$20) per day.
8. For a violation of Section 10.2006(1) of this ordinance a fee shall be ten dollars (\$10) per day.
9. For a violation of Section 10.2006(3) of this ordinance a fee shall be fifty dollars (\$50) per day.
10. For a violation of Section 39-21-41.4 of the North Dakota Century Code a fee not to exceed twenty dollars (\$20).

10.0607 Nonmoving Violation – Defined

For the purpose of Section 39-06.1-06 of the North Dakota Century Code, a “nonmoving violation” means:

1. A violation of Sections 39-04-11, 39-06-44, 39-06-45, 39-10-47, 39-10-49, 39-10-50, 39-10-51, 39-10-54.1, 39-21-08, 39-21-10, 39-21-11, or 39-21-14 of the North Dakota Century Code, or violation of any municipal ordinance equivalent to the foregoing Sections
2. A violation, discovered at a time when the vehicle is not actually being operated, of Sections 39-21-03, 39-21-05, 39-21-13, 39-21-19, 39-21-32, 39-21-37, 39-21-39 of the North Dakota Century Code, or a violation of any municipal ordinance equivalent to the foregoing Sections.

10.0608 Moving Violation – Defined

For the purpose of Section 39-06.1-06 of the North Dakota Century Code, a "moving violation" means a violation of Subsection 1 of Section 39-04-37 of the North Dakota Century Code; Sections 39-04-55; 39-06-01; 39-06-16; 39-09-04.1; 39-09-09; 39-24-02; or 39-24-09 of the North Dakota Century Code, except subdivisions b and c of Subsection 5, or equivalent ordinances; or a violation of the provisions of Chapter 39-10, 39-10.2, or 39-21 of the North Dakota Century Code, or equivalent ordinances, except Sections 39-21-45.1, 39-21-46 of the North Dakota Century Code and those Sections within those chapters which are specifically listed in Subsection 1 of Section 39-06.1-08 of the North Dakota Century Code.

ARTICLE 7 - General Regulations Governing Traffic

10.0701 Bicycle or Ridden Animal Deemed Vehicle

Pursuant to Chapters 39-08 through 39-13 of the North Dakota Century Code, a bicycle or a ridden animal must be deemed a vehicle.

10.0702 Authority to Designate Through Streets

The provision of Section 39-07-03 of the North Dakota Century Code and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

The Director with reference to state highways, and local authorities, with reference to highways under their jurisdiction, may, by proclamation, designate as through highways, any highway, street, or part thereof, and erect stop signs or yield signs at specified entrances thereto, or may designate any intersection as a stop intersection or as a yield intersection and erect stop signs or yield signs at one or more entrances to such intersection.

10.0703 Through Streets Designated

The following streets and parts of streets are hereby declared to be through streets for the purpose of this Chapter:

Main Street in its entirety

8th Street between Highway 22 and McKenzie St.

North entrance to the City at Highway 22 to 12th Street East to Main St.

10.0704 General Penalty for Violation of Chapter

The provisions of Section 39-07-06 of the North Dakota Century Code and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

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

10.0705 Halting Person for Violating Traffic Regulations - Duty of Officer Halting

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

Whenever any person is halted for the violation of any of the provisions of Chapters 39-01 through 39-13, 39-18, 39-21, and 39-24 of the North Dakota Century Code, or of equivalent city ordinances, the officer halting that person, except as otherwise provided in Section 39-07-09 and Section 39-20-03.1, or 39-02-03.2 of the North Dakota Century Code may:

1. Take the name and address of the person;
2. Take the license number of the person's motor vehicle; and
3. Issue a summons or otherwise notify that person in writing to appear at a time and place to be specified in the 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 Section 39-06.1-02 of the North Dakota Century Code. The officer shall provide the person with an envelope for use in mailing the bond.

10.0706 Hearing - Time - Promise of Defendant to Appear - Failure to Appear - Penalty

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

The time to be specified in the summons or notice provided for in Section 39-07-07 of the North Dakota Century Code must be within thirty-five (35) days after the issuance of such summons or notice unless the person halted shall demand an earlier hearing, and if the person halted desires, the person may have the right, at a convenient hour, to an immediate hearing or to a hearing within twenty-four (24) hours. The hearing must be before the municipal court of the city in which the offense was committed. Upon the receipt from the person halted of a written promise to appear at the time and place mentioned in the summons or notice, such officer shall release him from custody. Any person refusing to give such written promise to appear shall be taken immediately by the halting officer before the nearest or most accessible magistrate, or to such other place or before such other person as may be provided by a statute or ordinance authorizing the giving of bail. Any person willfully violating the person's written promise to appear is guilty of a class B misdemeanor, regardless of the disposition of the charge upon which the person originally was halted. The time limitations for a hearing as provided by this ordinance do not preclude a recharging of the alleged violation if the person being charged receives a new summons or notice subject to the provisions of this ordinance.

10.0707 Offenses Under Which Person Halted May Not be Entitled to Release upon Promise to Appear

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

The provisions of Section 39-07-07 of the North Dakota Century Code shall not apply to a person if:

1. The halting officer shall have good reason to believe such person guilty of any felony or when such person is halted and charged with any of the offenses listed in Section 39-06.1-05 of the North Dakota Century Code, but not listed in Subsection 2; or
2. The halting officer, acting within the officer's discretion, determines that it is inadvisable to release such person upon a promise to appear and if the person has been halted and charged with any of the following offenses:
 - a. Reckless driving.
 - b. Driving in excess of speed limitations established by the state or by local authorities in their respective jurisdictions.
 - c. Driving while license or driving privilege is suspended or revoked for violation of Section 39-06-42 of the North Dakota Century Code or an equivalent ordinance.
 - d. Operating a modified vehicle.
 - e. Failing to display a placard or flag, in violation of any rule implementing Section 39-21-44 of the North Dakota Century Code while transporting explosive or hazardous materials.
 - f. Operating an unsafe vehicle in violation of Subsection 1 of Section 39-21-46 of the North Dakota Century Code.

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

10.0708 Magistrate to Keep Record of Convictions of Traffic Violations - Records of Conviction to be Forwarded to Licensing Authority

Every magistrate, as defined in Section 29-01-14 of the North Dakota Century Code, shall keep a full record of every case brought before the magistrate in which a person is charged with a violation of Chapter 12.1-16 of the North Dakota Century Code resulting from the operation of a motor vehicle, or of any provision of Chapter 12.1-16 of the North Dakota Century Code resulting from the operation of a motor vehicle, or of any provision of Chapters 39-05 through 39-13, 29-21, and 39-24 of the North Dakota Century Code, or with a violation of a municipal ordinance which is equivalent to any of the provisions of the foregoing statutes. Within ten (10) days after a final order or judgment of conviction, for a violation not subject to disposition and reporting under Chapter 39-06.1 of the North Dakota Century Code, by the North Dakota supreme court or any lower court having jurisdiction, provided that no appeal is pending and the time for filing a notice of appeal has elapsed, the magistrate then having jurisdiction shall forward a report of that fact to the licensing authority. If the reported violation caused another person's serious bodily injury, as defined in Section 12.1-01-04 of the North Dakota Century Code, the magistrate shall include that information in the report. Any conviction for which a report is received by the licensing authority may be deemed by the licensing authority to be final, and the licensing authority may take any action authorized by law to be taken based on the report. Subject to the filing of an appeal, a conviction includes those instances when:

1. A sentence is imposed and suspended;
2. Imposition of a sentence is deferred under Subsection 4 of Section 12.1-32-02 of the North Dakota Century Code; or
3. There is a forfeiture of bail or collateral deposited to secure a defendant's appearance in court if the forfeiture has not been vacated.

10.0709 Written Report of an Accident - Garages to Report

The person in charge of any garage or repair shop to which is brought any motor vehicle which shows evidence of having been involved in a reportable accident as provided in Section 39.08-09 (1) of the North Dakota Century Code or of being struck by any bullet, shall report or cause a report to be made to a law enforcement officer within twenty-four (24) hours after such motor vehicle is received, and before any repairs are made to such vehicle, giving the registration number and the name and address of the owner, operator, or person in control of such vehicle with a description of the location and type of damage to the vehicle, or any missing parts, if the vehicle does not have a sticker on a window thereof issued by a law enforcement officer, sheriff, or highway patrolman bearing information to show that the accident in which the vehicle was involved had been investigated. The law enforcement officer investigating any reportable accident shall attach a sticker to the window of any damaged vehicle showing that the accident in which such vehicle was involved has been investigated. If the vehicle does bear such a sticker the garage or repair shop need not make the report this Section requires and may begin repairs immediately. After repairs have been made and before the vehicle is released, the sticker provided herein shall be removed.

ARTICLE 8 - Regulations Governing Operators

10.0801 Exhibition Driving and Drag Racing -Definitions - Penalty

The provisions of Section 39-08-03.1 of the North Dakota Century Code and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

1. No person may engage in exhibition driving of any vehicle on a highway, street, alley, sidewalk, or any public or private parking lot or area, nor may 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 subdivision b of Subsection 2 must be assessed a fee of fifty dollars (\$50). Any person who violates this Section by engaging in an act defined by subdivision a or c of Subsection 2 must be assessed a fee of one hundred dollars (\$100).
2. As used in this Section:
 - a. "drag race" means the operation of two or more vehicles from a point side-by-side by accelerating rapidly in a competitive attempt to cause one vehicle to outdistance the other; or the operation of one or more vehicles over a common selected course from the same point to the same point for the purpose of comparing the relative speed or powers of acceleration of such vehicle or vehicles within a certain distance or time limit.
 - b. "Exhibition driving" means driving a vehicle in a manner which disturbs the peace by creating or causing unnecessary engine noise, tire squeal, skid, or slide upon acceleration or braking; or driving and executing or attempting one or a series of unnecessarily abrupt turns.
 - c. "Race" means the use of one or more vehicles in an attempt to outgain, outdistance, or to arrive at a given distance ahead of another vehicle or vehicles; or the use of one or more vehicles to willfully prevent another vehicle from passing the racing vehicle or vehicles, or to test the physical stamina or endurance of the persons driving the vehicles over a long distance driving route.
3. Nothing in this Section shall be construed as prohibiting drag racing, exhibition driving, or similar events when carried out in an organized manner on a track or other privately owned area specifically set aside and used solely for such purposes by drivers of motor vehicles, including snowmobiles.

10.0802 Immediate Notice of Accident - Penalty

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 (\$1,000) shall immediately give notice of such accident to the local Police Department if the accident occurs within a municipality, otherwise to the office of the County Sheriff or the State Highway Patrol. Any person who violates this Section must be assessed a fine of fifty dollars (\$50). 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, then 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, then within five (5) days of the accident the driver shall supply that information to the Driver's License Division in the form the division requires.

The Director may suspend the license or permit to drive and any nonresident operating privileges of any person failing to comply with the duties as provided in Section 39-08-06 through 39-08-09 of the North Dakota Century Code until such duties have been fulfilled, and the Director may extend such suspension not to exceed thirty (30) days.

10.0803 Officer to Report

Every law enforcement officer, who in the regular course of duty investigates a motor vehicle accident required to be reported as provided in Section 39-08-09 of the North Dakota Century Code either at the time and at the scene of the accident or thereafter by interviewing the participants, or witnesses, shall make and promptly forward to the Director a report of the accident in a format prescribed by the Director.

10.0804 When Driver Unable to Report

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, if there is another occupant 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, then the owner of the vehicle involved shall within five (5) days after learning of the accident give such notice and insurance information not given by the driver.

10.0805 Open Bottle Law – Penalty

The provisions of Section 39-08-18 of the North Dakota Century Code and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

1. A person may not drink or consume alcoholic beverages as defined in Section 5-01-01 of the North Dakota Century Code in or on any motor vehicle when such vehicle is upon a public highway or in an area used principally for public parking. No person shall have in his possession on his person while in or on a private motor vehicle upon a public highway or in an area used principally for public parking, any bottle or receptacle containing such alcoholic beverages which has been opened, or the seal broken, or the contents of which have been partially removed. It shall be unlawful for the owner of any private motor vehicle or the driver, if the owner be not then present in or on the motor vehicle, to keep or allow to be kept in a motor vehicle when such vehicle is upon the public highway or in an area used principally for public parking any bottle or receptacle containing such alcoholic beverages which has been opened, or the seal broken, or the contents of which have been partially removed except when such bottle or receptacle shall be kept in the trunk of the motor vehicle when such vehicle is equipped with a trunk, or kept in some other area of the vehicle not normally occupied by the driver or passengers, if the motor vehicle is not equipped with a trunk. A utility compartment or glove compartment shall be deemed to be within the area occupied by the driver and passengers. The provisions of this Section shall not prohibit the consumption or possession of alcoholic beverages in a house car, as defined in Section 39-01-01 of the North Dakota Century Code, 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 the provisions of this Section shall be assessed a fee of fifty dollars (\$50); however, the licensing authority shall not record the violation against the driving record of such person unless he was the driver of the automobile at the time that the violation occurred.

2. Subsection 1 does not apply to a 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.

ARTICLE 9 - Speed Restrictions

10.0901 Basic Rules - Penalty for Violation

No person may 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 drives 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 has committed careless driving and must be assessed a fee of thirty dollars (\$30).

Any person who, by reason of careless driving as herein defined, causes and inflicts injury upon the person of an operator of snow removal equipment engaged in snow removal operations or causes damage in excess of one thousand dollars (\$1000) to snow removal equipment engaged in snow removal is guilty of an infraction.

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

10.0902 Care Required in Operating Vehicle

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

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

10.0903 Speed Limitations

The provisions of Section 39-09-02 of the North Dakota Century Code and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

Subject to the provisions of Section 39-09-01 of the North Dakota Century Code and except in those instances where a lower speed is specified in this Chapter, it presumably shall be lawful for the driver of a vehicle to drive the same at a speed not exceeding:

1. Twenty (20) miles an hour when approaching within fifty (50) feet of a grade crossing of any steam, electric, or street railway when the driver's view is obstructed. A driver's view shall be deemed to be obstructed when at any time during the last two hundred (200) feet of his approach to such crossing when the driver does not have a clear and uninterrupted view of such railway crossing and of any traffic on such railway for a distance of four hundred (400) feet in each direction from such crossing.
2. Twenty (20) miles an hour when passing a school during school recess or while children are going to or leaving school during opening or closing hours;
3. Twenty (20) miles an hour when approaching within fifty (50) feet and in traversing an intersection of highways when the driver's view is obstructed. A driver's view shall be deemed to be obstructed when at any time during the last fifty (50) feet of his approach to such intersection, he does not have a clear and uninterrupted view of such intersection and of the traffic upon all of the highways entering such intersection for a distance of two hundred (200) feet from such intersection;
4. Twenty (20) miles an hour when the driver's view of the highway ahead is obstructed within a distance of one hundred (100) feet;
5. Twenty-five (25) miles an hour on any highway in a business district or in a residence district or in a public park, unless a different speed limit is designated and posted by local authorities; and
6. Fifty-five (55) miles an hour on gravel, dirt, or loose surface highways, and on paved two-lane county and township highways if there is no speed limit posted, unless otherwise permitted, restricted, or required by conditions.
7. Sixty-five (65) miles an hour on paved two-lane highways if posted for that speed, unless otherwise permitted, restricted, or required by conditions.
8. Seventy (70) miles an hour on paved and divided multilane highways, unless otherwise permitted, restricted, or required by conditions.
9. Seventy-five (75) miles an hour on access-controlled, paved and divided, multilane

interstate highways, unless otherwise permitted, restricted, or required by conditions.

- a. The Director may designate and post special areas of state highways where lower speed limits shall apply.
- b. Except as provided by law, it shall be unlawful for any person to drive a vehicle upon a highway at a speed that is unsafe or at a speed exceeding the speed limit prescribed by law or established pursuant to law.
- c. In charging a violation of the provisions of this Section, the complaint shall specify the speed at which the defendant is alleged to have driven and the speed which this Section prescribes shall be prima facie lawful at the time and place of the alleged offense.

10.0904 When Local Authorities May or Shall Alter Maximum Speed - Limits - Signs Posted

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

1. Whenever the local authorities in their respective jurisdictions, on the basis of an engineering and traffic investigation, determine that the maximum speed permitted under this Title is greater or less than is reasonable and safe under the conditions found to exist upon a highway or part of a highway, the city may determine and declare a reasonable and safe maximum limit thereon which:
 - a. Decreases the limit at intersections;
 - b. Increases the limit within an urban district but not to more than fifty-five (55) miles per hour; or
 - c. Decreases the limit outside an urban district.
2. Local authorities in their respective jurisdictions 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 maximum speed permitted under this Chapter for an urban district.
3. Any altered limit established as hereinabove authorized shall be effective at all times or during hours of darkness or at other times as may be determined when appropriate signs giving notice thereof are erected upon such street or highway.
4. Any alteration of maximum limits on state highways or extensions thereof in the municipality shall not be effective until such alteration has been approved by the Director.
5. Not more than six (6) such alterations as hereinabove authorized may be made per mile along a street or highway except in the case of reduced limits at intersections, and the difference between adjacent limits shall not be more than ten (10) miles per hour.

10.0905 Speed Limitations Inapplicable to Whom - Liability of Exempt Driver for Reckless Driving

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

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

10.0906 Minimum Speed Limits

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

1. No person shall drive a motor vehicle at such a slow speed as to impede the normal and reasonable movement of traffic except when reduced speed is necessary for safe operation or in compliance with law.
2. Whenever the Director 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 Director 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.

10.0907 Regulations of Speed by Traffic Signals

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

ARTICLE 10 - General Rules of the Road

10.1001 Obedience to Traffic Ordinances

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

10.1002 Obedience to Law Enforcement Officers or Firemen

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

10.1003 Certain Non-motorized Traffic to Obey Traffic Regulations

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

10.1004 Emergency Vehicles

The provisions of Sections 39-10-03, 39-10-03.1, and 39-10-03.2 of the North Dakota Century Code and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

1. **Class A authorized emergency vehicles.** The driver of a Class A authorized emergency vehicle (firetruck, ambulance, law enforcement) 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;
 - 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 (500) feet;
 - c. In any instance when the head of a law enforcement agency deems advisable within the area of his jurisdiction for the protection of person and property and when giving audible signal by siren or when giving adequate warning by use of a flashing red or combination red and white lights which are visible under normal atmospheric conditions for at least five hundred (500) feet.
3. No emergency vehicle shall display or permit to be displayed any red lamp except when operated on official business.
4. Any law enforcement officer as provided in paragraph 2 of subdivision a of Subsection 1 of Section 39-01-01 of the North Dakota Century Code having stopped another vehicle along a highway, and while still involved in that incident, or any other such activity, may use amber lights, visible under normal atmospheric

conditions for at least five hundred (500) feet, for the purpose of maintaining traffic flow.

5. **Class B authorized emergency vehicles.** The driver of Class B authorized emergency vehicles 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;
 - c. Disregard regulations governing direction of movement or turning in specified directions.
6. 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 (500) 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; or
 - c. when traveling at a speed slower than the normal flow of traffic.
7. **Class C authorized emergency vehicles.** All Class B specifications apply to Class C authorized emergency vehicles except that a rotating blue flashing light must be displayed in place of an amber light as provided in Section 39-10-03.1 of the North Dakota Century Code. With respect to vehicles used by state and local disaster emergency services personnel, the division of emergency management is responsible for adopting rules for the use of flashing blue lights in accordance with Chapter 28-32 of the North Dakota Century Code.
8. Any law enforcement officer as provided in paragraph 2 of subdivision a of Subsection 1 of Section 39-01-01 of the North Dakota Century Code having stopped another vehicle along a highway, and while 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 (500) feet, for the purpose of maintaining traffic flow.

10.1005 Obedience to Traffic Control Devices

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

1. The driver of any vehicle shall obey the instructions of any official traffic-control device applicable thereto placed in accordance with the provisions of this Chapter, unless otherwise directed by a traffic or law enforcement officer, subject to the exceptions granted the driver of an authorized emergency vehicle in this Chapter.
2. No provision of this Chapter for which traffic-control devices are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official device is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a state statute does not state that devices are required, such statute shall be effective even though no devices are erected or in place.
3. Whenever official traffic-control devices are placed in positions approximately conforming to the requirements of this Title, such devices shall be presumed to have been so placed by the official act or direction of lawful authority unless the contrary shall be established by competent evidence.
4. Any official traffic-control device placed pursuant to the provisions of this Title and purporting to conform to the lawful requirements pertaining to such devices shall be presumed to comply with the requirements of this Title, unless the contrary shall be established by competent evidence.

10.1006 Unauthorized Signs, Signals or Markings

The provisions of Section 39-10-07.2 of the North Dakota Century Code and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

1. No person shall place, maintain, or display upon or in view of any highway, any unauthorized sign, signal, marking, or device which purports to be or is an 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 an official traffic-control device or any railroad sign or signal.
2. No person shall place or maintain nor shall any public authority permit upon any highway any traffic sign or signal bearing thereon any commercial advertising.
3. This Section shall not be deemed to prohibit the erection upon private property adjacent to highways of signs giving useful directional information and of a type that cannot be mistaken for official signs.
4. Every such prohibited sign, signal, or marking is hereby declared to be a public nuisance and the authority having jurisdiction over the highway is hereby empowered to remove the same or cause it to be removed without notice when located on highway right of way.
5. No person shall place, maintain, or display upon or within the right of way of any highway any sign, post, pole, mailbox, or signal which has a red lamp or red reflector visible to traffic. The provisions of this Subsection shall not apply to official traffic devices, lamps, or reflectors on motor vehicles or bicycles, or railroad signals or signs.

10.1007 Interference with Official Traffic Control Device or Sign

The provision of Section 39-10-07.3 of the North Dakota Century Code and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

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

10.1008 Drive on Right Side of Roadway – Exceptions

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

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

10.1009 Passing Vehicles Proceeding in Opposite Direction

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

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

10.1010 Overtaking a Vehicle on the Left

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

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

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

10.1011 When Overtaking on the Right is Permitted

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

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

10.1012 Limitations on Overtaking on the Left

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

No vehicle shall be driven to the left side of the center of the roadway in overtaking and passing another vehicle proceeding in the same direction unless such left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be completely made without interfering with the operation of any vehicle approaching from the opposite direction or any vehicle overtaken. In every event the overtaking vehicle must return to an authorized lane of travel as soon as practicable, and in the event the passing movement involves the use of a lane authorized for vehicles approaching from the opposite direction, before coming within two hundred (200) feet of any approaching vehicle.

10.1013 Further Limitations on Driving on Left of Center of Roadway

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

1. No vehicle shall be driven to the left side of the roadway under the following conditions:
 - a. When approaching or upon the crest of a grade or a curve in the highway where the driver's view is obstructed within such distance as to create a hazard in the event another vehicle might approach from the opposite direction;
 - b. When approaching within one hundred (100) feet of or traversing any intersection or railroad grade crossing; or
 - c. When the view is obstructed upon approaching within one hundred (100) feet of any bridge, viaduct or tunnel.
2. The foregoing limitations shall not apply upon a one-way roadway, nor under the conditions described in Section 39-10-08 of the North Dakota Century Code nor to the driver of a vehicle turning left into or from an alley, private road or driveway.

10.1014 No-Passing Zones

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

1. The Director 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 direct that appropriate signs or markings be placed to indicate the beginning and end of such zones.
2. Where signs or markings are in place to define a no-passing zone as set forth in Subsection 1, no driver shall at any time drive on the left side of the roadway with such no-passing zone or on the left side of any pavement striping designed to mark such no-passing zone throughout its length.
3. This Section does not apply under the conditions described in Section 39-10-08 nor to the driver of a vehicle turning left into or from an alley, private road, or driveway.

10.1015 Driving on Roadways Laned for Traffic

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

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

1. A vehicle shall be driven as nearly as practicable entirely within a single lane and shall not be moved from such lane until the driver has first ascertained that such movement can be made with safety.
2. Upon a roadway which is divided into three lanes and provides for two-way traffic, a vehicle shall not be driven in the center lane except when overtaking and passing another vehicle traveling in the same direction when such center line is clear of traffic within a safe distance, or in preparation for making a left turn or where such center lane is at the time allocated exclusively to traffic moving in the same direction that the vehicle is proceeding and such allocation is designated by official traffic-control devices.
3. Official traffic-control devices may be erected directing specified traffic to use a designated lane or designating those lanes to be used by traffic moving in a particular direction regardless of the center of the roadway and drivers of vehicles shall obey the directions of every such device.
4. Official traffic-control devices may be installed prohibiting the changing of lanes on sections of roadway and drivers of vehicles shall obey the directions of every such device.

10.1016 Following Too Closely

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

1. The driver of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of such vehicles and the traffic upon and the condition of the highway.
2. The driver of any truck or motor vehicle drawing another vehicle when traveling upon a roadway outside of a business or residence district and which is following another truck or motor vehicle drawing another vehicle shall, whenever conditions permit leave sufficient space so that an overtaking vehicle may enter and occupy such space without danger, except that this shall not prevent a truck or motor vehicle drawing another vehicle from overtaking and passing any vehicle or combination of vehicles.
3. Motor vehicles being driven upon any roadway outside of a business or residence district in a caravan or motorcade whether or not towing other vehicles shall be so operated as to allow sufficient space between each such vehicle or combination of vehicles so as to enable any other vehicle to enter and occupy such space without danger. This provision shall not apply to funeral processions.

10.1017 Driving on Divided Highways

The provisions of Section 29-10-19 of the North Dakota Century Code and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

Whenever any highway has been divided into two or more roadways by leaving an intervening space, or by a physical barrier, or clearly indicated dividing section so construed 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 law enforcement 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.

10.1018 Restricted Access

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

No person shall drive a vehicle onto or from any controlled-access roadway except at such entrances and exits as are established by public authority.

10.1019 Restrictions on Use of Controlled-Access Roadway

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

1. The Director 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.
2. The Director 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.

10.1020 Closing Road Because of Hazardous Conditions - Posting of Official Traffic-Control Devices - Entering Closed Road Prohibited

The highway patrol or local law enforcement authorities having jurisdiction over a road may close a road temporarily due to hazardous conditions for the protection and safety of the public. If such a closing is made, the authority ordering the closing shall make every reasonable attempt to notify the public and, when practical, may post appropriate official traffic-control devices to advise motorists of the closing. No person, while operating a motor vehicle, may knowingly enter a road closed under this Section.

10.1021 Vehicle Approaching or Entering Intersection

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

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

10.1022 Vehicle Turning Left at Intersection

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

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

10.1023 Failed to Yield at Stop Intersection

1. Preferential right-of-way may be indicated by stop signs or yield signs as authorized in Section 39-07-03 of the North Dakota Century Code.
2. Except when directed to proceed by a law enforcement officer, every driver of a vehicle approaching a stop sign shall stop at a clearly marked stop line, or if none, then at the point nearest the intersection roadway where the driver has a view of approaching traffic on the intersection roadway before entering it. After having stopped, the driver shall yield the right-of-way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time when such driver is moving across or within the intersection or junction of roadways.
3. The driver of a vehicle approaching a yield sign shall in obedience to such sign slow down to a speed reasonable for the existing conditions and, if required for safety to stop, shall stop at a clearly marked stop sign, or, if none, before entering the crosswalk on the near side of the intersection or, if none, then at the point nearest the intersection roadway where the driver has a view of approaching traffic on the intersection roadway before entering it. After slowing or stopping, the driver shall yield the right-of-way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time such driver is moving across or within the intersection or junction of roadways. Provided, however, that if the driver is involved in a collision with a vehicle in the intersection or junction of roadways after driving past a yield sign without stopping, such collision shall be deemed prima facie evidence of his failure to yield the right-of-way.

10.1024 Vehicle Entering Roadway

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

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

10.1025 Operation of Vehicles on Approach of Authorized Emergency Vehicles

1. Upon the immediate approach of an authorized emergency vehicle displaying a visible flashing, revolving, or rotating blue, white, or red light, and/or siren, the driver of every other vehicle shall yield the right of way and shall immediately drive to a position parallel to, and as close as possible to, the right-hand edge or curb or the roadway clear of any intersection and shall stop and remain in that position until the authorized emergency vehicle has passed, except when otherwise directed by a law enforcement officer.
2. Whenever an emergency vehicle is parked or stopped at the scene of an emergency and is displaying a flashing, revolving, or rotating blue, white, or red light, approaching traffic shall move to the right-hand edge or curb of the roadway and shall stop, but once having stopped, traffic may proceed past the scene at its own risk when the roadway is clear, except when otherwise directed by a law enforcement officer.
3. This Section does 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.

10.1026 Highway Construction and Maintenance

1. The driver of a vehicle shall yield the right of way to any authorized vehicle or pedestrian actually engaged in work upon a highway within any highway construction or maintenance area indicated by official traffic-control devices.
2. The driver of a vehicle shall yield the right of way to any authorized vehicle obviously and actually engaged in work upon a highway wherever such vehicle displays flashing lights meeting the requirements of Section 39-21-28 of the North Dakota Century Code.

10.1027 Permitting use of Vehicle to Violate Section 39-10-26 of the North Dakota Century Code Prohibited - Presumption of Permission - Defense - Dual Prosecution Prohibited

The registered owner of a motor vehicle may not permit that motor vehicle to be operated in violation of Section 39-10-26 of the North Dakota Century Code. If a motor vehicle is seen violating Section 39-10-6 of the North Dakota Century Code, it is a disputable presumption that the registered owner of the motor vehicle permitted that violation. It is a defense to a charge of violating this Section that the registered owner of the vehicle was not operating the vehicle, if that registered owner identifies the person authorized by that owner to operate the motor vehicle at the time of the violation of Section 39-10-26, or if that motor vehicle had been taken without the registered owner's permission. A person may not be charged both with violating this Section and with violating Section 39-10-26 of the North Dakota Century Code. Violation of this Section is not a lesser included offense of violation of Section 39-10-26 of the North Dakota Century Code.

10.1028 Pedestrian Obedience to Traffic Control Devices and Traffic Regulations

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

1. A pedestrian shall obey the instructions of any applicable official traffic control device, unless otherwise directed by a law enforcement officer.
2. Pedestrians shall be subject to traffic and pedestrian-control signals as provided for in Sections 39-10-04 and 39-10-07.3 of the North Dakota Century Code.

10.1029 Pedestrians' Right-of-way in Crosswalks

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

1. When traffic-control signals are not in place or not in operation, the driver of a vehicle shall yield the right-of-way, slowing down or stopping if need be to so yield, to a pedestrian crossing the roadway within a crosswalk when the pedestrian is upon the half of the roadway upon which the vehicle is traveling, or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger.
2. No pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close as to constitute an immediate hazard.
3. Subsection 1 of this Section shall not apply under the conditions stated in Subsection 2 of Section 39-10-29 of the North Dakota Century Code.
4. Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the highway, the driver of any other vehicle approaching from the rear shall not overtake and pass such stopped vehicle.

10.1030 Crossing at other than Crosswalks

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

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

10.1031 Drivers to Exercise Due Care

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

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

10.1032 Pedestrians to use Right Half of Crosswalks

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

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

10.1033 Pedestrians on Roadways

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

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

10.1034 Pedestrians' Right-of-way on Sidewalks

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

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

10.1035 Pedestrians Yield to Authorized Emergency Vehicles

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

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

10.1036 Blind Pedestrians' Right-of-way

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

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

10.1037 Pedestrians under Influence of Alcohol or Drugs

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

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

10.1038 Bridge and Railroad Signals

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

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

10.1039 Pedestrians Soliciting Rides or Business

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

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

10.1040 Required Position and Method of Turning at Intersection

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

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

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

10.1041 Limitations on Turning Around

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

1. 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.
2. No vehicle shall be turned so as to proceed in the opposite direction upon any curve, or upon the approach to or near the crest of a grade, where such vehicle cannot be seen by the driver of any other vehicle approaching from either direction within five hundred (500) feet.

10.1042 Starting Parked Vehicle

No person may start a vehicle which is stopped, standing, or parked unless and until such movement can be made with reasonable safety.

10.1043 Turning Movements and Required Signals

The provisions of Section 39-10-38 of the North Dakota Century Code and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

1. No person shall turn a vehicle at an intersection unless the vehicle is in proper position upon the roadway as required in Section 39-10-35 of the North Dakota Century Code or turn a vehicle to enter a private road or driveway, or otherwise turn a vehicle from a direct course or move right or left upon a roadway unless and until such movement can be made with reasonable safety. No person shall so turn any vehicle without giving an appropriate signal in the manner hereinafter provided in the event any other traffic may be affected by such movement;
2. A signal of intention to turn right or left when required shall be given continuously during not less than the last one hundred (100) feet traveled by the vehicle before turning;
3. No person shall stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal in the manner provided herein to the driver of any vehicle immediately to the rear when there is opportunity to give such signal; and
4. The signals required on vehicles by Subsection 2 of Section 39-10-39 of the North Dakota Century Code 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.

10.1044 Signals by Hand and Arm or Signal Lamps

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

1. Any stop or turn signal when required herein shall be given either by means of the hand and arm or by signal lamps, except as otherwise provided in Subsection 2.
2. Any motor vehicle in use on a highway shall be equipped with, and required signals shall be given by, signal lamps when the distance from the center of the top of the steering post to the left outside limit of the body, cab, or load of such motor vehicle exceeds twenty-four (24) inches, or when the distance from the center of the top of the steering post to the rear limit of the body or load thereof exceeds fourteen (14) feet. The latter measurement shall apply to any single vehicle and to any combination of vehicles.

10.1045 Methods of Giving Hand and Arm Signals

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

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

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

10.1046 Obedience to Signal Indicating Approach of Train

The provision of Section 39-10-41 of the North Dakota Century Code and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

1. Whenever any person driving a vehicle approaches a railroad grade crossing under any of the circumstances stated in this Section, the driver of such vehicle shall stop within fifty (50) feet but not less than fifteen (15) feet from the nearest rail of such railroad, and shall not proceed until he can do so safely. The foregoing requirements shall apply when:
 - a. A clearly visible electric or mechanical signal device gives warning of the immediate approach of a railroad train;
 - b. A crossing gate is lowered or when a human flag person gives or continues to give a signal of the approach or passage of a railroad train;
 - c. A railroad train approaching within approximately one thousand three hundred twenty (1,320) feet of the highway crossing emits a signal audible from such distance and such railroad train, by reason of its speed or nearness to such crossing, is an immediate hazard; or
 - d. An approaching railroad train is plainly visible and is in hazardous proximity to such crossing.
2. No person shall drive any vehicle through, around, or under any crossing gate or barrier at a railroad crossing while such gate or barrier is closed or is being opened or closed. No person shall drive any vehicle past any human flag person at a railroad crossing until the flag person signals that the way is clear to proceed.

10.1047 Disregarding Stop Sign

1. Preferential right-of-way may be indicated by stop signs or yield signs as authorized in Section 39-07-03 of the North Dakota Century Code.
2. Every stop sign and every yield sign must be erected as near as practicable to the nearest line of the crosswalk on the near side of the intersection or, if there is no crosswalk, then as near as practicable to the nearest line of the intersecting roadway.
3. Except when directed to proceed by a law enforcement officer or traffic control sign, 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 intersection roadway where the driver has a view of approaching traffic on the intersecting roadway.
4. 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 a point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway.

10.1048 Emerging from Alley or Driveway - Right of Way

The driver of a vehicle emerging from an alley, driveway, private road, or building with a business or residential district shall stop such vehicle immediately prior to driving on to the sidewalk or on to the sidewalk area extending across such alley, building entrance, road, or driveway, or in the event there is no sidewalk area, shall stop at the point nearest the street to be entered when the driver has a view of approaching traffic thereon. The driver shall yield the right-of-way to any pedestrian as may be necessary to avoid collision and upon entering the roadway shall yield the right-of-way to all vehicles approaching on said roadway.

10.1049 Overtaking and Passing School Bus

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

1. The driver of a vehicle meeting or overtaking from either direction of any school bus stopped on the highway shall stop the vehicle before reaching the school bus when there is in operation on the school bus the flashing red lights, the stop sign on the control arm, or the safety strobe lights specified in Section 39-21-18 of the North Dakota Century Code, and the driver may not proceed until such school bus resumes motion or he is signaled by the school bus driver to proceed or the flashing red lights, the stop sign on the control arm, and the safety strobe lights are no longer actuated.
2. Every school bus must bear upon the front and rear thereof plainly visible signs containing the word "SCHOOL BUS" in letters not less than eight (8) inches in height. When a school bus is being operated upon a highway for purposes other than the actual transportation of children either to or from school or for a school sanctioned activity, all markings thereon indicating "SCHOOL BUS" shall be covered or concealed.
3. The operator of a school bus equipped with amber caution lights may activate those lights at a distance of not less than three hundred (300) feet nor more than five hundred (500) feet from the point where school children are to be received or discharged from the bus.
4. Every school bus shall be equipped with safety lights and must be equipped with a stop sign on a control arm and red visual signals meeting the requirements of Section 39-21-18 of the North Dakota Century Code, which may be actuated by the driver of the school bus whenever the vehicle is stopped on the highway to receive or discharge school children. A school bus driver may not actuate the stop sign or the special visual signals:
 - a. On city streets on which the receiving or discharging of school children is prohibited by ordinance;
 - b. At intersections or other places where traffic is controlled by traffic-control signals or law enforcement officers; or
 - c. In designated school bus loading areas where the bus is entirely off the roadway.
5. 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.

6. Every school bus must bear on the rear of the bus a plainly visible sign containing the words "THIS SCHOOL BUS STOPS AT ALL RAILROAD CROSSINGS."

10.1050 Stopping, Standing or Parking Outside of Business or Residence Districts

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

1. Upon any highway outside of a business or residence district no person shall stop, park, or leave standing any vehicle, whether attended or unattended, upon the paved or main-traveled part of the highway when it is practicable to stop, park, or so leave such vehicle off such part of said highway, but in every event an unobstructed width of the highway of not less than twelve (12) feet opposite a standing vehicle must be left for the free passage of other vehicles and a clear view of such stopped vehicles must be available from a distance of two hundred feet (200) in each direction upon such highway.
2. Sections 39-10-47, 39-10-49 and 39-10-50 of the North Dakota Century Code 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.

10.1051 Officers Authorized to Remove Illegally Stopped Vehicles

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

1. Whenever any law enforcement officer finds a vehicle standing upon a highway in violation of any of the provisions of Section 39-10-47 of the North Dakota Century Code, such officer is hereby authorized to move such vehicle, or require the driver or other person in charge of the vehicle to move the same, to a position off the paved or main-traveled part of such highway.
2. Whenever any law enforcement officer finds a vehicle unattended upon any highway, bridge or causeway, or in any tunnel where such vehicle constitute an obstruction to traffic, such officer is hereby authorized to provide for the removal of such vehicle to the nearest garage or other place of safety.
3. Any law enforcement officer is hereby authorized to remove or cause to be removed to the nearest garage or other place of safety any vehicle found upon a highway when:
 - a. A report has been made that such vehicle has been stolen or taken without consent of its owner;
 - b. The person or persons in charge of such vehicle are unable to provide for its custody or removal; or
 - c. When the person driving or in control of such vehicle is arrested for an alleged offense for which the officer is required by law to take the person arrested before a proper magistrate without unnecessary delay.

10.1052 Reserved

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10.1056 Limitations on Backing

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

1. The driver of a vehicle shall not back the same unless such movement can be made with safety and without interfering with other traffic.
2. The driver of a vehicle shall not back the same upon any shoulder or roadway of any controlled-access highway.

10.1057 Driving Upon Sidewalk

No person may drive any vehicle upon a sidewalk or sidewalk area except upon a permanent or duly authorized temporary driveway.

10.1058 Obstruction to Driver's View or Driving Mechanism

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

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

10.1059 Opening and Closing Vehicle Doors

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

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

10.1060 Coasting Prohibited

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

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

10.1061 Following Fire Apparatus Prohibited

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

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

10.1062 Crossing Fire Hose

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

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

10.1063 Garbage, Glass, etc., on Highways Prohibited

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

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

10.1064 Driving Through Safety Zone Prohibited

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

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

10.1065 Moving Heavy Equipment at Railroad Grade Crossings

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

1. No person shall operate or move any crawler-type tractor, steam shovel, derrick, roller, or any equipment or structure having a normal operating speed of ten (10) or less miles per hour or a vertical body or load clearance of less than one-half (1/2) inch per foot of the distance between any two adjacent axles or in any event of less than nine (9) inches, measured above the level surface of a roadway, upon or across any tracks at a railroad grade crossing without first complying with this Section.
2. Before making any such crossing, the person operating, or moving any such vehicle or equipment shall first stop the same not less than fifteen (15) feet nor more than fifty (50) feet from the nearest rail or such railroad and while so stopped shall listen and look in both directions along such track for any approaching train and for signals indicating the approach of a train, and shall not proceed until the crossing can be made safely.
3. No such crossing shall be made when warning is given by automatic signal or crossing gates or flag person or otherwise of the immediate approach of a railroad train or car. If a flag person is provided by the railroad, movement over the crossing shall be under his direction.

10.1066 Stop When Traffic Obstructed

The provisions of the Section 39-10-68 of the North Dakota Century Code and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

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

10.1067 Driving Through Funeral or Other Procession

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

10.1068 Drivers in a Procession

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

10.1069 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 a law enforcement officer.

10.1070 When Traffic Obstructed

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

10.1071 When Permits Required for Parades and Processions

No funeral, procession or parade containing two hundred (200) or more persons or fifty (50) or more vehicles 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 a law enforcement officer and such other regulations as are set forth herein which may apply.

10.1072 Use of Skateboards, Rollerblades, Roller Skates and other Similar Devices Restricted

No person upon roller skates, roller blades, skate board, toy vehicle, any coaster, 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.

ARTICLE 11 - Regulations for Bicycles

10.1101 Effect of Regulations - Penalty

1. It is unlawful for any person to do any act forbidden or fail to perform any act required in this Article. Any person who violates any of the provisions of this Article may be assessed a fee not to exceed five dollars (\$5).
2. The parent of any child and the guardian of any ward shall not authorize or knowingly permit any such child or ward to violate any of the provisions of this ordinance.
3. These regulations applicable to bicycles shall apply whenever a bicycle is operated upon any highway or upon any path set aside for the exclusive use of bicycles subject to those exceptions stated herein.

10.1102 Traffic Ordinances Apply to Persons Riding Bicycles

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

10.1103 Riding on Bicycles - Motorized Bicycles

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

10.1104 Clinging to Vehicles

The provisions of Section 39-10.4-04 of the North Dakota Century Code and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

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

10.1105 Riding on Roadways and Bicycle Paths

The provision of Section 39-10.1-05 of the North Dakota Century Code and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

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

10.1106 Carrying Articles

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

The person operating a bicycle shall not carry any package, bundle, or article which prevents the driver from keeping at least one hand upon the handlebars.

10.1107 Lamps and other Equipment on Bicycles

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

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

10.1108 Point System Not Applicable

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

Any violation of the provisions of this Article, or any moving violation as defined in Section 10.0608, or any nonmoving violation as defined in Section 10.0609 when committed on a bicycle as defined in Section 39-01-01 of the North Dakota Century Code, is not cause for the licensing authority to access points against the driving record of the violator pursuant to Section 39-06.1-10 of the North Dakota Century Code. Any other legally authorized penalty for a criminal traffic offense or noncriminal traffic violation is applicable to bicyclists.

10.1109 Obedience to Traffic Control Devices

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

10.1110 Use of Bicycles, Roller Skates, Roller Blades, Skate Boards, and Other Similar Devices on Sidewalks Restricted.

1. No person upon a bicycle, roller skates, roller blades, skate board, or any coaster or similar device shall ride upon a sidewalk bordering a business establishment or upon any sidewalk within a business district.
2. A law enforcement officer or authorized person may erect signs on any sidewalk or roadway prohibiting the riding of bicycles, roller skates, roller blades, skate boards, or other similar devices thereon by any person and when such signs are in place no person shall disobey the same.
3. Whenever any person upon a bicycle, roller skates, roller blades, skate boards, or other similar device riding 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.

ARTICLE 12 - Motorcycles

10.1201 Traffic Laws Apply to Persons Operating Motorcycles or Motorized Bicycles

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

"Motorcycle" means every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three (3) wheels in contact with the ground, but excluding implements of husbandry.

"Motorized bicycle" means a vehicle equipped with two (2) or three (3) wheels, foot pedals to permit muscular propulsion or footrests for use by the operator, a power source providing up to a maximum of two (2) brake horsepower having a maximum piston or rotor displacement of 3.05 cubic inches if a combustion engine is used, which will propel the vehicle, unassisted, at a speed not to exceed thirty (30) miles per hour on a level road surface, and 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 the vehicle may not have a width greater than thirty-two (32) inches.

For purposes of this Chapter, the term "motorcycle" means motorcycles and motorized bicycles.

Every person operating a motorcycle or motorized bicycle shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of any other vehicle under this Title, except as to special regulations in this Chapter and except as to those provisions of these ordinances which by their nature can have no application.

10.1202 Riding on Motorcycles

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

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

10.1203 Operating Motorcycles on Roadways Laned for Traffic

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

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

10.1204 Clinging to Other Vehicles

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

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

10.1205 Footrests

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

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

10.1206 Equipment for Motorcycle Riders

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

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

10.1207 Other Applicable Law

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

ARTICLE 13 - Width, Height and Load Restrictions

10.1301 Load Restrictions upon Vehicles Using Certain Roadways

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

Weight limits on roadways shall be specified by resolution of the governing body.

10.1302 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 designation of the vehicle and proceeding thereon no farther than the nearest intersection thereafter.

10.1303 Size Restrictions upon Vehicles Using Certain Highways

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

10.1304 Restrictions upon Use of Streets by Certain Vehicles

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

10.1305 Peace Officers May Weigh Vehicle to Determine Load

Every law enforcement officer, including members of the state highway patrol, having reason to believe that the weight of a vehicle and the load carried thereon is unlawful, may weigh such vehicle and load or have the same weighed either by means of portable or stationary scales, and for that purpose he may require the vehicle to be driven to the nearest scales. Such officer may require the driver of such vehicle immediately to unload such portion of the load as may be necessary to decrease the gross weight to the maximum allowed by the provisions of the Chapter.

ARTICLE 14 - Traffic Signs

10.1401 Signs

All traffic control devices shall conform to the state manual and specifications.

10.1402 Authority to Install

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

10.1403 Specifications for

All traffic-control signs, signals, and devices shall conform to the specifications approved by the Director pursuant to Section 39-13-06 of the North Dakota Century Code. 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.

10.1404 Designation of Walks, Lanes, etc.

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

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

ARTICLE 15 - Equipment of Vehicles

10.1501 When Lighted Lamps are Required

Subject to exceptions with respect to parked vehicles, every vehicle upon a highway within this state must display lighted lamps and illuminating devices as required in this Chapter for different classes of vehicles as follows:

1. At any time from sunset to sunrise, and every farm tractor upon a highway within this state at any time from a half hour after sunset to a half hour before sunrise;
2. At any time when it is raining, snowing, sleet, or hailing or during other adverse driving conditions and these conditions do not render a person or vehicle on the highway clearly discernible at a distance of one thousand (1,000) feet ahead; or
3. At any other time when visibility is impaired by weather, smoke, fog, or other conditions or when there is insufficient light to render a person or vehicle on the highway clearly discernible at a distance of one thousand (1,000) feet ahead.

Stoplights, turn signals, and other signaling devices must be lighted as prescribed for the use of such devices.

10.1502 Headlamps on Motor Vehicle

1. With exception of motorcycles and ATVs manufactured with single head lamps, every motor vehicle must be equipped with at least two (2) headlamps with at least one (1) on each side of the front of the motor vehicle, which must comply with the requirements and limitations set forth in this Chapter.
2. Every headlamp upon every motor vehicle must be located at a height measured from the center of the headlamp of not more than fifty-four (54) inches nor less than twenty-four (24) inches to be measured as set forth in Subsection 2 of Section 39-21-02 of the North Dakota Century Code.

10.1503 Tail lamps

1. Every motor vehicle, trailer, semitrailer and pole trailer, and any other vehicle which is being drawn at the end of a train of vehicles, must be equipped with at least one (1) tail lamp mounted on the rear, which, when lighted as hereinbefore required, must emit a red light plainly visible from a distance of one thousand (1,000) feet to the rear, provided that in the case of a train of vehicles only the tail lamps on the rearmost vehicle need actually be seen from the distance specified. Every such above-mentioned vehicle, other than a truck, tractor, registered in this state and manufactured or assembled after January 1, 1964, must be equipped with at least two (2) tail lamps mounted on the rear, on the same level and as widely

spaced laterally as practicable, which, when lighted as herein required, comply with the provisions of this Section.

2. Every tail lamp upon every vehicle must be located at a height of not more than seventy-two (72) inches nor less than fifteen (15) inches.
3. Either a tail lamp or a separate lamp must be so constructed and placed as to illuminate with a white light the rear registration plate and render it clearly legible from a distance of fifty (50) feet to the rear. Any tail lamp or tail lamps, together with any separate lamp for illuminating the rear registration plate, must be so wired as to be lighted whenever the headlamps or auxiliary driving lamps are lighted.

10.1504 New Motor Vehicle to be Equipped with Reflectors

1. Every new motor vehicle hereafter sold and operated upon a highway other than a truck tractor must carry on the rear, either as a part of the tail lamps or separately, two (2) or more red reflectors, meeting the requirements of this Section, except that vehicles of the type mentioned in Section 39-21-08 of the North Dakota Century Code must be equipped with reflectors as required in applicable sections.
2. Every such reflector must be mounted on the vehicle at a height not less than fifteen (15) inches nor more than sixty (60) inches measured as set forth in Subsection 2 of Section 39-21-02 of the North Dakota Century Code, and must be of size and characteristics and so mounted as to be visible as required in Section 39-21-11 of the North Dakota Century Code.

10.1505 Stop Lamps and Turn Signals Required

1. No person may sell or offer for sale or operate on the highways any motor vehicle registered in this state and manufactured or assembled after January 1, 1964, unless it is equipped with at least (2) two stop lamps meeting the requirements of Section 39-21-19 of the North Dakota Century Code, except that a truck tractor manufactured or assembled after January 1, 1964, must be equipped with at least one (1) stop lamp meeting the requirements of Section 39-21-19 of the North Dakota Century Code.
2. No person may sell or offer for sale or operate on the highways any motor vehicle, trailer, or semitrailer registered in this state and manufactured or assembled after January 1, 1952, unless it is equipped with electrical turn signals in good working order, meeting the requirements of Section 39-21-19 of the North Dakota Century Code. This Subsection does not apply to any trailer or semitrailer of less than three thousand (3,000) pounds gross weight.

10.1506 Additional Lighting Equipment

1. Any motor vehicle may be equipped with one (1) or more backup lamps either separately or in combination with other lamps, but the backup lamp or lamps may not be lighted when the vehicle is in a forward motion.
2. Any vehicle may be equipped with one (1) or more side marker lamps which may be flashed in conjunction with turn signals or vehicular hazard warning signals.

10.1507 Application of Succeeding Sections

Those sections of this Chapter which follow immediately, including Sections 39-21-08, 39-21-09, 39-21-10, 39-21-11, and 39-21-12 of the North Dakota Century Code, relating to clearance and marker lamps reflectors, and stoplights, apply as stated in said sections to vehicles of the type therein enumerated, namely passenger buses, trucks, truck tractors, and certain trailers, semitrailer and pole trailers, respectively, when operated upon any highway, and said vehicles must be equipped as required and all lamp equipment required must be lighted at the times mentioned in Section 39-21-01 of the North Dakota Century Code, except that clearance and side marker lamps need not be lighted on any said vehicle when operated within any municipality where there is sufficient light to render clearly discernible persons and vehicles on the highway at a distance of five hundred (500) feet.

10.1508 Additional Equipment Required on Certain Vehicles

In addition to other equipment required in this Chapter, the following vehicles must be equipped as herein stated under the conditions stated in Section 39-21-07 of the North Dakota Century Code:

1. On every bus, truck, trailer, or semitrailer there must be the following:
 - a. On the rear, two (2) reflectors, one (1) at each side, and one stoplight.
 - b. A trailer or semitrailer which is not so loaded or of such dimensions as to obscure the stoplight on the towing vehicle, need not be equipped with a stoplight.
2. On every bus, truck, trailer, or semitrailer eighty (80) inches or more in overall width there must be the following:
 - a. On the rear, two (2) reflectors, one (1) at each side, two (2) clearance lamps, one at each side, and one stoplight.
 - b. On the front, two (2) clearance lamps, one (1) at each side.
3. On every truck tractor there must be the following:
 - a. On the front, two (2) clearance lamps, one (1) at each side.
 - b. On the rear, one (1) stoplight.
4. On every pole trailer there must be the following:
 - a. On the rear of the pole trailer or load, two (2) reflectors, one (1) at each side.
 - b. In addition, on pole trailers exceeding three thousand (3,000) pounds gross weight, there must be on side one (1) side marker lamp and one (1) clearance lamp which may be in combination, to show to the front, side, and rear.

10.1509 Color of Clearance Lamps, Side Marker Lamps, Backup Lamps, and Reflectors

1. Front clearance lamps and those marker lamps and reflectors mounted on the front or on the side near the front of a vehicle must display or reflect an amber color.
2. Rear clearance lamps and those marker lamps and reflectors mounted on the rear or on the sides near the rear of a vehicle must display or reflect a red color.
3. All lighting devices and reflectors mounted on the rear of any vehicle must display or reflect a red color, except that the light illuminating the license plate must be white and the light emitted by a backup lamp must be white or amber.
4. Any person who violates this Section must be assessed a fee of ten dollars (\$10) for each offense.

10.1510 Mounting of Reflectors, Clearance Lamps, and Side Marker Lamps

1. Reflectors when required by Section 39-21-08 of the North Dakota Century Code must be mounted at a height not less than fifteen (15) inches and not higher than sixty (60) inches above the ground on which the vehicle stands, except that if the highest part of the permanent structure of the vehicle is less than fifteen (15) inches the reflector must be mounted as high as that part of the permanent structure will permit. The rear reflectors on a pole trailer may be mounted on each side of the bolster or load. Any required red reflector on the rear of a vehicle may be incorporated with the tail lamp but must meet all the other reflector requirements of this Chapter.
2. Clearance lamps must be mounted on the permanent structure of the vehicle in such a manner as to indicate its extreme width and as near the top thereof as practicable. Clearance lamps and side marker lamps may be mounted in combination provided illumination is given as required herein with reference to both.

10.1511 Visibility of Reflectors, Clearance Lamps, and Marker Lamps

1. Every reflector upon any vehicle referred to in Section 39-21-08 of the North Dakota Century Code must be of such size and characteristics and so maintained as to be readily visible at nighttime from all distances within six hundred (600) feet to one hundred (100) feet from the vehicle when directly in front of lawful lower beams of headlamps, except that the visibility for reflectors on vehicles manufactured or assembled prior to January 1, 1970, must be measured in front of lawful upper beams of headlamps. Reflectors required to be mounted on the sides of the vehicle must reflect the required color of light to the sides, and those mounted on the rear must reflect a red color to the rear.
2. Front and rear clearance lamps must be capable of being seen and distinguished under normal atmospheric conditions at the times lights are required at a distance of five hundred (500) feet from the front and rear, respectively, of the vehicle.
3. Side marker lamps, at the times lights are required, must be capable of being seen and distinguished under normal atmospheric conditions at distance of five hundred (500) feet from the side of the vehicle on which mounted.

10.1512 Obstructed Lights Not Required

Whenever motor and other vehicles are operated in combination during the time that lights are required, any lamp need not be lighted which, by reason of its location on a vehicle of the combination, would be obscured by another vehicle of the combination, but this does not affect the requirement that lighted clearance lamps be displayed on the front of the foremost vehicle required to have clearance lamps, nor that all lights required on the rear of the rearmost vehicle of any combination must be lighted.

10.1513 Lamp or Flag on Projecting Load

Whenever the load upon any vehicle extends to the rear four (4) feet or more beyond the bed or body of the vehicle there must be displayed at the extreme rear end of the load, at the times specified in Section 39-21-01 of the North Dakota Century Code, a red light or lantern plainly visible from a distance of at least six hundred (600) feet to the sides and rear. The red light or lantern required under this Section must be in addition to the red rear light required upon every vehicle. At any other time there must be displayed at the extreme rear end of a load a red flag or cloth not less than twelve (12) inches square and so hung that the entire area is visible to the driver of a vehicle approaching from the rear.

10.1514 Lamps on Parked Vehicle

1. Whenever a vehicle is lawfully parked upon a street or highway during the hours between a half-hour after sunset and a half-hour before sunrise and in the event there is sufficient light to reveal any person or object within a distance of one thousand (1,000) feet upon such street or highway no lights need be displayed.
2. Whenever a vehicle is parked or stopped upon a roadway or shoulder adjacent thereto, whether attended or unattended, during the hours between a half-hour after sunset and a half-hour before sunrise and there is not sufficient light to reveal any person or object within a distance of one thousand (1,000) feet upon such highway, the vehicle must be equipped with at least one (1) lamp displaying a white or amber light visible from a distance of one thousand (1,000) feet to the front of the vehicle. The same lamp or at least one (1) other lamp must display a red light visible from a distance of one thousand (1,000) feet to the rear of the vehicle, and the location of the lamp or lamps must always be such that at least one (1) lamp or combination of lamps meeting the requirements of this Section is installed as near as practicable to the side of the vehicle which is closest to passing traffic. Local authorities may provide by ordinance that no lights need be displayed upon any motor vehicle when parked upon a highway where the speed limit in effect does not exceed thirty (30) miles per hour in accordance with local ordinances or where there is sufficient light to reveal any person within a distance of two hundred (200) feet upon such highway.
3. Any lighted headlamps upon a parked vehicle must be depressed or dimmed.

10.1515 Lamps, Reflectors, and Reflective Materials on Farm Tractors, Farm Equipment, and Implements of Husbandry

Every farm tractor, self-propelled unit of farm equipment, or towed implement of husbandry, manufactured or assembled after January 1, 1980, must at all times, and every farm tractor, self-propelled unit of farm equipment, or towed implement of husbandry must, when operated upon the highways of this state during the times mention in Section 39-21-01 of the North Dakota Century Code, be equipped as follows:

1. Tractors and self-propelled units of farm equipment must be equipped with (2) two single-beam or multiple-beam headlamps meeting the requirements of Sections 39-21-20 or 39-21-22 of the North Dakota Century Code; provided, that a tractor or self-propelled unit of farm equipment which is not equipped with an electrical system must be equipped with at least one (1) lamp displaying a white light visible when lighted from a distance of not less than one thousand (1,000) feet to the front of the vehicle. Every tractor and self-propelled unit of farm equipment must be equipped with at least one (1) lamp displaying a red light visible when lighted from a distance of one thousand (1,000) feet to the rear of the vehicle. In addition, every tractor and every self-propelled unit of farm equipment must be equipped with two (2) red reflectors visible from all distances from six hundred (600) feet to one hundred (100) feet to the rear when directly in front of lawful lower beams of headlamps.
2. Every towed unit of farm equipment or implement of husbandry must be equipped with at least one (1) lamp displaying a red light visible when lighted from a distance of one thousand (1,000) feet to the rear or two (2) red reflectors visible from all distances within six hundred (600) feet to one hundred (100) feet to the rear when directly in front of lawful lower beams of headlamps. In addition, if the extreme left projection of a towed unit of farm equipment or implement of husbandry extends beyond the extreme left projection of the towing tractor or vehicle, the unit or implement must be equipped with at least one (1) amber lamp or reflector mounted to indicate as nearly as practicable the extreme left projection and visible from all distances within six hundred (600) feet to one hundred (100) feet to the front when illuminated by the lower beams of headlamps and at least one (1) red lamp reflector so mounted and visible from the same distances to the rear.

The lamps and reflectors required by this Section must be so positioned as to show from front and rear as nearly as practicable the extreme projection of the vehicle carrying them on the side of the roadway used in passing the vehicle. If a farm tractor or a unit of farm equipment, whether self-propelled or towed, is equipped with two or more lamps or reflectors visible from the front or two or more lamps or reflectors visible from the rear, the lamps or reflectors must be so positioned that the extreme projections both to the left and the right of the vehicle must be indicated as nearly as is practicable. If all other requirements are met, reflective tape or paint may be used in lieu of the reflectors required in Subsection 2.

10.1516 Lamps on Other Vehicles and Equipment

Every vehicle, including animal-drawn vehicles and vehicles referred to in Subsection 3 of Section 39-21-46 of the North Dakota Century Code not specifically required by the provisions of this Chapter to be equipped with lamps or other lighting devices, must at all times specified in Section 39-21-01 of the North Dakota Century Code be equipped with at least (1) one lamp displaying a white light visible from a distance of not less than one thousand (1,000) feet to the front of the vehicle, and must also be equipped with two (2) lamps displaying red light visible from a distance of not less than one thousand (1,000) feet to the rear of the vehicle, or two (2) red reflectors visible for distances of one hundred (100) feet to six hundred (600) feet to the rear when illuminated by the lower beams of headlamps.

10.1517 Spot Lamps and Auxiliary Lamps

Any motor vehicle may be equipped with not to exceed two (2) spot lamps and every lighted spot lamp must be so aimed and used so that no part of the high intensity portion will strike the windshield, or any windows, mirror, or occupant of another vehicle in use.

10.1518 Signal Lamps and Signal Devices

1. Any motor vehicle may be equipped and, when required under this Chapter, must be equipped with a stop lamp or lamps on the rear of the vehicle which shall display a red light visible from a distance of not less than three hundred (300) feet to the rear in normal sunlight, and which shall be actuated upon application of the service (foot) brake, and which may, but need not, be incorporated with one or more other rear lamps.
2. Any motor vehicle may be equipped and when required under this Chapter must be equipped with lamps showing to the front and rear for the purpose of indicating an intention to turn either to the right or left. The lamps showing to the front must be located on the same level and as widely spaced laterally as practicable and when in use display a white or amber light, or any shade of color between white and amber, visible from a distance of not less than three hundred (300) feet to the front in normal sunlight, and the lamps showing to the rear must be located at the same level and as widely spaced laterally as practicable and when in use display a red or amber light, or any shade of color between red and amber, visible from a distance of not less than three hundred (300) feet to the rear in normal sunlight. Any motor vehicle or combination of vehicles eighty (80) inches or more in overall width, and manufactured or assembled after January 1964, must be equipped with the lamps required by this Subsection mounted and spaced in the same manner but visible from a distance of not less than five hundred (500) feet to the front and rear in normal sunlight. When actuated the lamps must indicate the intended direction of turning by flashing the lights showing to the front and rear on the side toward which the turn is made. Turn signal lamps may, but need not, be incorporated in other lamps on the vehicle.
3. No stop lamp or signal lamp may project a glaring light.

10.1519 Use of Multiple-beam Road-lighting Equipment

Whenever a motor vehicle is being operated on a roadway or shoulder adjacent thereto during the times specified in Section 39-21-01 of the North Dakota Century Code, the driver shall use a distribution of light, or composite beam, directed high enough and of sufficient intensity to reveal persons and vehicles at a safe distance in advance of the vehicle, subject to the following requirements and limitations.

1. Whenever a driver of a vehicle approaches an oncoming vehicle within five hundred (500) feet, such driver shall use a distribution of light, or composite beam, so aimed that the glaring rays are not projected into the eyes of the oncoming driver. The lowermost distribution of light or composite beam, specified in Subsection 2 of Section 39-21-20 of the North Dakota Century Code must be deemed to avoid glare at all times, regardless of road contour and loading.
2. Whenever the driver of a vehicle follows another vehicle within three hundred (300) feet to the rear, the driver shall use a distribution of light permissible under this Chapter other than the uppermost distribution of light specified in Subsection 1 of Section 39-21-20 of the North Dakota Century Code.

10.1520 Number of Driving Lamps Required or Permitted

1. At all times specified in Section 39-21-01 of the North Dakota Century Code at least two (2) lighted lamps must be displayed, one (1) on each side at the front of every motor vehicle, except when a vehicle is parked subject to the regulations governing lights on parked vehicles.
2. Whenever a motor vehicle equipped with headlamps as herein required is also equipped with any auxiliary lamps or a spot lamp or any other lamp on the front thereof projecting a beam of intensity greater than three hundred (300) candle power, not more than a total of four (4) of any such lamps on the front of a vehicle may be lighted at any one time when upon a highway.

10.1521 Special Restrictions on Lamps

1. Any lighted lamp or illuminating device upon a motor vehicle, other than headlamps, spot lamps, auxiliary lamps, flashing turn signals, emergency vehicle warning lamps, and school bus warning lamps, which projects a beam of light of an intensity greater than three hundred (300) candle power must be so directed that no part of the high-intensity portion of the beam will strike the level of the roadway on which the vehicle stands at a distance of more than seventy-five (75) feet from the vehicle.
2. No person may drive or move any vehicle or equipment upon any highway with any lamp or device thereon displaying a red or green light visible from directly in front of the center thereof. This Section does not apply to any vehicle upon which a red light visible from the front is expressly authorized or required by this Chapter.
3. Flashing lights are prohibited except on an authorized emergency vehicle, school bus, snow-removal equipment, or on any vehicle as a means of indicating a right or left turn, or the presence of a vehicular traffic hazard requiring unusual care in approaching, overtaking, or passing.

10.1522 Brake Equipment Required

1. Every motor vehicle, other than a motorcycle or motor-driven cycle, when operated upon a highway, must be equipped with brakes adequate to control the movement of and to stop and hold such vehicle, including two (2) separate means of applying the brakes, each of which means must be effective to apply the brakes to at least two wheels. If these two separate means of applying the brakes are connected in any way, they must be so constructed that failure of any one part of the operating mechanism does not leave the motor vehicle without brakes on at least two wheels.
2. Every farm tractor, motorcycle, and motor-drive cycle, when operated upon a highway, must be equipped with at least one (1) brake, which may be operated by hand or foot.
3. Every trailer or semitrailer when operated upon a highway at a speed in excess of twenty-five (25) miles per hour must be equipped with safety chains or brakes adequate to control the movement of and to stop and to hold such vehicle and so designed as to be applied by the driver of the towing motor vehicle from its cab, and said brakes must be so designed and connected that in case of an accidental breakaway of the towed vehicle the brakes are automatically applied.
4. One of the means of brake operation must be parking brakes adequate to hold the vehicle on any grade on which it is operated, under all conditions of loading, on a surface free from snow, ice, or loose material. The parking brakes must be capable of being applied in conformance with the foregoing requirements by the driver's muscular effort or by spring action or by equivalent means. Their operation may be assisted by the service brakes or other source of power provided that failure of the service brake actuation system or other power-assisting mechanism will not prevent the parking brakes from being applied in conformance with the foregoing requirements. The parking brakes must be so designed that when once applied they remain applied with the required effectiveness despite exhaustion of any source of energy or leakage of any kind. The same brake drums, brake shoes and lining assemblies, brake shoe anchors, and mechanical brake shoe actuation mechanism normally associated with the wheel brake assemblies may be used for both the service brakes and the parking brakes.

10.1523 Horn and Warning Device

1. While being operated upon a highway, every motor vehicle must be equipped with a horn in good working order and capable of emitting sound audible under normal conditions from a distance of not less than two hundred (200) feet, but no horn or other warning device may emit an unreasonably loud or harsh sound or a whistle. Whenever reasonably necessary for safe operation, the driver of a motor vehicle upon a highway shall give audible warning with his horn, but may not otherwise use his horn while upon a highway.
2. No vehicle may be equipped with nor may any person use upon a vehicle any siren, whistle, or bell, except as otherwise permitted in this Section.
3. Any vehicle may be equipped with a theft alarm signal device which is so arranged that it cannot be used by the driver as an ordinary warning signal.
4. Any authorized emergency vehicle may be equipped with a siren, whistle, or bell, capable of emitting sound audible under normal conditions from a distance of not less than five hundred (500) feet and of a type approved by the Department, but the siren may not be used except when the vehicle is operated in response to an emergency call or in the immediate pursuit of an actual or suspected violator of the law, in which events the driver of the vehicle shall sound the siren when reasonably necessary to warn pedestrians and other drivers of approaching vehicles.

10.1524 Muffler Required

1. Every motor vehicle must at all times be equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise and annoying smoke, and no person may use a muffler cutout, bypass, or similar device upon a motor vehicle on a highway.
2. The engine and power mechanism of every motor vehicle must be so equipped and adjusted as to prevent the escape of excessive fumes or smoke.

10.1525 Mirror

On and after January 1, 1964, every motor vehicle, operated singly or when towing any other vehicle, must be equipped with a mirror so located as to reflect to the driver a view of the highway for a distance of at least two hundred (200) feet to the rear of such motor vehicle.

10.1526 Windshield - Must be Unobstructed and Equipped with Wipers - Tinted Windows

1. Every motor vehicle shall be equipped with a windshield. No person shall drive any motor vehicle with any sign, poster, or other nontransparent material upon the front windshield, side wings, or side or rear windows which obstruct the driver's clear view of the highway or any intersection highway.
2. The windshield on every motor vehicle shall be equipped with a device for cleaning rain, snow, or other moisture from the windshield, which shall be so constructed as to be controlled or operated by the driver of the vehicle.
3. Every windshield wiper upon a motor vehicle shall be maintained in good working order.
4. A person may not operate a motor vehicle with any object, material, or tinting displayed, affixed, or applied on the front windshield or any window unless the object, material, or tinting in conjunction with the window or windshield upon which it is displayed, affixed, or applied has a light transmittance of at least seventy percent (70%). This Subsection does not apply to windows behind the operator if the motor vehicle is equipped with outside mirrors on both sides that meet the requirements of Section 39-21-38 of the North Dakota Century Code, nor to front side windows displaying transparent sun-screening material as authorized by competent medical authority.

10.1527 Restrictions as to Tire Equipment

1. Every solid rubber tire on a vehicle must have rubber on its entire traction surface at least one (1) inch thick above the edge of the flange of the entire periphery.
2. No person may operate or move on any highway any motor vehicle, trailer, or semitrailer having any metal tire in contact with the roadway.
3. No tire on a vehicle moved on a highway may have on its periphery any block, stud, flange, cleat, or spike or any other protuberance of any material other than rubber which projects beyond the tread of the traction surface of the tire, except that it is permissible to use farm machinery with tires having protuberances which will not injure the highway, and except also that it is permissible to use tire chains of reasonable proportions. It is also permissible to use, from October 15th to April 15th, pneumatic tires which have metal studs which do not project more than one-sixteenth (1/16) of an inch beyond the tread of the traction surface of the tire, except that it is permissible to use such tires on school buses at any time during the year.

10.1528 Safety Belts

1. Every passenger car manufactured or assembled after January 1, 1965, must be equipped with lap belt assemblies for use in the driver's and one other front seating position.
2. All motor vehicles manufactured after January 1, 1968, must be equipped with any lap belt or shoulder belt required at the time the vehicle was manufactured by standards of the United States department of transportation. Nothing in this Subsection affects the requirement in Subsection 1 for a lap belt in the driver's seating position.
3. The Department may exempt specified types of motor vehicles or seating positions within any motor vehicle from the requirements imposed by Subsections 1 and 2 when compliance would be impractical.
4. No person may install, distribute, have for sale, offer for sale, or sell any belt for use in motor vehicles unless it meets current minimum standards and specifications of the United States Department of Transportation.
5. Every owner shall maintain belts and assemblies required by this Section in proper condition and in a manner that will enable occupants to use them.

10.1529 Child Restraint Devices - Penalty - Evidence

1. If a child, under four (4) years of age, is present in any motor vehicle, that motor vehicle must be equipped with at least one (1) child restraint system for each such child. The child restraint system must meet the standards adopted by the United States Department of Transportation for those systems (49 CFR 571.213). While the motor vehicle is in motion, each such child must be properly secured in the child restraint system in accordance with the manufacturer's instructions. While the motor vehicle is moving, each child of four (4) through eight (8) years of age (unless taller than four (4) feet, nine (9) inches) who is in the motor vehicle must be in an approved child safety seat in accordance with the manufacturer's instructions or correctly buckled in a seatbelt. Use of child restraint systems and seatbelts is not required in motor vehicles that were not equipped with seatbelts when manufactured. If all of the seatbelts are used by other family members in the vehicle or if a child is being transported in an emergency situation, this Section does not apply.
2. Violation of this Section is not, in itself, evidence of negligence. The fact of a violation of this Section is not admissible in any proceeding other than one charging the violation.

10.1530 Vehicle to be Constructed to Prevent Sifting or Leaking Loads

No vehicle may be driven or moved on any highway unless it is so constructed or loaded as to prevent its contents from dropping, sifting, leaking, or otherwise escaping therefrom, except that sand may be dropped for the purpose of securing traction, or water or other substance may be sprinkled on a roadway in cleaning or maintaining the roadway. No person may operate on any highway any vehicle with any load unless the load and any covering thereon is securely fastened so as to prevent said covering or load from becoming loose, detached, or in any manner a hazard to other users of the highway.

10.1531 Drawbar or Connection Between Vehicles - Precautions Required

The drawbar or other connection between any two (2) vehicles, one of which is towing or drawing the other on a highway, shall be of such design, strength and construction so as to prevent the unintentional uncoupling of the vehicles.

10.1532 Modification of Motor Vehicle

Except as otherwise provided in this Section, a person may not operate upon a public highway a motor vehicle of a type required to be registered under the laws of this state with a weight of seven thousand (7,000) pounds or less with alterations or changes from the manufacturer's original design of the suspension, steering, or braking system of the motor vehicle. The weight must be computed on the basis of the unmodified and unloaded weight of the motor vehicle and without regard to any ballast that may be placed in the vehicle. As to bumper, motor vehicle height, and permitted modifications, the following requirements also apply:

1. The motor vehicle must be equipped with front and rear bumpers.
2. The maximum body height permitted for the motor vehicle is forty-two (42) inches. Measurement of body height is made from a level ground surface to the floor of the cargo area.
3. The maximum bumper height permitted is twenty-seven (27) inches. Measurement of bumper height is made from a level ground surface to the highest point on the bottom of the bumper.
4. The vehicle may be modified in accordance with the following:
 - a. Any modifying equipment must meet specialty equipment marketing association standards.
 - b. If tires placed on a motor vehicle have a diameter greater than that of the tires on the motor vehicle as manufactured, those tires must comply with Department of Transportation requirements.
 - c. The maximum outside diameter permitted for tires is forty-four (44) inches.
 - d. A horizontal drop bumper may be used to comply with the bumper height requirement of Subsection 3. The horizontal bumper must:
 - i. Be at least three (3) inches in vertical width;
 - ii. Extend the entire horizontal body width; and
 - iii. Be horizontal, load bearing, and attached to the vehicle frame to effectively transfer impact when engaged.
 - e. The maximum lift permitted in the suspension system is four (4) inches.
5. A person charged with violating this Section has the burden of proceeding to show that the modifications are permitted under this Section.

6. Vehicles owned by law enforcement agencies, the military, firefighting agencies, and ambulances may be modified without regard to this Section.
7. The Director may adopt rules to implement this Section.

**10.1533 Slow Moving Vehicles Required to Display Identification Emblem –
Penalty**

All implements of husbandry, as defined in Section 39-01-01 of the North Dakota Century Code, and machinery, including all road construction machinery, designed for operation at a speed of twenty-five (25) miles an hour or less, must display either a triangular slow-moving vehicle emblem or a rotating or flashing amber light, as authorized for class B emergency vehicles, whenever traveling along the roadway on any county, state, federal highway, or city street in the state of North Dakota. The emblem or light must be mounted so as to be visible from a distance of not less than five hundred (500) feet to the rear. The Director shall adopt standards and specifications for the design and position of mounting the slow-moving vehicle emblem and light. The standards and specifications for slow-moving vehicle emblems referred to in this Section must correlate with and, so far as possible, conform to those approved by the American Society of Agricultural Engineers. No vehicle, other than those specified in this Section, must display a slow-moving vehicle emblem, and its use on any type of stationary object is prohibited. Any person who fails or refuses to comply with the provisions of this Section must be assessed a fee of twenty dollars (\$20).

ARTICLE 16 - Regulations and Registration of Snowmobiles

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

10.1601 Definitions

For the purposes of this Chapter:

1. "Dealer means every person, partnership, corporation, or limited liability company engaged in the business of buying, selling, or exchanging snowmobiles, or who advertises, or holds out to the public as engaged in the buying, selling, or exchanging of snowmobiles, or who engages in the buying of snowmobiles for resale.
2. "Operate" means to ride in or on and control the operation of a snowmobile.
3. "Operator" means every person who operates or is in actual physical control of a snowmobile.
4. "Owner" means a person, other than a lienholder, having the property in or title to a snowmobile entitled to the use or possession thereof.
5. "Person" includes an individual, partnership, corporation, limited liability company, association, the state and its departments, agencies, and political subdivisions, and any body of persons, whether incorporated or not.
6. "Register" means the act of assigning a registration number to a snowmobile.
7. "Registrar" means the Director of the Department of Transportation of this state as provided in Section 24-02-01.3 of the North Dakota Century Code.
8. "Roadway" means that portion of the highway improved, designed, or ordinarily used for vehicular travel.
9. "Snowmobile" means a self-propelled vehicle intended for off-road travel primarily on snow, having a curb weight of not more than one thousand two hundred (1200) pounds, driven by track or tracks in contact with the snow, steered by a ski or skis in contact with the snow, and which is not wider than forty-eight (48) inches. The term does not include an off-highway vehicle as defined in Chapter 39-29 converted to operate on tracks.

10.1602 Snowmobile Registration

Except as provided for, no person may operate any snowmobile within the city limits unless it has been registered in accordance with Chapter 39-24 of the North Dakota Century Code.

10.1603 Rules and regulations.

Pursuant to this code and this Chapter, rules and regulations for the regulation and use of snowmobiles must be adopted as follows:

1. The Director shall promulgate rules and regulations for the registration of snowmobiles and display of registration numbers.
2. The Director has the authority in the interest of public health, welfare, and safety to regulate, restrict, or prohibit, by rule or regulation, the operation of snowmobiles on those highways under the Director's jurisdiction. The Director's authority to prohibit the use of snowmobiles is limited to the roadways, shoulders, inslopes, and medians within the right of way, except where such action is necessary to avoid an obstacle. Notwithstanding the racing prohibitions in Section 39-08-03.1 of the North Dakota Century Code, the Director may, on a case by case basis, permit organized and bona fide snowmobile races on the ditch bottoms, backslopes, and the top of the backslopes of the highway rights of way under the Director's jurisdiction. The planning, organization, route selection, and safety precautions of any such race are the sole responsibility of the permittee. It is expressly provided that the Director, and the Department and the employees thereof, shall incur no liability whatsoever for permitting such races.
3. The Director of the Parks and Recreation Department shall adopt rules for regulating use of snowmobiles in state parks and other state-owned land under the supervision of the Director.
4. The governing bodies of political subdivisions shall promulgate rules and regulations for regulating use of snowmobiles in recreation and other appropriate areas under their jurisdiction. The governing bodies of cities may, by ordinance, regulate, restrict and prohibit the use of snowmobiles when operated within the exclusive jurisdiction of cities.
 - a. No person may operate a snowmobile on any street, alley, or other municipal right-of-way within the municipal city limits of New England with the following exception:
 - 1) The operator may use the snowmobile from their residence to the nearest municipal city limit.

10.1604 Rules for Operation of Snowmobiles

1. No person may operate a snowmobile upon the roadway, shoulder, or inside bank or slope of any road, street, or highway in this state except as provided pursuant to this Chapter.
2. A snowmobile may make a direct crossing of a street or highway provided:
 - a. The crossing is made at an angle of approximately ninety (90) degrees to the direction of the highway and at a place where no obstruction prevents a quick and safe crossing;
 - b. The snowmobile is brought to a complete stop before crossing the shoulder or 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 a divided highway, the crossing is made only at an intersection of such highway with another public street or highway.
3. No snowmobile may be operated unless it is equipped with at least one (1) headlamp, one (1) tail lamp, and brakes, all in working order, which conform to standards prescribed by rules of the Director pursuant to the authority vested in him by the North Dakota Century Code.
4. The emergency conditions under which a snowmobile may be operated other than as provided by this Chapter must be such as to render the use of an automobile impractical under such conditions at such period of time and location.
5. It is unlawful for any person to drive or operate any snowmobile in the following ways which are declared to be unsafe and a public nuisance:
 - a. At a rate of speed greater than reasonable or proper under all the surrounding circumstances;
 - b. In a careless manner so as to endanger the person or property of another or to cause injury or damage to such person or property;
 - c. Without a lighted headlamp and tail lamp when required for safety;
 - d. In any tree nursery or planting in a manner which damages or destroys growing stock;
 - e. Without a manufacturer-installed or equivalent muffler in good working order and connected to the snowmobile exhaust system;

6. It is unlawful for any person to operate a snowmobile pursuant to Chapter 39-24 of the North Dakota Century Code without having in possession a valid driver's license or permit, except as provided by Section 39-24-09.1 of the North Dakota Century Code.
7. When snowmobiles are operated within the right of way of any road, street, or highway of this state pursuant to this Chapter, during times or conditions that warrant the use of lights, such snowmobiles shall travel in the same direction as the direction of motor vehicles traveling on the side of the roadway immediately adjacent to the side of the right of way traveled by the snowmobile.
8. It is unlawful for any person to operate a snowmobile within a highway right of way as defined in Subsection 38 of Section 24-01-01.1 of the North Dakota Century Code between April 1st and November 1st of any year.
9. No snowmobile may be operated at any time within the right of way of any highway within this state while towing a sled, skid, or other vehicle, unless the sled, skid, or other vehicle is connected to the snowmobile by a hinged swivel and secure hitch.
10. No person under the age of eighteen (18) may operate, ride, or otherwise be propelled on a snowmobile unless the person wears a safety helmet meeting United States Department of Transportation standards.
11. It is unlawful for any person to operate a snowmobile on any private property within the city limits without permission from the property owner.

10.1605 Operation by Persons under Age Sixteen

Except as otherwise provided in this Section, it is unlawful for any person twelve (12) years of age and over who has not reached sixteen (16) years of age and who is not in possession of a valid driver's license or permit to operate a snowmobile, except upon the lands of the person's parent or guardian, unless and until the person has completed an off-highway vehicle safety training course as prescribed by the Director of the Parks and Recreation Department and has received the appropriate off-highway vehicle safety certificate issued by the Director. The failure of an operator to exhibit an off-highway vehicle safety certificate upon demand to any official authorized to enforce this Chapter is presumptive evidence that the person is not the holder of the certificate.

10.1606 Penalties

Any person who violates subdivision c or g of Subsection 5 of Section 39-24-09 of the North Dakota Century Code is guilty of a Class B misdemeanor. Any person who violates any other provision of Section 39-24-09 of the North Dakota Century Code must be assessed a fee of twenty dollars (\$20). Any person, unless specifically exempted, who fails to register as required by Section 39-24-02 of the North Dakota Century Code must be assessed a fee of fifty dollars (\$50). If the person provides proof of registration since the violation, the fee may be reduced by one-half. Violation of 10.1803(4a) is an infraction for which a fee of twenty (\$20) dollars must be assessed. Violation of any other provision of Article 16 for which a specific penalty is not provided must be assessed a fee of ten dollars (\$10).

ARTICLE 17 - Motorcycle Equipment

10.1701 Purpose

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

It is the purpose of this Article to establish performance and equipment requirements for the manufacture, sale, and safe operation of a motorcycle upon public highways, and to furnish administrators with a guide for registration eligibility and continued conformity as related to motorcycles.

10.1702 Manufacturer's or Distributor's Certification

1. The manufacturer or distributor shall provide a certification of the fact that a motorcycle or class of motorcycles is designed and manufactured for use upon public highways and complies with the performance and equipment requirements of this Chapter, and the rules and regulations promulgated hereunder.
2. The certificate shall be incorporated on the manufacturer's statement of origin (MSO) upon transfer of vehicle ownership.

10.1703 Frame-Chassis Requirements

1. The motorcycle frame-chassis, including the suspension components and engine mountings, shall be of substantial construction, capable of supporting the combined weight of all vehicle components and riders for which the vehicle is designed, and withstand normal road shocks and operational stresses without constituting a hazard to the riders or other users of the highway.
2. The wheel base shall not be less than forty (40) inches.

10.1704 Brakes

1. Every motorcycle shall have either a split service brake system or two (2) independently- actuated service brake systems in accordance with regulations promulgated by the Director. Brakes must act on the front and rear wheels.
2. Every motorcycle shall meet the requirements for brake system effectiveness, fade, and partial systems as specified in rules and regulations promulgated by the Director pursuant to Chapter 28-32 of the North Dakota Century Code.
3. All linkage, cables, pivots, and bearings shall be free of excess (high) friction, with the front wheel brake cable so located and secured as not to become pinched between fork and frame members when wheel is turned completely to the right or left.
4. Brake actuating devices shall be in an accessible location, unencumbered by vehicle components, and so positioned that adequate leverage and safe operation is ensured. Service brake system controls and operation requirements shall be in accordance with regulations promulgated by the Director. A suitable mechanism shall be provided for the purpose of automatically returning the actuating devices to normal position upon release.
5. Motorcycle brakes must be capable of being adjusted automatically or manually with means provided to prevent unintentional adjustment.
6. Each three-wheel motorcycle shall be equipped with a parking brake of a friction type with a solely mechanical means to retain engagement.

10.1705 Brakes on Motor-Driven Cycles

The Department may require an inspection of the brake on any motor-driven cycle and may disapprove any brake which is not so designed or constructed as to ensure reasonable and reliable performance in actual use.

10.1706 Tires, Wheels, and Rims

1. Motorcycle tires shall be of pneumatic design with a minimum width of two and twenty-five hundredths (2.25) inches designed for highway use.
2. Tires on two (2)-wheel motorcycles and the front tire on a three (3)-wheel motorcycle must have a load capacity rating at least equal to their respective gross axle weight ratings (GAWR). Each tire on the rear axle of a three (3)-wheel motorcycle must have a load capacity rating at least equal to one-half (1/2) the rear axle gross axle weight rating (GAWR).
3. Wheel rim diameters shall not be less than ten (10) inches and shall otherwise comply with applicable state standards, as promulgated by the Director. Two (2)-wheel motorcycles using low pressure tires are exempt from this Subsection, if the inflated height of the tire is twenty (20) inches or greater.

10.1707 Steering and Suspension Systems

1. Motorcycle steering and suspension systems shall be designed and engineered to provide the operator with the means of safely controlling vehicle direction under all maneuvers required for normal and safe operation.
2. The rear wheel of a two (2)-wheel motorcycle shall track behind a front wheel within one (1) inch with both wheels in a vertical plane when the vehicle is operating on a straight course. On a three-wheel motorcycle, the two (2) wheels mounted on the rear axle shall have a wheel track distance no less than thirty (30) inches and the mid-point of the rear wheel track distance shall be within one (1) inch of the front wheel track when the vehicle is proceeding on a straight course. The vehicle shall be equipped with an adjustment feature that will provide proper wheel tracking.
3. The steering head shall be provided with a bearing or similar device that will allow the steering shaft to turn freely in rotational motion only.
4. All motorcycles, except three-wheel motorcycles, shall meet the following specifications in relationship to front wheel geometry:

Maximum Rake: 45 degrees - Trail: 14 inches positive

Minimum Rake: 20 degrees - Trail: 2 inches positive

Manufacturer's specifications shall include the specific rake and trail for each motorcycle or class of motorcycles and the terms "rake" and "trail" shall be defined by the Director.

5. Handlebars shall be of sturdy construction, adequate in size to provide proper leverage for steering, and capable of withstanding a minimum force of one hundred (100) pounds applied to each handgrip in any direction. Handlebar grips shall be located no more than fifteen (15) inches above the unoccupied seat with the handlebars located in a straight-ahead position and shall be capable of vertical adjustment. The handlebars shall provide a minimum of eighteen (18) inches between grips after final assembly.
6. Handlebars shall be equipped with handgrips consisting of a material and surface pattern to ensure firm, nonslip gripping for the driver.
7. Every motorcycle shall be equipped with a suspension system and such suspension system shall be applicable to at least the front wheel. The suspension system shall be effective in reducing road shock and designed for the purpose of maximizing vehicle stability.

10.1708 Fuel Systems

1. All fuel system components, including the tank, pump, tubing, hoses, clamps, etc., shall be securely fastened to the motorcycle so as not to interfere with vehicle operation and be leak-proof when the vehicle is in its normal operating attitude.
2. Fuel lines shall be positioned in a manner to prevent their contact with the engine head, manifold, exhaust system, or other high temperature surfaces, or moving components. The fuel system shall be adequately vented and provided with a fuel shutoff valve located between the fuel supply and the engine.

10.1709 Exhaust Systems - Prevention of Noise

Motorcycles shall be equipped with an exhaust system incorporating a muffler or other mechanical device for the purpose of effectively reducing engine noise. Cutouts and bypasses in the exhaust system are prohibited. The system shall be leak-proof and all components shall be securely attached to the vehicle and located so as not to interfere with the operation of the motorcycle. Shielding shall be provided to prevent inadvertent contact with the exhaust system by the operator or passenger during normal operation. In addition, all motorcycles operating on streets and highways shall meet the noise decibel limitations as established by the Environmental Protection Agency. No person shall sell, offer for sale, or install any noise suppressing system or device which will produce noise in excess of the maximum allowable decibel limitations of this Section.

10.1710 Mirrors

Every motorcycle shall be equipped with at least one (1) mirror of unit magnification, securely affixed to the handlebar and capable of adjustment within a range that will reflect an image that includes at least the horizon and the road surface to the rear of the motorcycle. Such mirror shall consist of a minimum reflective surface of ten (10) square inches. All mirrors shall not contain sharp edges or projections capable of producing injury.

10.1711 Fenders

Each wheel of a motorcycle shall be equipped with fenders or otherwise covered by the body configuration. Fenders shall be securely mounted and of sufficient size and strength to minimize water or other road surface substances from coming in contact with the vehicle riders, or throwing the road substances unreasonably to the rear of the vehicle. Fender design shall be effective in reducing side spray.

10.1712 Seat or Saddle

A seat or saddle securely attached to the vehicle shall be provided for the use of the operator. The seat or saddle shall not be less than twenty-five (25) inches above a level road surface when measured to the lowest point on top of the seat or saddle cushion with the operator seated in a driving position. The seat or saddle adjustment locking device shall prevent relative movement of the seat from its selected and secured position under all normal vehicle operating conditions.

10.1713 Chain Guard

Any drive chain on a motorcycle shall be equipped with a chain guard or covering device to prevent chain or chain sprocket contact with any rider.

10.1714 Vehicle Stand

All motorcycles designed with two (2) wheels shall be equipped with a retracting vehicle stand to permit the vehicle to remain in an upright stored position without outside assistance. The stand may be of a side or center type, and shall be of substantial construction to hold the vehicle so equipped.

10.1715 Glazing

When equipped, all motorcycle windscreens and windshields shall meet the following standards:

1. The glazing material shall comply with the standards promulgated by regulation of the Director.
2. The metal support shall be of a material which shall bend rather than fragment under impact.
3. Covering material, other than glazing, shall be beaded at the edges to prevent fraying.

10.1716 Horn

Every motorcycle shall be equipped with an operative horn in good working order as described by Subsection 1 of Section 39-21-36 of the North Dakota Century Code. The horn shall operate from a control device located on the left handlebar.

10.1717 Speedometer and Odometer

Every motorcycle shall be equipped with a properly operating speedometer and odometer calibrated in miles per hour and miles respectively and shall be fully illuminated when the head lamp is activated.

10.1718 Lighting Equipment

1. Every motorcycle shall be equipped with lamps, reflective devices, and associated equipment as required by and in compliance with standards promulgated by regulation of the Director.
2. A gearbox indicator light, if provided, shall be located within the operator's field of vision.
3. A headlamp beam indicator light shall be located within the operator's field of vision and illuminated automatically when the high beam of the head lamp is actuated.

10.1719 Lighting Equipment on Motor-Driven Cycles

The head lamp or head lamps upon every motor-driven cycle may be of the single-beam or multiple-beam type but in either event shall comply with the requirements and limitations as follows:

1. Every head lamp or head lamps on a motor-driven cycle shall be of sufficient intensity to reveal a person or a vehicle at a distance of not less than one hundred (100) feet when the motor-driven cycle is operated at any speed less than twenty-five (25) miles per hour and at a distance of not less than two hundred (200) feet when the motor-driven cycle is operated at a speed of twenty-five (25) or more miles per hour, and at a distance of not less than three hundred (300) feet when the motor-driven cycle is operated at a speed of thirty-five (35) miles per hour or more.
2. In the event the motor-driven cycle is equipped with a multiple-beam head lamp or head lamps the upper beam shall meet the minimum requirements set forth in Subsection 1 of Section 39-21-20 of the North Dakota Century Code, and the lowermost beam shall meet the requirements applicable to the lowermost distribution of light as set forth in Subsection 2 of Section 39-21-20 of the North Dakota Century Code.
3. In the event the motor-driven cycle is equipped with a single-beam lamp or lamps the lamp or lamps shall be so aimed that when the vehicle is loaded none of the high-intensity portion of light, at a distance of twenty-five (25) feet ahead, shall project higher than the level of the center of the lamp from which it comes.

10.1720 Passenger Seat

Motorcycles designed to carry more than one (1) person must be equipped with a securely mounted seat for each passenger located to the side or rear of the driver such that the passenger seat does not interfere with the driver's control or operation of the vehicle. In the case of a two-wheel vehicle, the passenger seat shall be located on the longitudinal centerline of the motorcycle.

10.1721 Footrests

Footrests shall be provided for each designated seating position. Each footrest for a passenger shall be so designed and constructed to support a static weight of two hundred fifty (250) pounds applied at the center of the foot pedal. Footrests shall be so located to provide reasonable accessibility for the passenger's feet. Footrests shall fold rearward or upward when not in use if the footrest protrudes beyond the width of the handlebars.

10.1722 Highway Bars

If a motorcycle is so equipped, highway bars shall have a maximum width of twenty-six (26) inches; shall be located less than fifteen (15) inches from the foot controls; and shall not interfere with the operation of the foot controls.

10.1723 Equipment Approval

All motorcycle lighting devices, electrical systems, brake components, glazing materials, and exhaust systems, incorporating a muffler or other mechanical exhaust device, required or optional, shall be approved by the Department before they will be available for use within the state.

ARTICLE 18 – Off-Highway Vehicles (All Terrain Vehicles) and Golf Carts

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

10.1801 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 vehicles, or who engages in the buying of off-highway vehicles for resale.
2. "Off-highway vehicle" means any 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 of the North Dakota Century Code, has a seat or a saddle designed to be straddled by the operator, and has handlebars for steering control of two (2) wheels.
 - b. Class II off-highway vehicle is fifty (50) inches or less in width, weighs one thousand two hundred (1200) pounds or less, and travels on three (3) or more non-highway tires; or is sixty-five (65) inches or less in width, weighs two thousand (2000) pounds or less, and travels on four (4) or more non-highway tires.
 - c. Class III off-highway vehicle weighs less than eight thousand (8000) pounds, travels on skis, runners, tracks, or four (4) or more tires; has a seat; has a wheel, handlebars, or t-steering 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, but does not include a vehicle registered by the department under Chapters 39-04 or 39-24 of the North Dakota Century Code.
 - d. Golf Cart is a vehicle that is manufactured primarily for operation on golf courses and that has four (4) wheels, a steering wheel, bench seats or individual seats for each passenger, and that has a maximum speed of twenty (20) to twenty-five (25) miles per hour.
3. "Operate" means to ride in or on and control the operation of an off-highway vehicle.

4. "Operator" means a person 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.

10.1802 Off-highway Vehicle Registration

Except as provided for, no person may operate an off-highway vehicle within the city limits unless it has been registered or licensed in accordance with Chapter 39-29 of the North Dakota Century Code.

10.1803 Rules

Rules for the regulation and use of off-highway vehicles must be adopted as follows:

1. The Department shall adopt rules for the registration of off-highway vehicles and display of registration numbers.
2. The Director may, in the interest of public health, welfare, and safety, regulate, by rule, the operation of off-highway vehicles on state highways. The Director's authority to prohibit the use of off-highway vehicles is limited to the roadways, shoulders, inslopes, and medians within the right of way, except where such action is necessary to avoid an obstacle. Notwithstanding the racing prohibitions in Section 39-08-03.1 of the North Dakota Century Code, the Director may, on a case-by-case basis, permit organized and bona fide off-highway vehicle races on the ditch bottoms, backslopes, and the top of the backslopes of the state highway rights of way. The planning, organization, route selection, and safety precautions of any such race are the sole responsibility of the person obtaining the permit. The Director, the Department, and the Department's employees incur no liability for permitting such races.
3. The Director of the Parks and Recreation Department shall adopt rules to regulate use of off-highway vehicles in state parks and other state-owned land under the supervision of the Director.
4. The governing bodies of political subdivisions may adopt rules to regulate use of off-highway vehicles in areas under their jurisdiction. The governing body of a city may, by ordinance, regulate, restrict, and prohibit the use of off-highway vehicles operated in the city limited in areas under the exclusive jurisdiction of the city.
 - a. No person may operate a Class I off-highway vehicle on any street, alley, or other municipal right-of-way within the municipal city limits of New England with the following exception:
 - 1) The operator may use the off-highway vehicle from their residence to the nearest municipal city limit.
 - b. Class II and Class III off-highway vehicles are permitted on any street, alley, or other municipal right-of-way within the municipal city limits of New England as long as they are "street legal", currently registered or licensed, driven by a licensed operator, and have the following required roadway equipment in working order:
 - 1) One (1) headlamp
 - 2) One (1) horn
 - 3) One (1) tail lamp
 - 4) Speedometer
 - 5) One (1) brake light

- 6) Odometer
- 7) One (1) mirror
- 8) Motor with a minimum of 350 cc.

(Source: Section 39-29-09 of the North Dakota Century Code).

10.1804 Operation of Off-highway Vehicles

1. An individual may not operate an off-highway vehicle on the roadway, shoulder, or inside bank or slope of any road, street, or highway except as provided in this Chapter. Except in emergencies, an individual may not operate an off-highway vehicle within the right of way of any controlled-access highway. An individual may operate a registered off-highway vehicle on a gravel, dirt, or loose surface roadway. An individual may operate a registered off-highway vehicle on a paved highway designated and posted at a speed not exceeding fifty-five miles [88.51 kilometers] per hour. A licensed driver over sixteen years of age may operate a registered Class III off-highway vehicle on a paved highway designated and posted at a speed not exceeding sixty-five miles [104.61 kilometers] per hour. An individual may not operate an off-highway vehicle on a paved highway if the vehicle is unable to attain a speed, on a paved level surface, of at least thirty miles [48.28 kilometers] per hour
2. The operator of an off-highway vehicle may make a direct crossing of a street or highway only if:
 - a. The crossing is made at an angle of approximately ninety (90) degrees to the direction of the highway and at a place where no obstruction prevents a quick and safe crossing;
 - 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 such highway with another public street or highway.
3. A person may not operate an off-highway vehicle unless it is equipped with at least one (1) headlamp, one (1) tail lamp, and brakes, all in working order, which conform to standards prescribed by rules of the Director, except when under the direct supervision of an off-highway vehicle instructor teaching a certified off-highway vehicle safety training course, the requirement for a headlamp or tail lamp may be waived.
4. The emergency conditions under which an off-highway vehicle may be operated other than as provided by this Chapter must be such as to render the use of an automobile impractical under such conditions at such period of time and location.
5. A person may not operate an off-highway vehicle in the following ways, which are declared to be unsafe and a public nuisance:

- a. At a rate of speed greater than reasonable or proper under all the surrounding circumstances;
 - b. In a careless manner so as to endanger the person or property of another or to cause injury or damage to such person or property;
 - c. Without a lighted headlamp and tail lamp except when used by an off-highway vehicle instructor during a certified off-highway vehicle safety training course;
 - d. In any tree nursery or planting in a manner which damages or destroys growing stock;
 - e. Without a manufacturer-installed or equivalent muffler in good working order and connected to the snowmobile exhaust system;
6. Except as provided in Section 39-29-10, a person may not operate an off-highway vehicle without having in possession a valid driver's license or permit.
 7. When an off-highway vehicle is operated within the right of way of any road, street, or highway of this state pursuant to this Chapter, during times or conditions that warrant the use of lights, such off-highway vehicle must be operated in 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 traveled by the off-highway vehicle.
 8. An individual may not operate an off-highway vehicle within the right of way of any highway while towing a sled, skid, or other vehicle, unless the object towed is connected to the off-highway vehicle by a hinged swivel and secure hitch.
 9. An individual under the age of eighteen (18) years may not operate, ride, or otherwise be propelled on an off-highway vehicle unless the person wears a safety helmet meeting United States department of transportation standards.
 10. An operator of an off-highway vehicle may not carry a passenger while operating the vehicle unless the off-highway vehicle is equipped and recommended by the manufacturer to carry a passenger and the passenger is carried as recommended by the manufacturer.
 11. Unless otherwise provided by law, an off-highway vehicle may be operated on an aggregate road surface only when designated as part of an active off-highway vehicle trail by the managing entity.
 12. A person who is performing pest control or survey work for a political subdivision may operate an all-terrain vehicle on the bottom, backslope, inside slope, and shoulder of a highway other than a controlled-access highway.

10.1805 Operations by Persons under Age Sixteen

Except as otherwise provided in this Section, an individual under sixteen (16) 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 individual's parent or guardian or as a participant in an organized sporting event that involves the use of off-highway vehicles, operate an off-highway vehicle. An individual at least twelve (12) years of age may operate an off-highway vehicle if the individual has completed an off-highway vehicle safety training course prescribed by the Director of the Parks and Recreation Department and has received the appropriate off-highway vehicle safety certificate issued by the Director of the Department of Transportation. The failure of an operator to exhibit an off-highway vehicle safety certificate on demand to any official authorized to enforce this Chapter is presumptive evidence that that person does not hold a certificate. Fees collected from each individual receiving certification must be deposited in the off-highway vehicle trail tax fund for off-highway vehicle safety education and training programs. (Source: Section 39-29-109 of the North Dakota Century Code).

10.1806 Golf Cart Rules, Regulations, and Compliance

Golf carts may be operated on city streets. The following rules, regulations, and traffic laws shall be complied with.

1. Operators shall have a valid driver's license.
2. Operators shall observe and comply with all state and local traffic laws.
3. It is unlawful to operate a golf cart on any sidewalk or walking path.
4. The maximum number of occupants in any golf cart is restricted to the number of seats in the golf cart and may not exceed the number of persons for which the golf cart was designed by the manufacturer. Occupants must remain seated while the golf cart is in motion.
5. No child under five (5) years of age or who weighs less than forty (40) pounds shall be a passenger in a golf cart unless properly secured by a child passenger restraint device that meets federal standards.
6. Operators must yield to pedestrians at all times.

10.1807 Required Equipment for Golf Carts

All golf carts operated on city streets shall be equipped with the following properly operating equipment:

1. Efficient brakes
2. Reliable steering
3. Safe tires
4. Rear-view mirror
5. An audible device
6. Turn signals

10.1808 Penalties

Only peace officers of this state and their respective duly authorized representatives may enforce this Chapter.

Violation of subdivision c or g of Subsection 5 of Section 39-29-09 of the North Dakota Century Code is an infraction for which a fee of twenty (\$20) dollars must be assessed. Violation of Section 39-29-02 of the North Dakota Century Code is an infraction for which a fee of fifty (\$50) dollars must be assessed. If the person provides proof of registration since the violation, the fee may be reduced by one-half (1/2). Violation of 10.1803(4a) is an infraction for which a fee of twenty (\$20) dollars must be assessed. Violation of any other provision of Article 18 is an infraction for which a fee of ten (\$10) dollars must be assessed.

ARTICLE 19 - Angle Parking

10.1901 Angle Parking

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

10.1902 Angle Parking – Where

Angle parking shall also be permitted on the following streets:

Main Street – Third (3rd) Street to twelfth (12th) Street

10.1903 Close to Curb

No person shall stand or park a vehicle in a street other than on the roadway and parallel with the edge of the roadway headed in the direction of lawful traffic movement and with the right hand wheels of the vehicle within eighteen (18) inches of the curb or edge of the roadway except as otherwise provided in this Article.

10.1904 Method of Parking – Penalty

A violation of the provisions of this Article in respect to the method of parking shall be an infraction and subject to a fine of not to exceed twenty-five (\$25).

ARTICLE 20 - Stopping, Standing or Parking Prohibited in Specific Places

10.2001 Parking Prohibited - All Times

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

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

1. On a sidewalk;
2. In front of a public or private driveway;
3. Within an intersection;
4. Within ten (10) feet of a fire hydrant;
5. On a crosswalk;
6. Within ten (10) feet of a crosswalk at an intersection;
7. Within fifteen (15) feet upon the approach to any flashing beacon, stop sign, or traffic-control signal located at the side of a roadway;
8. Between a safety zone and the adjacent curb or within fifteen (15) feet of points on the curb immediately opposite the ends of a safety zone, unless the Department of Transportation or the city indicates a different length by signs or markings;
9. Within fifteen (15) feet of the nearest rail of a railroad crossing;
10. Within twenty (20) feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within seventy-five (75) feet of said entrance when properly signposted;
11. Alongside or opposite any street excavation or obstruction when stopping, standing, or parking would obstruct traffic;
12. On the roadway side of any vehicle stopped or parked at the edge or curb of a street;
13. Upon any bridge or other elevated structure upon a highway or within a highway tunnel; or
14. At any place where official signs prohibit stopping.

15. Within fifteen (15) feet of the corner or curb corner of any intersecting street, road, highway, or alley.
16. In front of a residential sidewalk so as to block the area where a walkway intersects and extends from the curb toward the entrance of a residence.

10.2001.1 Parking Prohibited – On Public Right-Of-Way

No person shall park or leave standing any vehicle, or trailer (over 1500 lbs. Gross Vehicle Weight) that is in violation of Section 10.0403 Violation of Registration Provisions on any public right-of-way within the City.

No person shall park or leave standing any vehicle, trailer, camper, motorhome, boat, implement, or any other such device on any berm or boulevard within the public right-of-way. “Berm” is defined as that part of the public right-of-way from the curb to the adjacent property line.

A violation of this Section shall be an infraction and subject to a fine of twenty dollars (\$20) and continuous with respect to time. Each day the violation continues is a separate offense. If the violation continues for more than ten (10) days, the aforesaid items shall be considered “abandoned” and may be impounded or disposed of at the discretion of the police department.

10.2002 Stopping - Parking - Certain Purposes Prohibited

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

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

10.2003 Stopping - Parking - Congested - Hazardous Places

The City Engineer or other person designated by the governing body is hereby authorized to determine and designate by proper signs, places in which the stopping, standing, or parking of vehicles would create an especially hazardous condition or would cause unusual delay to traffic. When official signs are erected at hazardous or congested places as authorized herein, no person shall stop, stand, or park a vehicle in any such designated place.

10.2004 Stopping - Parking - In Alleys

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

10.2005 Parking Adjacent to Schools

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

10.2006 Stopping - Parking - Over 48 Hours

1. It shall be unlawful for anyone to park or leave standing on any public street or highway in the city any vehicle, trailer, camper, motorhome, boat, implement, or any other such device for a period longer than forty-eight (48) hours consecutively, provided this Section shall not include any area where a shorter time is provided for parking, nor shall this Section be construed to permit parking for a longer time than is provided in such areas. Any person violating this Section is guilty of an infraction and subject to a fine of ten dollars (\$10) per each day of violation
2. Any vehicle, trailer, camper, motor home, boat, implement, or any other such device as described in Section 39-01-01 of the North Dakota Century Code and is in violation of Section 10.2006(1), and after a reasonable attempt to contact the owner, and remains unmoved from a public street or alley for more than ten (10) days shall be considered “abandoned” and it may be impounded at the discretion of the police department.
3. Notwithstanding paragraph 1 of this Section, it is unlawful for any person to park or leave standing any boat, snowmobile, bumper pull travel trailer, fifth wheel trailer, pull type camper, pickup camper, motor home, house car, bus, mini motor home, utility or horse trailer on the public right-of-way in any residentially zoned area from November 1st to March 31st. Any person violating this Section is guilty of an infraction and subject to a fine of fifty dollars (\$50) per each day of violation.

10.2007 RV, motor home, pull travel trailer, fifth wheel trailer parking

All recreational vehicles (RV), motor homes, pull travel trailers, fifth wheel trailers, or horse trailers parking on residential property shall comply with setback requirements for streets set by the City of New England Zoning Commission. Any person violating this Section is guilty of an infraction subject to a fine of ten dollars (\$10) per each day of violation.

10.2008 Additional Parking Regulations

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

1. Except as otherwise provided in this Section, every vehicle stopped or parked upon a two-way roadway shall be so stopped or parked with the right-hand wheels of such vehicle parallel to and within twelve (12) inches of the right-hand curb or as close as practicable to the right edge of the right-hand shoulder.
2. Except where otherwise provided by ordinance, every vehicle stopped or parked upon a one-way roadway shall be so stopped or parked parallel to the curb or edge of the roadway, in the direction of authorized traffic movement, with its right-hand wheels within twelve (12) inches of the right-hand curb or as close as practicable to the right edge of the right-hand shoulder, or with its left-hand wheels within twelve (12) inches of the left-hand curb or as close as practicable to the left edge of the left-hand shoulder.
3. The city may permit angle parking on any roadway, except that angle parking shall not be permitted on any federal-aid or state highway without first obtaining the written authorization of the Director.
4. The Department of Transportation 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.

10.2009 Parking of Trucks

1. On Street Parking

- A. No truck-tractor, semitrailer, or other heavy vehicles (e.g. dump trucks) shall be parked on any street, alley, or public right-of-way in the City; provided, that such vehicles may be parked while loading or unloading cargo; provided, further, that such restrictions shall not apply to any truck in use on any repair, maintenance, or construction project in progress on any such street.
- B. When a vehicle is parked in violation of this Section, and it cannot be reasonably ascertained who the driver who parked the vehicle was, being the registered owner of the vehicle shall constitute prima facie evidence that the registered owner of such vehicle was the person who parked or placed such vehicle at the point where the violation occurred.
- C. The City Council may designate on-street truck parking areas and any additional considerations that the council may find relevant to designating and area for truck parking.
- D. A violation of this Subsection shall be a non-criminal traffic violation and punishable by a fine of twenty-five dollars (\$25) and each hour the violation continues shall be treated as a separate offense. If any vehicle damages any City street, the driver shall be liable for the cost to repair/replace the damaged property.

2. Parking of Trucks on Private Property

An unloaded truck tractor, trailer, semitrailer, or combination thereof may be only be parked or stored on private property in a totally enclosed building. This must be accessed by the shortest possible route from a designated truck route.

3. Penalty

Any person who shall violate this subsection shall be deemed guilty of an infraction and, upon conviction, shall be fined in an amount not to exceed one hundred dollars (\$100.00). Each violation shall constitute a separate offense

10.2010 Unattended Motor Vehicle

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

1. 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.
2. A vehicle with remote start capability may be remotely started and left unattended as long as the doors remain locked.

10.2011 Parking Violations - Lessor Responsibility

The registered owner of a motor vehicle stopped, standing, or parked in violation of this Chapter or Section 39-01-15 of the North Dakota Century Code or an equivalent ordinance is not responsible for the violation if the owner furnishes an affidavit indicating that the vehicle was at the time of the violation in the care, custody, or control of another person pursuant to a lease or rental agreement. The affidavit must contain the name, address, and operator's license number of the person to whom the vehicle was leased or rented at the time of the violation and must be submitted to the appropriate clerk of court within thirty (30) days of notification to the owner of the violation. The owner is responsible for the violation and the payment of any fees or fines if the affidavit is not submitted within the thirty (30)-day period.

ARTICLE 21 - Reserved Parking Areas

10.2101 Reserved Parking Areas

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

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

ARTICLE 22 - Time Limit Parking Zones

10.2201 Time Limit Parking Zones

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

The City Engineer or authorized person shall determine and establish parking zones as needed 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.

ARTICLE 23 - Sections Not Adopted

The sections of Title 39 of the North Dakota Century Code not expressly adopted in ARTICLE 1 through ARTICLE 27 inclusive, are not adopted by reference.

ARTICLE 24 - Filing of Ordinance

Incident to the adoption of certain portions of Title 39 of the North Dakota Century Code by reference, the text of the adopted code shall be made available in the office of the City Auditor as required by Section 40-05-01(1) of the North Dakota Century Code for use and examination by the public.

ARTICLE 25 - Adoption of Amendments by Reference

The adoption of certain portions of Title 39 by reference shall be construed to incorporate such amendments thereto as may be made therein from time to time, and such adopted portions of Title 39 filed as required in ARTICLE 24 shall at all times be made available in the office of the City Auditor of this city.

ARTICLE 26 - Severability Clause

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

ARTICLE 27 - Penalties

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 five hundred dollars (\$500). If a statutory penalty is provided, such penalty cannot be exceeded.

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