TITLE 12
TRAFFIC CODE

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CHAPTER 12-01. DEFINITIONS

12-01-01. Definitions. Where a term is used in this chapter, the meaning of that term as defined in Title 39 of the N.D. Century Code, if that term is so defined, and as that Title may be amended from time to time, is hereby adopted by reference and incorporated herein.

CHAPTER 12-02. TRAFFIC ADMINISTRATION

12-02-01. Duty of Police Department. It is 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 those duties specially imposed upon the department by this ordinance and the traffic ordinances of this city.

12-02-02. 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 must be so maintained as to show all types of violations and the total of each. The record shall accumulate during at least a five-year period and from that time on the record shall be maintained complete for at least the most recent five-year period.

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

3. All such records and reports are public records.

12-02-03. Investigation of Accidents. It is the duty of the police department to investigate traffic accidents, to arrest and to assist in the prosecution of those persons with violations of law causing or contributing to such accidents.

12-02-04. Traffic Accident - Studies. Whenever the accidents at any particular location become numerous, the police department shall cooperate with the city traffic engineer in conducting studies of such accidents and determining remedial measures.

12-02-05. Traffic Accident Reports. The police department shall maintain a suitable system of filing traffic accident reports. Such reports must be available for the use and information of the city traffic engineer.

12-02-06. Traffic and Safety Advisory Committee.

1. There is created a committee to be known as the traffic and safety advisory committee which is composed of five citizen members who shall geographically represent the city and who shall be appointed by the mayor for four-year terms, the city traffic engineer, city engineer, chief of police, director of police traffic division, city coordinator, director of public works and city attorney.

2. The duties of the traffic and safety advisory committee are:

a. To receive citizen input and concerns regarding traffic and safety issues that exist in the city and to investigate the same.

b. To advise and assist the Traffic Engineer in identifying, studying and correcting traffic and traffic safety problems that exist or arise in the city.

c. To make recommendations from time to time to the Traffic Engineer in matters of policy and legislation to establish and maintain an effective comprehensive traffic safety plan for the City.

d. To advise and assist the city traffic engineer in setting regulations relating to traffic control, parking, loading, pedestrian safety, and any other issues related thereto.

3. The authority of the traffic engineer shall be as set out in this title. The traffic and safety advisory committee shall serve in an advisory capacity. The final authority on all traffic related matters shall rest with the city commission.

(Ord. 4517, 06-08-93)

CHAPTER 12-03. ENFORCEMENT AND OBEDIENCE TO TRAFFIC REGULATIONS; REGULATIONS FOR OPERATORS

12-03-01. Authority of Police and Fire Department Officials.

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

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

Reference: NDCC Sec. 40-20-05; 44-08-20 (1985 Supp.)

12-03-02. Certain Non-Motorized Traffic to Obey Traffic Regulations. Every person riding an animal or driving any animal-drawn vehicle upon a roadway is granted all of the rights and is subject to all of the duties applicable to the driver of

a vehicle, except those provisions which by their very nature can have no application.
(Reference: NDCC 39-10-02.1 (1980))

12-03-03. Public Employees to Obey Traffic Regulations. The provisions of this chapter apply to the drivers of all vehicles owned or operated by the United States, this state, or any county, town, district, or any other political subdivision of the state, subject to such specific exceptions as are set forth in this ordinance or in the state vehicle code.

12-03-04. Emergency Vehicles.

1. Class A authorized emergency vehicles.

a. The driver of a Class A authorized emergency vehicle may:

(1) Park or stand, irrespective of the provisions of this chapter;

(2) Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;

(3) Exceed the speed limit so long as he or she does not endanger life or property;

(4) Disregard regulations governing directions of movement or turning in specified directions.

b. The exceptions granted to a Class A authorized emergency vehicle apply only:

(1) When the authorized emergency vehicle is in pursuit of or apprehension of a violator or a suspected violator requiring the use of these exemptions;

(2) When the class A authorized emergency vehicle is being operated in response to a reported emergency involving a possible personal injury, death, or damage to property, and when giving adequate warning by use of a flashing red or combination red and white lights that are visible under normal atmospheric conditions for at least five hundred feet and if appropriate, giving audible signal by siren or airhorn. A law enforcement vehicle that is otherwise a class A authorized emergency vehicle may display a flashing blue light in addition to and under the same conditions as the other colors allowed in this paragraph.

(3) In any instance when the head of a law enforcement agency deems advisable within the area of that person's 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 feet. A law enforcement vehicle that is otherwise a class A authorized emergency vehicle may display a flashing blue light in addition to and under the same conditions as the other colors allowed in this paragraph.

c. No emergency vehicle shall display or permit to be displayed any red lamp except when operated on official business.

2. Class B authorized emergency vehicles.

a. The driver of a Class B authorized emergency vehicle may:

(1) Park or stand, irrespective of the provisions of this chapter;

(2) Exceed the speed limit so long as he or she does not endanger life or property during the time of a local or national disaster;

(3) Disregard regulations governing direction of movement or turning in specified directions.

b. The exceptions granted to a Class B authorized emergency vehicle shall apply only when the authorized emergency vehicle is displaying an amber light visible under normal atmospheric conditions for a distance of five hundred feet in any direction, and

(1) When it is necessary for the authorized emergency vehicle to use these exemptions for the immediate protection of life or property;

(2) When an authorized emergency vehicle is stopped on a highway for the purpose of performing a duty as required; or

(3) When traveling at a speed slower than the normal flow of traffic.

3. Class C authorized emergency vehicles. All Class B specifications apply to Class C authorized emergency

vehicles except that a rotating blue flashing light shall be displayed in place of an amber light as provided in section 39-10-03.1, N.D.C.C.

4. Any law enforcement officer who has 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 feet, for the purpose of maintaining traffic flow.

Reference: NDCC Sec. 39-10-03, 39-10-03.1, 39-10-03.2 (1985 Supp.)
(Ord. 5769, 05-25-10)

12-03-05. Operation of Vehicles on Approach of Authorized Emergency Vehicles.

1. Upon immediate approach of an authorized emergency vehicle displaying a visible flashing, revolving, or rotating blue, white or red light, the driver of every other vehicle shall yield the right-of-way and shall immediately drive to a position parallel to, and as close as possible to, the right-hand edge or curb or the road-way clear of any intersection and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer.

2. Whenever an emergency vehicle is parked or stopped at the scene of an emergency and is displaying a flashing, revolving, or rotating blue, white or red light, approaching traffic shall move to the right-hand edge or curb of the roadway and shall stop, but once having stopped, traffic may proceed past the scene at its own risk when the roadway is clear, except when otherwise directed by a police officer.

3. This section shall not operate to relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highways.

Reference: NDCC Sec. 39-10-26 (1980)
(Ord. 5003, 08-24-99)

12-03-05.1. Emergency Vehicle Preemption System (EVPS).

1. EVPS is a traffic control system designated for use by emergency vehicles to improve traffic movement by temporarily taking control of signalized intersections. The EVP is comprised of four (4) separate components: An emitter, a detector, an indicator light, and a phase selector/discriminator. The infrared emitter (a high intensity light source) is mounted on an emergency vehicle and functions similar to a strobe light, pulsating at a frequency set by the manufacturer. As an emergency vehicle approaches the intersection, a detector that is located at or near the traffic signal receives the pulsating light.

The detector sends an encoded message to the phase selector/discriminator located in the traffic signal control cabinet, which then either holds the existing green light for the approaching emergency vehicle or accelerates the normal cycle of the signal to provide a green light by the time the emergency vehicle reaches the intersection. The indicator light located near the detector, which is directed toward the oncoming emergency vehicle to inform the driver whether or not the traffic signal has been preempted in their favor.

2. The EVPS may be utilized in connection with emergency responses as follows:

A. Class A Authorized Emergency Vehicles owned or authorized by the City shall use EVPS while on emergency responses only. All emergency responses utilizing the EVPS must comply with the requirement for flashing lights and sirens contained in Section 12-03-04(b)(2). Unless otherwise approved by the City, in writing, all other use of the EVPS is prohibited. The Fire and Police Departments shall develop procedures for the use of the EVPS. Primary jurisdictional responsibility and assignment of priorities shall remain with the City.

B. The EVPS may be activated by authorized personnel for periodic testing, maintenance or repair of the system. Sirens and flashing red lights need not be activated except when the test vehicle exceeds the posted speed limits.

C. The use of the City's EVPS by non-City Class A emergency vehicles is allowed only if specifically authorized by the City of Bismarck.

1. A request by an outside agency for authorization to utilize the EVPS should be submitted in writing to the City Administrator. Submittal shall also include a copy of the requesting agency's certificate of insurance and verification that emergency vehicle operators have completed a comprehensive training program. An application for access to the EVPS System shall be reviewed by a committee consisting of the Fire Chief, Police Chief, and the City Engineer, or their designees. The decision of the Committee shall be final.

3. Penalty. Unauthorized use of the EVPS or other violation of this section shall be an offense.

(Ord. 5040, 04-11-00)

12-03-06. Written Report of Accident.

1. Immediate notice and written report of accident. The driver of a vehicle involved in an accident resulting in injury to or death of any person or property damage to an apparent extent of one thousand dollars or more shall immediately give notice of such accident to the police department. 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 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 day of the accident the driver shall supply that information to the driver's license division in the form the division requires.

2. When it appears to the magistrate that any person has failed to file a written report in compliance with this section, he or she shall notify the highway commissioner of such failure so that appropriate action may be taken pursuant to NDCC Section 39-08-09.

3. a. An accident notice is not required from any person who is physically incapable of making the report during the period of such incapacity.

b. Whenever the driver of a vehicle is physically incapable of giving an immediate notice of an accident and there was another occupant in the vehicle at the time of the accident capable of doing so, such occupant shall make or cause to be given the notice required by the driver.

c. Whenever the driver is physically incapable of making a written report of an accident and such driver is not the owner of the vehicle, then the owner of the vehicle involved shall within five days after learning of the accident make such report not made by the driver.

4. Garages to report. The person in charge of any garage or repair shop to which is brought any motor vehicle which shows evidence of having been involved in a reportable accident as provided in this section or of being struck by any bullet, shall report or cause a report to be made to a police officer within twenty-four hours after such motor vehicle is received, and before any repairs are made to such vehicle, giving the registration number and the name and address of the owner, operator, or person in control of such vehicle with a description of the location and type of damage to the vehicle, or any missing parts, if the vehicle does not have a sticker on a window issued by a police officer, sheriff or highway patrolman bearing information to show that the accident in which the vehicle

was involved had been investigated. The police officer investigating any reportable accident shall attach a sticker to the window of any damaged vehicle showing 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 shall be removed.

5. Operators of tow trucks to report. The person in charge of or the operator of any commercial towing or wrecker service which causes any motor vehicle to be transported to a private residence or business other than a garage or repair shop which shows evidence of having been involved in a reportable accident as provided in this section, or of being struck by any bullet, shall report or cause a report to be made to the police officer within twenty-four hours after such motor vehicle is transported. The report must give 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, along with the location such vehicle was transported to, if the vehicle does not have a sticker on a window thereof issued by a police officer, sheriff, or highway patrolman, bearing information to show that the accident in which the vehicle was involved has been investigated. If the vehicle does bear such a sticker the towing or wrecker service need not make the report this section requires.

Reference: NDCC Sec. 39-08-09, 39-08-11 (1985 Supp.)
(Ord. 4154, 6-30-87; Ord. 4954, 11-10-98)

12-03-07. Applicability.

1. The provisions of this chapter governing operation of vehicles apply to the operation of vehicles upon highways or other places open to the public for the operation of vehicles except where a different place is specifically referred to in a given section.

2. The provisions of this title relating to reporting of accidents, careless driving, exhibition driving, drag racing, reckless driving, driving while under the influence of intoxicating liquor or controlled substances, or fleeing or attempting to elude a peace officer shall apply upon highways and elsewhere.

Reference: NDCC Sec. 39-10-01 (1985 Supp.)
(Ord. 4625, 08-02-94)

12-03-08. Violations of Registration Provisions. It is unlawful for any person to operate, or for the owner thereof knowingly to permit anyone to operate, upon a highway or other place open to the public, any motor vehicle which is not registered, or which does not have attached thereto and displayed thereon a number plate or plates assigned thereto by

the registrar for the current registration year, subject to the exemptions allowed pursuant to Chapter 39-04, N.D.C.C.

Reference: NDCC Sec. 39-04-37 (1985 Supp.)
(Ord. 4625, 08-02-94)

12-03-09. Driving Without a License - License to be Carried and Exhibited on Demand.

1. A person may not drive any motor vehicle upon a highway or on public or private areas to which the public has a right of access unless such person has a valid license as an operator, or is expressly exempted from licensing requirements, by laws of this state.

2. Every licensee shall have his or her operator's license or permit in immediate possession at all times when operating a motor vehicle and shall display the same, upon demand of any district court, municipal court, a county court, a patrolman, peace officer, or a field deputy or inspector of the highway department. However, no person charged with violating this section shall be convicted or assessed any court cost if he or she produces in court, to the chief of police or in the office of the arresting officer an operator's license or permit issued to him or her and valid and not under suspension, revocation or cancellation at the time of arrest.

Reference: NDCC Sec. 39-06-01 (1985 Supp.)

12-03-10. Child Restraint Device; Penalty.

1. It is unlawful for any person to operate a motor vehicle when a child under seven years of age is present in the vehicle unless the child is secured in a child restraint device as required by Chapter 39-21 of the North Dakota Century Code, or for any person to operate a vehicle with a child of seven to seventeen years of age unless the child is secured in a child restraint device or buckled in a seatbelt as required by Chapter 39-21 of the North Dakota Century Code.

Reference: NDCC Sec. 39-21-41.2 (1985 Supp.)
(Ord. 4152, 6-30-87; Ord. 4397, 09-10-91; Ord. 4954, 11-10-98; Ord. 5001, 08-24-99; Ord. 5448, 07-26-05)

12-03-11. Registration Card to be Carried in Vehicle. The registration card issued for a vehicle must be carried in the driver's compartment of the motor vehicle at all times while the vehicle is being operated upon a highway within this state. The card is subject to inspection by any police officer. However, no person charged with violating this section shall be convicted or assessed any court costs if he or she produces in court, to the chief of police, or in the office of the arresting officer, a registration card valid at the time the person was cited.

Reference NDCC Section 39-04-55 (1993 Supp.)
Ord. 4624, 07-19-94)

12-03-12. Motor Vehicle Exceeding Gross Weight. A motor vehicle may not be operated upon a highway or public or private

areas to which the public has right of access, when the gross weight exceeds the gross weight for which the vehicle was licensed subject to the exemptions allowed pursuant to Chapter 39-04, NDCC.

Reference, NDCC Sec. 39-04-22.
(Ord. 4624, 07-19-94)

12-03-13. Motor Vehicle Registration Upon Employment. It is unlawful for any person, after becoming a resident and/or obtaining employment, to operate a passenger motor vehicle upon a highway or on public or private areas to which the public has right of access without obtaining valid in-state registration or temporary registration.

Reference: NDCC Section 39-04-18(2)(e).
(Ord. 4624, 07-19-94; Ord. 4885, 02-10-98)

12-03-14. Visible License Plate. It is unlawful for any person to operate a motor vehicle upon a highway or public or private areas to which the public has right of access unless the vehicle has a license plate issued to it by the state conspicuously displayed horizontally and in an upright position, one on the front and one on the rear of the vehicle each securely fastened, except plates assigned to a motorcycle, trailer, or house trailer must be attached to the rear thereof. As far as is reasonably possible, the plates must at all times be kept free and clear of mud, ice, or snow as to be clearly visible. No coverings that affect the visibility of the plate may be attached thereon. An annual registration tab or sticker for the current registration year must be displayed on each license plate.

Reference, NDCC Sec. 39-04-11.
(Ord. 4624, 07-19-94; Ord. 5064, 07-25-00)

12-03-15. Safety Belts Required. A driver may not operate upon a highway a motor vehicle designed for carrying fewer than eleven passengers, which was originally manufactured with safety belts unless each front seat occupant is wearing a properly adjusted and fastened safety belt subject to the limitations at NDCC 39-21-41.4. A peace officer may not issue a citation for a violation of this section unless the officer lawfully stopped or detained the driver for another violation.

Reference NDCC 39-21-41.4, 39-21-41.5 (1993 Supp.)
(Ord. 4659, 02-14-95)

12-03-16. 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. In the event of a name change, a corrected license must be obtained.

Reference: NDCC 39-06-20
(Ord. 5126, 06-26-01)

12-03-17. License Required Upon Residency. A person over sixteen years of age who becomes a resident of this state and who has in that person's possession a valid operator's license issued by another state must obtain a valid operator's license from this state within sixty days after residency. For the purpose of this section, a person is presumed to be a resident of this state after having lived in this state for 90 consecutive days unless the person is a nonresident student, a tourist or a member of the armed forces.

Reference: NDCC Section 39-06-02
(Ord. 5133, 08-28-01)

CHAPTER 12-04 TRAFFIC CONTROL DEVICES

12-04-01. Authority to Install. The city traffic engineer or any person authorized by the governing body shall place and maintain traffic-control devices when and as required under the traffic ordinances of this city to make effective the provisions of the ordinances, and may place and maintain such additional traffic-control devices as deemed necessary to regulate, warn or guide traffic under the traffic ordinances of this city or under state law.

12-04-02. Specifications. All traffic-control signs, signals and devices shall conform to the manual and specifications approved by the state highway commissioner pursuant to NDCC Section 39-13-06. All signs and signals required 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.

Reference: NDCC Sec. 39-13-06, 39-13-07 (1980)

12-04-03. Traffic-Control Signal Legend. Whenever traffic is controlled by traffic-control signals exhibiting different-colored lights, or colored lighted arrows, successively one at a time or in combination, only the colors green, red and yellow shall be used, except for special pedestrian signals carrying a word or legend, and lights shall indicate and apply to drivers of vehicles and pedestrians as follows:

1. Green indication:

a. Vehicular traffic facing a circular green signal may proceed straight through or turn right or left unless a sign at such place prohibits either such turn. But vehicular traffic, including vehicles turning right or left, shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersections or an adjacent crosswalk at the time such signal is exhibited.

b. Vehicular traffic facing a green arrow signal, shown alone or in combination with another indication, may cautiously enter the intersection only to make the movement indicated by such arrow or such other movement as is permitted by other indications shown at the same time. Such vehicular traffic shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.

c. Unless otherwise directed by a pedestrian-control signal as provided for in section 12-04-05, pedestrians facing any green signal, except when the sole green signal is a turn arrow, may proceed across the roadway within any marked or unmarked crosswalk.

2. Steady yellow indication:

a. Vehicular traffic facing a steady yellow signal is thereby warned that the related green movement is being terminated or that a red indication will be exhibited immediately thereafter when vehicular traffic shall not enter the intersection.

b. Pedestrians facing a steady yellow signal unless otherwise directed by a pedestrian-control signal as provided in section 12-04-05 are thereby advised that there is insufficient time to cross the roadway before the red indication is shown and no pedestrian shall then start to cross the roadway.

3. Steady red indication:

a. Vehicular traffic facing a steady red signal alone shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or if none, then before entering the intersection and shall remain standing until an indication to proceed is shown, except as provided for in subdivision b of this subsection.

b. Except when a sign is in place prohibiting a turn, vehicular traffic facing a steady red signal may cautiously enter the intersection to turn right, or to turn left from a one-way street into a one-way street, after stopping as required by subdivision a of this subsection. Such vehicular traffic shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.

c. Unless otherwise directed by a pedestrian-control signal as provided for in section 12-04-05, pedestrians facing a steady red signal alone shall not enter a roadway.

4. In the event an official traffic-control signal is erected and maintained at a place other than an intersection, the provisions of this section shall be applicable, except as to those provisions which by their nature can have no application. Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of any such sign or marking the stop shall be made at the signal.

Reference: NDCC Sec. 39-10-05 (1980)

12-04-04. Flashing Signals.

1. Whenever an illuminated flashing red or yellow light is used in a traffic signal or with a traffic sign, it shall require obedience by vehicular traffic as follows:

a. Flashing red (stop signal). When a red lens is illuminated with rapid intermittent flashes, drivers of vehicles shall stop at a clearly marked stop line, or, if none, before entering the crosswalk on the near side of the intersection, or, if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering it, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.

b. Flashing yellow (caution signal). When a yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles may proceed through the intersection or past such signal only with caution.

2. This section does not apply at railroad grade crossings. Conduct of drivers of vehicles approaching railroad grade crossings shall be governed by the rules as set forth in section 12-08-03.

Reference: NDCC Sec. 39-10-07 (1980)

12-04-05. Pedestrian Control Signals.

1. Flashing or steady "Walk": Pedestrians facing such signal may proceed across the roadway in the direction of the signal and every driver shall yield the right-of-way to them.

2. Flashing or steady "Don't Walk": A pedestrian may not start to cross the roadway in the direction of such signal, but any pedestrian who has partially completed his crossing on the walk signal shall proceed to a sidewalk or safety island while the "Don't Walk" signal is showing.

Reference: NDCC Sec. 39-10-06 (1980)

12-04-06. Designation of Walks, Lanes, Etc. The city traffic engineer or any person authorized by the governing body shall as deemed necessary:

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 or as directed 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.

12-04-07. Obedience to and Required Traffic-Control Devices.

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

2. A provision of this chapter for which traffic-control devices are required may not be enforced against an alleged violator if at the time and place of the alleged violation an official device is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a state statute does not state the devices are required, such statute shall be effective even though no devices are erected or in place.

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 chapter and purporting to conform to the lawful requirements pertaining to such devices shall be presumed to comply with the requirements

of this chapter unless the contrary shall be established by competent evidence.

Reference: NDCC Sec. 39-10-04 (1980)

12-04-08. Unauthorized Signs. A person may not place, maintain, or display upon or in view of any street 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 any official traffic-control device or any railroad sign or signal.

Reference: NDCC Sec. 39-10-07.2

12-04-09. Interference With Official Traffic-Control Devices or Railroad Signs or Signals. A person may not, 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, thereof, or any other part thereof.

Reference: NDCC Sec. 39-10-07.3 (1980)

CHAPTER 12-05. SPEED REGULATIONS AND CARELESS DRIVING

12-05-01. Careless Driving. A person may not drive a vehicle upon a highway or elsewhere 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 without heed to the requirements or restrictions of this section commits careless driving.

Reference: NDCC Sec. 39-09-01 (1980)
(Ord. 4954, 11-10-98)

12-05-02. Care Required in Operating Vehicle. Any person driving a vehicle upon a highway or elsewhere 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. A person may not drive any vehicle upon a highway or elsewhere in a manner to endanger the life, limb, or property of any person.

Reference: NDCC Sec. 39-09-01.1 (1980)
(Ord. 4832, 04-08-97; Ord. 4954, 11-10-98)

12-05-03. Speed Limitations. Subject to the provisions of section 12-05-01 and except in those instances where a different speed is specified and posted pursuant to this chapter, it presumably is lawful for the driver of a vehicle to drive at a

speed not exceeding twenty-five miles an hour on any highway or street:

1. Except as provided by law, it is unlawful for any person to drive a vehicle upon any highway or street at a speed exceeding the speed limit prescribed by law or established pursuant to law.

2. 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 unless a different speed is specified and posted pursuant to this chapter.

3. The penalty for a violation of this section is as provided by NDCC Section 39-06.1-06.

Reference: NDCC Sec. 39-09-02 (1980)
(Ord. 4954, 11-10-98; Ord. 5659, 05-13-08)

12-05-04. Speed Limits - Signs Posted. Whenever the board of city commissioners, on the basis of an engineering and traffic investigation, determines that the maximum speed permitted under this chapter is greater or less than is reasonable and safe under the conditions found to exist upon a highway or part of a highway, the Board may determine and declare a reasonable and safe maximum limit thereon within the limits prescribed by NDCC Section 39-09-03. The board shall determine by a engineering and traffic investigation the proper maximum speed for arterial streets and shall declare a reasonable and safe maximum limit thereof which may be greater or less than the maximum speed permitted under this chapter for an urban district.

Reference: NDCC Sec. 39-09-03 (1980)

12-05-05. Speed Limitations Inapplicable to Whom - Liability of Exempt Driver for Reckless Driving. The speed limitations provided for in this article do not apply to Class A authorized emergency vehicles. The exceptions provided for in this section shall not protect the driver of any such vehicle from the consequences of a reckless disregard of the safety of others.

Reference: NDCC Sec. 39-09-06 (1980)

12-05-06. Minimum Speed Limits. A person may not 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.

Reference: NDCC Sec. 39-09-09

12-05-07. Regulation of Speed by Traffic Signals. The city traffic engineer or authorized person may regulate the timing of traffic signals so as to permit 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 may erect appropriate signs giving notice thereof.

12-05-08. Exhibition Driving and Drag Racing - Definitions - Penalty.

1. A person may not engage in exhibition driving of any vehicle on a highway or elsewhere, nor shall any person engage in a race, a speed competition, drag race or acceleration contest, test of physical endurance, or exhibition of speed or acceleration. Any person who violates this section by engaging in an act defined by subdivision b of subsection 2 must be assessed a fee of fifty dollars. Any person who violates this section by engaging in an act defined by subsection a or c of subsection 2 must be assessed a fee of one hundred dollars).

2. As used in this section:

a. "Drag Race" means the operation of two or more vehicles from a point side-by-side by accelerating rapidly in 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:

1. 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.

2. A vehicle in a manner which results in one or more of the vehicle's tires to leave the surface of the roadway or ground.

3. A vehicle and, while in motion, raising or lowering the vehicle with an air, electric or hydraulic powered adjustable suspension.

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 to prohibit 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.

Reference: NDCC Sec. 39-08-03.1 (1985 Supp.)
(Ord. 4153, 6-30-87; Ord. 4954, 11-10-98; Ord. 5479, 01-10-06; Ord. 5659, 05-13-08)

12-05-09. Radar Evidence in Speed Violations. The speed of any motor vehicle may be checked by the use of radio microwaves or other electrical device. The results of such checks must be accepted as prima facie evidence of the speed of such motor vehicle 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.

Reference: NDCC Sec. 39-03-15 (1980)

12-05-10. Speed on Private Streets or Roads or Alleys. Subject to Section 12-05-01 of this chapter it is unlawful for a driver of a motor vehicle to drive at a speed exceeding fifteen miles an hour on private streets and roads to which the public has a right of access or which are used by the public with the consent of the owner or on public or private alleys. The penalty for a violation of this section is a fee of $20.00.

(Ord. 4870, 09-23-97)

12-05-11. Speed in Construction Zone. The traffic engineer may designate and post special areas of streets and highways where lower speed limits apply. If there is a violation of a construction zone speed limit, where within that zone individuals engaged in construction were present at the time of the violation, then the fees required for a noncriminal disposition are eighty dollars for one through ten miles per hour over the posted speed limit, and eighty dollars, plus two dollars for each additional mile per hour over ten miles per hour over the posted speed limit. The construction zone speed limit posted sign must state "Minimum Fee $80 When Workers Present."

(Ord. 4780, 08-13-96; Ord. 4954, 11-10-98; Ord. 5273, 08-16-03; Ord. 5659, 05-13-08)

CHAPTER 12-06. TURNING MOVEMENTS

12-06-01. Authority to Place Devices Altering Normal Course For Turns. The city traffic engineer or other authorized person may place official traffic-control devices within or adjacent to intersections indicating the course to be traveled by vehicles turning at such intersections, and such course to be

traveled as so indicated may conform to or be other than as otherwise prescribed by law.

12-06-02. Authority to Place Restricted Turn Signs. The city traffic engineer or other authorized person may determine those intersections at which drivers of vehicles shall not make a right, left or U turn, and shall place proper signs at such intersections. The making of such turns may be prohibited between certain hours of any day and permitted at other hours, which must be plainly indicated on the signs or they may be removed when such turns are permitted.

12-06-03. Turning Signs - Obedience To. Whenever authorized signs are erected indicating that no right or left or U turn is permitted, a driver of a vehicle may not disobey the directions of any such sign.

12-06-04. Required Position and Method of Turning at Intersections. The driver of a vehicle intending to turn at an intersection or into an alley, private road, parking lot or driveway 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. At any intersection where there are multiple right turn lanes, entry must be made into the corresponding lane on the roadway to be entered;

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 must 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 traffic engineer 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.

Reference: NDCC Sec. 39-10-35 (1980)
(Ord. 4831, 04-08-97; Ord. 5414, 05-24-05)

12-06-05. Vehicle Turning Left at Intersection. 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.

Reference: NDCC Sec. 39-10-23 (1980)

12-06-06. Limitations on Turning Around.

1. The driver of any vehicle may 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. A vehicle may not be turned so as to proceed in the opposite direction upon any curve, or upon the approach to or near the crest of a grade, where such vehicle cannot be seen by the driver of any other vehicle approaching from either direction within five hundred feet.

3. A vehicle may not be turned so as to proceed in the opposite direction on any roadway within three hundred feet of a school.

Reference: NDCC Sec. 39-10-36 (1980)
(Ord. 5633, 10-09-07)

12-06-07. Turning Movements and Required Signals.

1. A person may not turn a vehicle or move right or left upon a roadway unless and until such movement can be made with reasonable safety without giving an appropriate signal in the manner hereinafter provided;

2. A signal of intention to turn or move right or left when required shall be given continuously during not less than the last one hundred feet traveled by the vehicle before turning;

3. A person may not 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 12-06-08 may 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, or be flashed on one side only of a parked vehicle except as may be necessary for compliance with this section.

Reference: NDCC Sec. 39-10-38 (1980)
(Ord. 4503, 04-27-93)

12-06-08. Signals by Hand and Arm or Signal Lamps.

1. Any stop or turn signal when required herein must be given either by means of the hand and arm or by signal lamps, except as otherwise provided in subsection 2 of this section.

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

Reference: NDCC Sec. 39-10-39 (1980)

12-06-09. Methods of Giving Hand-and-Arm Signals.

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.

Reference: NDCC Supp. 39-10-40 (1980)

CHAPTER 12-07. ONE-WAY STREETS AND ALLEYS

12-07-01. Authority to Sign One-Way Streets and Alleys. The city traffic engineer or authorized person may determine and designate one-way streets or alleys and shall place and maintain official traffic control devices giving notice thereof. Any such designation is not effective unless such devices are in place.

12-07-02. Movement of Traffic. Upon those streets and parts of streets and in those alleys which may be designated one-way streets by the city traffic engineer, vehicular traffic shall move only in the indicated direction when signs indicating the direction of traffic are erected and maintained at every intersection where movement in the opposite direction is prohibited.

12-07-03. Authority to Restrict Direction of Movement During Certain Periods.

1. The city traffic engineer may determine and designate streets, parts of streets, or specific lanes upon which vehicular traffic shall proceed in one direction during one period and the opposite direction during another period of the day and shall place and maintain appropriate markings, signs, barriers or other devices to give notice thereof. The chief of police may erect signs temporarily designating lanes to be used by traffic moving in a particular direction, regardless of the center line of the roadway.

2. It is unlawful for any person to operate any vehicle in violation of such markings, signs, barriers, or other devices so placed in accordance with this section.

CHAPTER 12-08. STOP AND YIELD INTERSECTIONS

12-08-01. Stop Signs and Yield Signs.

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

2. Every stop sign and 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 police officer or traffic control signal, every driver of a vehicle approaching a stop intersection indicated by a stop sign shall stop before entering the crosswalk on the near side of the intersection, or, in the event there is no crosswalk, shall stop at a clearly marked stop line, but if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway, and after having stopped, shall yield the right of way to any vehicle which has entered the intersection from another roadway or which is approaching so closely on the roadway as to constitute an immediate hazard.

4. The driver of a vehicle approaching a yield sign if required for safety to stop, shall before entering the crosswalk on the near side of the intersection, or, in the event there is no crosswalk, at a clearly marked stop line, but if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway.

5. At an intersection with four stop signs, the vehicle that stops first may proceed first. When more than

one vehicle approaches and stops at a four-way stop intersection at the same time, the vehicle on the left must yield to the vehicle on the right.

Reference: NDCC Sec. 39-10-44 (1985 Supp.)
(Ord. 4149, 5-12-87; Ord. 5560, 11-28-06))

12-08-02. Obedience to Signal Indicating Approach of Train.

1. Whenever a person driving a vehicle approaches a railroad grade crossing under any of the circumstances stated in this section, the driver of such vehicle shall stop within fifty feet but not less than fifteen feet from the nearest rail of such railroad, and shall not proceed until he can do so safely. The foregoing requirements shall apply when:

a. A clearly visible electric or mechanical signal device gives warning of the immediate approach of a railroad train;

b. A crossing gate is lowered or when a human flagman gives or continues to give a signal of the approach or passage of a railroad train;

c. A railroad train approaching within approximately one thousand three hundred and twenty feet of the highway crossing emits a signal audible from such distance and such railroad train, by reason of its speed or nearness to such crossing, is an immediate hazard; or

d. An approaching railroad train is plainly visible and is in hazardous proximity to such crossing.

2. A person may not 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. A person may not drive any vehicle past any human flagman at a railroad crossing until the flagman signals that the way is clear to proceed.

Reference: NDCC Sec. 39-10-41 (1980)

12-08-03. All Vehicles Must Stop at Certain Railroad Grade Crossings. Particularly dangerous highway grade crossings of railroads may be designated and stop signs erected thereat. When such stop signs are erected, the driver of any vehicle shall stop within fifty feet but not less than fifteen feet from the nearest rail of such railroad and shall proceed only upon exercising due care.

Reference: NDCC Sec. 39-10-42 (1980)

12-08-04. Certain Vehicles Must Stop at All Railroad Grade Crossings.

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

2. A stop need not be made at any such crossing at which traffic is controlled by a police officer. For the purposes of this section, a United States marshal is considered a police officer.

12-08-05. Train Speed. It shall be unlawful for any person to operate a train within the city over any crossing at more than thirty-five (35) miles per hour. This speed restriction herein shall apply only to the engine or leading end only of all trains.

Reference: NDCC Sec. 39-10-43 (1980)
(Ord. 4260, 5-09-89)

CHAPTER 12-09. MISCELLANEOUS DRIVING RULES

12-09-01. When Traffic Obstructed. A driver may not enter an intersection or a marked crosswalk or drive onto any railroad grade crossing unless there is sufficient space on the other side of the intersection, crosswalk or grade crossing to accommodate the vehicle he is operating without obstructing the passage of other vehicles, pedestrians, or trains, notwithstanding any traffic control signal indication to proceed.

Source: NDCC Sec. 39-10-68 (1980)

12-09-02. Driving Through Funeral or Other Procession. Section 12-09-02 is hereby repealed.

(Ord. 4694, 06-13-95)

12-09-02. Funeral Processions - Traffic Regulations.

1. Notwithstanding any traffic-control device, a law enforcement officer leading a funeral procession may proceed through any intersection or make any turns or other movements necessary while leading the procession. The officer, without regard to any traffic-control device, may direct other drivers not in the funeral procession to stop, turn, proceed, or make other movements. When leading the funeral procession, the officer must be in a marked patrol vehicle and the vehicle's lighted headlamps, taillamps, and top-mounted and grill-mounted signal lamps must be displayed at all times during the procession.

2. Notwithstanding any traffic-control device or provision governing the right of way, whenever a law enforcement officer leading a funeral procession enters an intersection, the remainder of the vehicles in the funeral procession may follow through the intersection. Each vehicle in the procession, however, must exercise reasonable care toward any other vehicle or pedestrian on the roadway.

3. Notwithstanding any traffic-control device or provision governing rights of way and subject to the following conditions, vehicles in a funeral procession have the right of way.

a. All vehicles in a funeral procession must display lighted headlamps, taillamps, and flashing emergency lamps.

b. All vehicles in a funeral procession must follow the preceding vehicle in the procession as closely as is safe and practicable.

c. The driver of a vehicle in a funeral procession shall yield the right of way to an approaching emergency vehicle when directed to do so by a law enforcement officer or when the vehicle is giving an audible or visual signal.

d. A vehicle that becomes separated from the funeral procession and the law enforcement escort, so that the procession is no longer continuous, must proceed to its destination in a safe and prudent manner obeying all traffic signals and general rules of the road.

4. Other vehicles shall conform to the following rules:

a. The driver of a vehicle may not drive between the vehicles comprising a funeral procession while those vehicles are in motion, except when

authorized to do so by a law enforcement officer or when such vehicle is an emergency vehicle giving an audible or visible signal.

b. The driver of a vehicle not part of a funeral procession may not join a funeral procession for the purpose of securing the right of way granted under subsection 3.

c. The driver of a vehicle not in a funeral procession may not pass vehicles in such a procession on a two-lane highway or roadway.

d. The driver of a vehicle may pass a funeral procession on its left side on any multiple-lane highway whenever such passing can be done safely, unless the procession is in the farthest left lane, in which case passing is permissible on the right.

e. When a funeral procession is proceeding through a red signal as permitted by subsection 3, a vehicle that is not in the procession may not enter the intersection unless it can do so without crossing the path of the funeral procession. If the red signal changes to green while the funeral procession is still within the intersection, a vehicle facing a green signal may proceed, but the funeral procession has the right of way.

(Ord. 4694, 06-13-95)

12-09-03. Drivers in a Procession. Section 12-09-03 is hereby repealed.

(Ord. 4694, 06-13-95)

12-09-04. Funeral Processions to be Identified. Section 12-09-04 is hereby repealed.

(Ord. 4694, 06-13-95)

12-09-05. Drive on Right Side of Roadway - Exceptions.

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

a. When overtaking and passing another vehicle proceeding in the same direction under the rules governing such movement;

b. When an obstruction exists making it necessary to drive to the left of the center of the highway; provided, any person so doing shall yield the right-of-way to all vehicles traveling in the proper direction upon the unobstructed portion of the highway within such distance as to constitute an immediate hazard;

c. Upon a roadway divided into three marked lanes for traffic under the rules applicable thereon; or

d. Upon a roadway restricted to one-way traffic.

2. Upon all roadways any vehicle proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing must 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, a vehicle may not 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.

Reference: NDCC Sec. 39-10-08 (1980)

12-09-06. Passing Vehicles Proceeding in Opposite Directions. 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.

Reference: NDCC Sec. 39-10-09 (1980)

12-09-07. Overtaking a Vehicle on the Left. The following rules 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.

Reference: NDCC Sec. 39-10-11 (1980)

12-09-08. When Overtaking on the Right is Permitted.

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.

Reference: NDCC Sec. 39-10-12 (1980)

12-09-09. Limitations on Overtaking on the Left. A vehicle may not be driven to the left side of the center of the roadway in overtaking and passing another vehicle proceeding in the same direction unless such left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be completely made without interfering with the operation of any vehicle approaching from the opposite direction or any vehicle overtaken. In every event the overtaking vehicle must return to an authorized lane of travel as soon as practicable, and in the event the passing movement involves the use of a lane authorized for vehicles approaching from the opposite direction, before coming within two hundred feet of any approaching vehicle.

Reference: NDCC Sec. 39-10-13 (1980)

12-09-10. Further Limitations on Driving on Left of Center of Roadway.

1. A vehicle may not be driven to the left side of the roadway under the following conditions:

a. When approaching or upon the crest of a grade or a curve in the highway where the driver's view is obstructed within such distance as to create a hazard in the event another vehicle might approach from the opposite direction;

b. When approaching within one hundred feet of or traversing any intersection or railroad grade crossing unless otherwise indicated by official traffic-control devices;

c. When the view is obstructed upon approaching within one hundred feet of any bridge, viaduct or tunnel.

Reference: NDCC Sec. 39-10-14 (1980)

12-09-11. No-Passing Zone.

1. Where overtaking and passing or driving on the left side of the roadway may be especially hazardous the city traffic engineer or other authorized person may place appropriate signs or markings on the roadway to indicate the beginning and end of such zones and when signs or markings are in place and clearly visible to an ordinarily observant person, every driver of a vehicle shall obey the directions thereof.

2. Where signs or markings are in place to define a no-passing zone as set forth in subsection 1, a driver may not 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 12-09-05 or to the driver of a vehicle turning left into or from an alley, private road or driveway.

Reference: NDCC Sec. 39-10-15 (1980)

12-09-12. Driving on Roadways Laned for Traffic. 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 apply:

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

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

3. Official traffic-control devices may be erected directing specified traffic to use a designated lane or designating those lanes to be used by traffic moving in a particular direction regardless of the center of the

roadway and drivers of vehicles shall obey the directions of every such device.

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

Reference: NDCC Sec. 39-10-17 (1980)

12-09-13. Following too Closely.

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

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

3. Motor vehicles being driven upon any roadway outside of a business or residence district in a caravan or motorcade whether or not towing other vehicles must 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 does not apply to funeral processions.

Reference: NDCC Sec. 39-10-18 (1980)

12-09-14. Driving on Divided Highways. Whenever any highway has been divided into two or more roadways by leaving an intervening space or by a physical barrier or clearly indicated dividing section so constructed as to impede vehicular traffic, every vehicle must be driven only upon the right-hand roadway, unless directed or permitted to use another roadway by official traffic-control devices or police officers. A vehicle may not 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.

12-09-15. Restricted Access. A person may not drive a vehicle onto or from any controlled-access roadway except at such entrances and exits as are established by public authority.

Reference: NDCC Sec. 39-10-20 (1980)

12-09-16. Vehicle Entering Roadway. 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 or pedestrians approaching on the roadway to be entered or crossed.

Reference: NDCC Sec. 39-10-25 (1980)

12-09-17. Vehicle Approaching or Entering Intersection.

1. When two vehicles approach or enter an intersection not controlled by an official traffic control device 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. If the intersection is T-shaped and not controlled by an official traffic control device, the driver of the vehicle on the terminating street or highway shall yield to the vehicle on the continuing street or highway.

2. The right-of-way rule declared in this section is modified at through highways and otherwise as stated in this chapter.

Reference: NDCC Sec. 39-10-22 (1995)
(Ord. 4728, 09-26-95)

12-09-18. Overtaking and Passing School Bus.

1. The driver of a vehicle meeting or overtaking from either direction any school bus stopped on the highway shall stop the vehicle before reaching such school bus when there is in operation on the school bus the flashing red lights or the stop sign on the control arm specified in NDCC Section 39-21-18, and a 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 and the stop sign on the control arm are no longer actuated.

2. Every school bus shall bear upon the front and rear thereof plainly visible signs containing the words "SCHOOL BUS" in letters not less than eight inches in height. When a school bus is being operated upon a highway for purposes other than the actual transportation of children either to or from school, or for a school-sanctioned activity, all markings, thereon indicating "SCHOOL BUS" must 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 feet (91.44 meters) nor more than five hundred feet (152.4 meters) from the point where schoolchildren are to be received or discharged from the bus.

4. Every school bus must be equipped with red visual signals meeting the requirements of NDCC Section 39-21-18, which may be actuated by the driver of a school bus whenever, but only whenever, such vehicle is stopped on the highway for the purpose of receiving or discharging school children. A school bus driver may not actuate 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 police 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. Within the city's jurisdiction, a driver of a school bus may unload children only on the same side of the street as their destination, and may stop a school bus on that side of the street, unless impractical to do so.

Reference: NDCC Sec. 39-10-46 (1985 Supp.)
(Ord. 5915, 09-11-12)

12-09-19. Unattended Motor Vehicle. A person driving or in charge of a motor vehicle may not permit it to stand unattended without first effectively setting the brake, turning the wheels to the curb or side of the highway when standing upon any grade, and locking the doors if the engine is left running.

Reference: NDCC Sec. 39-10-46 (1980)
(Ord. 4749, 02-27-96)

12-09-20. Limitations on Backing.

1. The driver of a vehicle may not back the vehicle unless such movement can be made with safety or without interfering with traffic or property.

2. The driver of a vehicle may not back the vehicle upon any shoulder or roadway of any controlled-access highway.

Reference: NDCC 39-10-52 (1980)
(Ord. 5554, 10-24-06)

12-09-21. Obstruction to Driver's View or Driving Mechanism.

1. A person may not 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. A passenger in a vehicle may not ride in such position as to interfere with the driver's view ahead or to the sides, or to interfere with the driver's control over the driving mechanism of the vehicle.

3. A person may not drive or operate a motor vehicle when the driver's view to the front or sides of the vehicle is obstructed by dirt, frost, ice, snow, or other substance so as to interfere with control of the vehicle or so as to interfere with the driver's view ahead, to the sides or to the rear.

Reference: NDCC Sec. 39-10-54 (1980)

12-09-22. Opening and Closing Vehicle Doors. A person may not 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 may 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.

12-09-23. Coasting Prohibited.

1. The driver of any motor vehicle when traveling upon a down grade may 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 may not coast with the clutch disengaged.

Reference: NDCC 39-10-56 (1980)

12-09-24. Following Fire Apparatus Prohibited. The driver of any vehicle other than one on official business may not follow closer than five hundred feet (152.4 meters) behind an emergency vehicle displaying the appropriate light for that vehicle in an emergency. A driver of a vehicle other than one on official business may not stop the vehicle within two hundred feet (60.96 meters) of any emergency vehicle stopped in answer to a 911 emergency.

Reference: NDCC 39-10-57 (1980)
(Ord. 5574, 03-13-07)

12-09-25. Crossing Fire Hose. A vehicle may not 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.

Reference: NDCC 39-10-58 (1980)

12-09-26. Garbage, Glass, Etc., on Highways Prohibited.

1. A person may not throw, spill, dump or deposit upon any right-of-way any glass bottle, glass, nails, tacks, wire, cans, wood, building materials, oil, gas, branches, garbage, trash or rubbish of any kind.

2. Any person who drops or spills, or permits to be dropped, spilled or thrown, upon any public right-of-way any material shall immediately remove it or cause it to be removed.

3. Any person who removes a wrecked or damaged vehicle from a public right-of-way or other public or private place shall move any glass or other substance dropped from such vehicle.

A violation of this section is an offense.

Reference: NDCC 39-10-59 (1980);
(Ord. 4151, 6-30-87; Ord. 5659, 05-13-08)

12-09-27. Driving Through Safety Zone Prohibited. A vehicle may not at any time be driven through or within a safety zone.

Reference: NDCC 39-10-64 (1980)

12-09-28. Moving Heavy Equipment at Railroad Grade Crossings.

1. A person may not operate or move any crawler-type tractor, steam shovel, derrick, roller, or any equipment or structure having a normal operating speed of ten or less miles per hour or a vertical body or load clearance of less than one-half inch per foot of the distance between any two adjacent axles or in any event of less than nine inches, measured above the level surface of a roadway, upon or across any tracks at a railroad grade crossing without first complying with this section.

2. Before making any such crossing, the person operating, or moving any such vehicle or equipment shall first stop the same not less than fifteen feet nor more than fifty feet from the nearest rail 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. Any such crossing may not be made when warning is given by automatic signal or crossing gates or flagman or otherwise of the immediate approach of a railroad train or car. If a flagman is provided by the railroad, movement over the crossing must be under his direction.

Reference: NDCC 39-10-67 (1980)

12-09-29. Open Bottle Law - Penalty.

1. A person may not consume alcoholic beverages, as defined in the N.D.C.C., or have in possession any open container in the passenger compartment of any motor vehicle while on a highway, area used principally for public parking, or other area open to the public. An owner of a private motor vehicle, or driver if the owner is not present, may not keep or allow to be kept in the passenger compartment of any private motor vehicle any open container. This section does not apply to that portion of a house car used as sleeping or living quarters and separated from the driving compartment, while the house car is not in motion, nor does it 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 when upon a public highway or in an area used principally for public parking.

2. For the purposes of this section, "open container" means any bottle or receptacle containing alcoholic beverages which has been opened, or the seal broken, or the contents of which have been partially removed.

Reference: NDCC 39-08-18 (1985 Supp.)
(Ord. 4470, 10-13-92; Ord. 4954, 11-10-98)

12-09-30. Permitting Unauthorized Minor to Drive. A person may not cause or knowingly permit his child or ward under the age of eighteen years to drive a motor vehicle upon any highway when such child is not authorized under the laws of this state.

Reference: NDCC 39-06-44 (1980)

12-09-31. Permitting Unauthorized Person to Drive. A person may not 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 to do so under the laws of this state or in violation of any of the provisions of this chapter.

Reference: NDCC 39-06-45 (1980)

12-09-32. Driving Upon Sidewalk. A person may not drive any vehicle upon a sidewalk or sidewalk area except upon a permanent or duly authorized temporary driveway.

Reference: NDCC 39-10-52.1 (1980)

12-09-33. Starting a Stopped, Standing or Parked Vehicle. A person may not start a vehicle which is stopped, standing or parked unless and until such movement can be made with reasonable safety.

Reference: NDCC 39-10-37 (1980)

12-09-34. Driving on Boulevard or Private Property Prohibited. It is unlawful for any driver of a motor vehicle to:

1. Drive on or across a boulevard, lawn or any private property except where authorized or permitted or with the consent of the owner.

2. Drive off of a street or highway and across a private driveway or private or public lot to another street or highway or another point on the same street or highway so as to avoid a traffic signal or sign or to take a "short-cut" from one street or highway to another.

Reference: Code of Ords. 1973 Sec. 35-160
(Ord. 4954, 11-10-98)

12-09-35. Entering Freeways; Right-of-Way. A vehicle entering a freeway, as defined in Section 24-01-01.1 of the North Dakota Century Code, from an acceleration lane, ramp, or any other approach road shall yield the right-of-way to a vehicle on the main roadway entering the merging area at the same time, regardless of whether the approach road is to the left or the right of the main roadway, unless posted signs indicate otherwise.

Reference: NDCC 39-10-22.1 (1985 Supp.)

12-09-36. Rules for Operation of Snowmobiles.

1. A person may not operate a snowmobile upon the roadway, shoulder, or inside bank or slope of any road, street or highway except as provided pursuant to Chapter 39-24, N.D.C.C. A snowmobile may not be operated at any time within the right-of-way of any interstate highway except for emergency purposes.

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 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. A snowmobile may not be operated unless it is equipped with at least one head lamp, one tail lamp, and brakes, all in working order, which conform to standards prescribed by rule of the state highway commissioner.

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, reckless, or negligent manner so as to endanger the person or property of another or to cause injury or damage to such person or property.

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

d. Without a lighted head lamp and tail lamp when required for safety.

e. In any tree nursery or planting in a manner which damages or destroys growing stock.

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

g. Upon any private land where the private land is posted by the owner or tenant prohibiting trespassing. The name and address of the person posting the land and the date of posting shall appear on each sign in legible characters. The posted signs must be readable from the outside of the land and shall be placed conspicuously at a distance of not more than 880 yards (804.68 meters) apart, provided further that as to land entirely enclosed by a fence or other enclosure, posting of such signs at or on all gates through such fence or enclosure, must be construed to be a posting of all such enclosed lands.

6. It is unlawful for any person to operate a snowmobile without having in possession a valid driver's license or permit, except as provided by section 39-24-09.1, N.D.C.C.

7. When snowmobiles are operated within the right of way of any road, street, or highway 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 37 of section 24-01-01.1, N.D.C.C., between April 1st and November 1st of any year.

9. A snowmobile may not 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.

Reference: NDCC 39-24-09 (1985 Supp.)

12-09-37. Classification of Snowmobile Offenses. Any person who violates subdivision b or c of subsection 5 of section 12-09-36 is guilty of an offense. Any person who violates any other provision of section 12-09-36 shall be assessed a fee of twenty dollars.

(Ord. 4954, 11-10-98)

12-09-38. Harassment of Domestic Animals; Penalty. Any person operating a motorcycle, snowmobile or other motor vehicle who willfully harasses or frightens any domestic animal is, upon conviction, guilty of an offense. If injury or death results to the animal due to such action, such person is liable for the value of the animal and exemplary damages as provided in NDCC Section 36-21-13.

12-09-39. Operation of Motor Vehicle, Tractor or Other Vehicle Prohibited on Flood Protective Works; Exception; Penalty.

1. Unless authorized by the authority in charge thereof, a person may not operate a motor vehicle, a tractor or other vehicle upon or across any flood protective works, including but not limited to, any dike or flood protective works constructed by a state or federal agency, or by any municipality or local subdivision of the state.

2. Any person violating the provisions of this section is liable to any person suffering injury as a result of the violation; and in addition, is guilty of an offense.

Reference: NDCC 39-10-65 (1980)

12-09-40. Vehicle Sound System. A person may not park or drive a vehicle upon a highway or elsewhere emitting an audible sound from a radio, tape player, compact disc player, audio equipment, or any type of sound system that can be heard for

more than fifty feet from the vehicle. The content of the sound will not be considered in determining a violation. Occasional, organized car stereo competitions in commercially-zoned areas are exempt from this ordinance. The penalty for violation of this section is $50.
(Ord. 4897, 04-28-98)

12-09-41. Motorized Scooters. A "motorized scooter" is a footboard mounted between two tandem wheels with an upright steering bar attached to the front wheel. A motorized scooter is powered by an electric motor or a gas combustion engine and is operated with the operator standing on the foot board. A motorized vehicle that fails to meet all of the criteria of this section will be considered to be an off-road vehicle or other motor vehicle and may not travel on public right-of way as allowed by this section.

1. A person may operate a motorized scooter on the public sidewalks within the City of Bismarck, subject to the following conditions:

a. A motorized scooter may not be operated on a public street, including crossing a street, and an operator must dismount and push a motorized scooter across a street, including within a crosswalk. A motorized scooter may not be operated within the Central Business District (as defined by ordinance 4-04-09).

b. An operator of a motorized scooter must be at least 12 years of age.

c. An operator of a motorized scooter under 18 years of age must wear a helmet.

d. No passengers shall be allowed on a motorized scooter. A motorized scooter shall not tow any person or object.

e. Motorized scooters may not be operated from sunset to sunrise.

f. Operators of motorized scooters shall in all situations yield the right-of-way to pedestrians.

g. A motorized scooter shall not exceed a maximum speed of 15 miles per hour.

h. All motorized scooters operated on the public sidewalks must be equipped with factory supplied OEM stock mufflers and exhaust systems and braking systems.

i. For the purposes of this section, “public sidewalk” does not include the Bismarck Parks and Recreation District recreational trail system.

2. Any person who violates any provision of subsection 1 of this section shall be assessed a feeof fifty dollars.

3. Motorized vehicles known as “pocket bikes” are specifically excluded from the definition of motorized scooters and the provisions of this section and may not be operated on the public right-of-way.

(Ord. 5091, 01-09-01; Ord. 5416, 05-24-05; Ord. 5659, 05-13-08)

12-09-42. Rules for Operation of All-Terrain Vehicles.

1. Definitions.

a. “All-terrain vehicle” means any motorized off-highway vehicle fifty inches [1270.00 millimeters] or less in width, having a dry weight of one thousand pounds [453.59 kilograms] or less, traveling on three or more low-pressure tires, designed for operator use only with no passengers, having a seat or saddle designed to be straddled by the operator, and handlebars for steering control.

b. “Operate” means to ride in or on and control the operation of an all-terrain vehicle.

c. “Operator” means a person who operates or is in actual physical control of an all-terrain vehicle.

d. “Owner” means a person, other than a lienholder, having the property in or title to an all-terrain vehicle and entitled to its use or possession.

2. Except as provided in this section, a person may not operate an all-terrain vehicle unless it has been registered in accordance with NDCC Chapter 39-29.

3. A person may not operate an all-terrain vehicle on any city street, sidewalk or public right-of-way except that all terrain vehicles may be operated on a public right-of-way during emergency conditions or for the performance of construction or maintenance in the public right-of-way.

4. The operator of an all-terrain vehicle may make a direct crossing of a street or highway only if:

a. The crossing is made at an angle of approximately ninety degrees to the direction of the highway and at a place where no obstruction prevents a quick and safe crossing;

b. The all-terrain vehicle is brought to a complete stop before crossing the shoulder or main traveled way of the highway;

c. The operator yields the right-of-way to all oncoming traffic which constitutes an immediate hazard; and

d. In crossing a divided highway, the crossing is made only at an intersection of the highway with another public street or highway.

5. A person may not operate an all-terrain vehicle unless it is equipped with at least one headlamp, one tail lamp, and brakes, all in working order, which conform to standards prescribed by rule of the director of the department of transportation, except when under the direct supervision of an all-terrain vehicle instructor teaching a certified all-terrain vehicle safety training course, the requirement for a headlamp and tail lamp may be waived.

6. The emergency conditions under which an all-terrain vehicle may be operated other than as provided by this chapter are only those that render the use of an automobile impractical under the conditions and at the time and location in question.

7. A person may not operate an all-terrain 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, reckless, or negligent manner so as to endanger the person or property of another or to cause injury or damage to such person or property.

c. While under the influence or intoxicating liquor or a controlled substance.

d. Without a lighted headlamp and tail lamp except when used by an all-terrain vehicle instructor during a certified all-terrain vehicle safety training course.

e. In any tree nursery or planting in a manner which damages growing stock.

f. Without a manufacturer-installed or equivalent muffler in good working order and connected to the all-terrain vehicle's exhaust system.

g. On any private land where the private land is posted prohibiting trespassing. The name and address of the person posting the land and the date of posting must appear on each sign in legible characters. The posted signs must be readable from outside the land and be placed conspicuously at a distance of not more than eight hundred eighty yards [804.68 meters] apart. Land entirely enclosed by a fence or other enclosure is sufficiently posted by posting of such signs, at or on all gates through the fence or enclosure.

8. Except as provided in NDCC Section 39-29-10, a person may not operate an all-terrain vehicle without having in possession a valid driver's license or permit.

9. When an all-terrain vehicle is operated within the right-of-way of any road, street, or highway, during times or conditions that warrant the use of lights by other motor vehicles, the all-terrain 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 all-terrain vehicle.

10. A person may not operate an all-terrain 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 all-terrain vehicle by a hinged swivel and secure hitch.

11. Helmet required. No person under the age of eighteen years may operate, ride, or otherwise be propelled on an all-terrain vehicle unless the person wears a safety helmet meeting United States department of transportation standards.

12. Passenger restrictions. No operator of an all-terrain vehicle may carry a passenger while operating.

13. Except as otherwise provided in this section, a person under sixteen years of age who is not in possession of a valid operator's license or permit to operate an all-terrain vehicle may not, except upon the lands of the

person's parent or guardian, operate an all-terrain vehicle. A person at least twelve years of age may operate an all-terrain vehicle if the person has completed an all-terrain vehicle safety training course prescribed by the director of the parks and recreation department and has received the appropriate all-terrain vehicle safety certificate issued by the director of the department of transportation. The failure of an operator to exhibit an all-terrain vehicle safety certificate on demand to any official authorized to enforce this chapter is presumptive evidence that that person does not hold such a certificate.

14. Enforcement. Only peace officers of this state and their respective duly authorized representatives may enforce this chapter.

15. Any person who violates subsection b, c or g of paragraph 7 of this section is guilty of an offense. Any person who violates any other provision of this section shall be assessed a fee of fifty dollars.

(Ord. 5659, 05-13-08; Ord. 5777, 06-22-10)

12-09-43. Electric Personal Assistive Mobility Device. "Electric personal assistive mobility device" means a self-balancing device with two non-tandem wheels, designed to transport not more than one person, and operated by an electric propulsion system that limits the maximum speed of the device to 15 miles per hour or less. Electric personal assistive mobility devices are not classified as motor vehicles for the purposes of this section.

1. A person may operate an electric personal assistive mobility device on public sidewalks.

2. An electric personal assistive mobility device may not be operated on the Bismarck Parks and Recreation District's recreational trail system except for devices operated by the mobility impaired.

3. An electric personal assistive mobility device may be operated on a roadway only:

a. while making a direct crossing of a roadway in a marked or unmarked crosswalk;

b. where no sidewalk is available, and the posted speed on the roadway is 25 mph or less;

c. where the sidewalk is so obstructed as to prevent safe use;

d. when directed by a traffic control device or by a peace officer; or

e. temporarily in order to gain access to a motor vehicle.

4. An electric personal assistive mobility device may not be operated at any time while carrying more than one person.

5. A person operating an electrical personal assistive mobility device on a sidewalk must yield the right-of-way to pedestrians at all times.

6. Every electric personal assistive mobility device when in use at nighttime must be equipped with a lamp on the front which shall emit a white light visible from a distance of at least five hundred feet to the front and with a red reflector on the rear. A lamp emitting a red light visible from a distance of five hundred feet to the rear may be used in addition to the red reflector. This section may be satisfied if the operator of the electric personal assistive mobility device wears a headlight and reflectors on their person.

7. An electric personal assistive mobility device must be equipped with a braking system that when employed will enable the operator to bring the device to a controlled stop.

8. A person under 18 years of age must wear a helmet when operating an electric personal assistive mobility device.

9. Every person operating an electric personal assistive mobility device must be aware of existing conditions and potential hazards on the sidewalk and must exercise due care in operating the device.

10. A violation of this section is an infraction.

(Ord. 5417, 05-24-05)

12-09-44. Un-muffled Compression Brakes Prohibited.

1. No person shall use motor vehicle brakes within the city limits that are in any way activated or operated by the un-muffled compression of the engine of that motor vehicle or any unit or part thereof. It shall be an affirmative defense to prosecution under this section that the un-muffled compression brakes were applied in an emergency and were necessary for the protection of persons and/or property.

a. This section shall not apply to motorcycles or vehicles of any municipal fire department, whether or not responding to an emergency.

b. As used in this section, the term “compression brakes” means the use of the engine to retard the forward motion of a motor vehicle by compression of the engine. “Compression brakes” are also referred to as “exhaust brakes” and/or “jake brakes.”

c. The traffic engineer shall have authority to post appropriate signs consistent with these provisions. The penalty for a violation of this section is fifty dollars.

(Ord. 5449, 08-09-05; Ord. 5659, 05-13-08)

12-09-45. Low Speed Vehicles Allowed. Low speed vehicles as defined by NDCC Chapter 39-29.1 are allowed to operate on any city street with a speed limit of 25 miles per hour or less, subject to the following conditions:

1. The low speed vehicle must be registered in accordance with NDCC Chapter 39-29.1.

2. The low speed vehicle must be equipped as required by NDCC Section 39-29.1-08 and meet the minimum and maximum speed requirements of NDCC Section 39-29.1-01(1).

3. An operator of a low speed vehicle may make a direct crossing of a street on which the speed limit exceeds 25 miles an hour if the crossing is made so that the operator can continue on a street on which the speed limit does not exceed 25 miles per hour. A low speed vehicle may not be operated on any public sidewalk or on the Bismarck Parks and Recreation District recreational trail system.

4. An operator of a low speed vehicle and any passenger(s) must wear seat belts during operation.

5. A low speed vehicle may be operated only by a person 18 years of age or older possessing a valid operator's license.

6. All other ordinances and statutes regarding the rules of the road generally applicable to motor vehicles and not amended by this section shall apply to the operation of low speed vehicles.

7. A person may not drive or the owner may not cause or knowingly permit to be driven, a low speed vehicle in the city without a valid policy of liability insurance in effect, in an amount as required by NDCC Chapter 39-16.1, in order to respond to liability arising out of the ownership, maintenance or use of a low speed vehicle.

8. A violation of this section is an offense.

(Ord. 5673, 07-22-08; Ord.5699, 11-11-08)

12-09-46. Use of a Wireless Communications Device Prohibited.

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

2. Under this section:

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

(1) Reading, selecting, or entering a telephone number, an extension number, or voice mail retrieval codes and commands into an electronic device for the purpose of initiating or receiving a telephone or cellular phone call or using voice commands to initiate or receive a telephone or cellular phone call;

(2) Inputting, selecting, or reading information on a global positioning system device or other navigation system device;

(3) Using a device capable of performing multiple functions, such as fleet management systems, dispatching devices, smart phones, citizen band radios, music players, or similar devices, for a purpose that is not otherwise prohibited;

(4) Voice or other data transmitted as a result of making a telephone or cellular phone call; or

(5) Data transmitted automatically by a wireless communication device without direct initiation by an individual.

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

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

4. The penalty for a violation of this section is a fine of one hundred ($100.00) dollars.

(Ord. 5793, 10-26-10; Ord. 5838, 07-12-11)

12-09-47. Use of an electronic communication device by minor prohibited. An individual under eighteen years of age who has been issued a class D license or an instructional permit or a restricted license may not operate an electronic communication device to talk, listen, retrieve, compose, read, or send an electronic message while operating a motor vehicle that is in traffic, as defined by City Ordinance 12-09-46, unless the sole purpose of operating the device is to obtain emergency assistance, to prevent a crime about to be committed, or in the reasonable belief that an individual's life or safety is in danger. The penalty for a violation of this section is a fine of twenty ($20.00) dollars.

(Ord. 5855, 12-27-11; Ord. 5861, 02-28-12)

CHAPTER 12-10. CRIMINAL TRAFFIC VIOLATIONS

12-10-01. Persons Under the Influence of Intoxicating Liquor or Narcotic Drugs Not to Operate Vehicle; Penalty.

1. A person may not drive or be in actual physical control of any vehicle upon a highway or upon public or private areas to which the public has a right of access for vehicular use in this state if any of the following apply:

a. That person has an alcohol concentration of an amount as set out in NDCC Section 39-08-01 at the time of the performance of a chemical test within two hours of driving;

b. That person is under the influence of intoxicating liquor;

c. That person is under the influence of any drug or substance or combination of drugs or substances to a degree which renders that person incapable of safely driving; or

d. That person is under the combined influence of alcohol and any other drugs or substances to a

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

2. A person who violates any provision of this section is guilty of an offense. Sentence for a violation of this section shall be as provided by N.D.C.C. Section 39-08-01.

Reference: NDCC 39-08-01 (1985 Supp.)
(Ord. 4209, 6-21-88; Ord. 4964, 02-23-99; Ord. 5274, 08-26-03)

12-10-02. Reckless Driving. A person is guilty of an offense of reckless driving if he drives a vehicle:

1. Recklessly in disregard of the rights or safety of others; or

2. Without due caution and circumspection and at a speed or in a manner so as to endanger or be likely to endanger any person or the property of another.

Reference: NDCC 39-08-03 (1980)

12-10-03. Accidents Involving Damage to Vehicle. The driver of any vehicle involved in an accident resulting only in damage to a vehicle which is driven or attended by any person shall immediately stop such vehicle at the scene of such accident or as close thereto as possible but shall forthwith return to and in every event shall remain at the scene of such accident until he has fulfilled the requirements of Section 12-10-04. Every such stop must be made without obstructing traffic more than is necessary. Any person who fails to stop or comply with these requirements under such circumstances is guilty of an offense.

Reference: NDCC 39-08-05 (1980)

12-10-04. Duty Upon Striking Unattended Vehicle. The driver of any vehicle which collides with any vehicle which is unattended shall immediately stop and shall then and there either locate and notify the operator or owner of the vehicle of the name and address, as well as the name of the motor vehicle insurance policy carrier, of the driver and owner of the vehicle striking the unattended vehicle or shall leave in a conspicuous place in the vehicle struck a written notice giving the name and address, as well as the name of the motor vehicle insurance policy carrier, of the driver and of the owner of the vehicle doing the striking and a statement of the circumstances of the collision. Any person who violates this section is guilty of an offense.

Reference: NDCC 39-08-07 (1980)

12-10-05. Duty Upon Striking Highway Fixtures Or Other Property. The driver of any vehicle involved in an accident resulting only in damage to fixtures or other property shall take reasonable steps to locate and notify the owner or person in charge of such property of such fact and of his name and address and of the registration number of the vehicle he or she is driving and shall upon request and if available exhibit his or her operator's or chauffeur's license and shall make report of such accident when and as required by this chapter. If the owner or person in charge of such property is unknown or cannot be located, the driver shall immediately report such facts to the police. Any person who violates this section is guilty of an offense.

Reference: NDCC 39-08-08 (1980)
(Ord. 5356, 09-28-04)

12-10-06. Driving While License Suspended or Revoked.

1. Except as provided in NDCC Chapters 39-16 and 39-16.1, and in NDCC Section 39-06.1-11-11, any person who drives a motor vehicle on any public highway or other place open to the public at a time when his license or privilege to do so is suspended or revoked is guilty of an offense. Sentence for a violation of this section is as provided by section 39-06-42, N.D.C.C.

2. Pursuant to NDCC 39-06-42(3)(4), the municipal judge may order the number plates of the motor vehicle owned and operated by the offender at the time of the offense to be impounded by the police chief for the duration of the period of suspension or revocation.

Reference: NDCC 39-06-42 (1985 Supp.)
(Ord. 4779, 08-13-96)

12-10-07. Restricted License. Any person who operates a motor vehicle on any street or highway or other place open to the public in violation of the restrictions contained on his certificate of license is guilty of an offense.

Reference: NDCC 39-06-1

12-10-08. Failure to Stop for Weighing. Any driver of a vehicle who refuses to stop and submit the vehicle and load to a weighing when directed to do so by a police officer or any agent of this state having police powers relating to motor vehicles, is guilty of an offense.

Reference: NDCC 39-12-21 (1980)

12-10-09. Obedience to Police Officers or Firemen. A person may not willfully refuse to comply with any lawful order or direction of any police officer or fireman invested by law with authority to direct, control, or regulate traffic. A violation of this section is an offense.

Reference: NDCC 39-10-02 (1980)

12-10-10. Failure to Obey Parking Citation. Any person who fails to answer to a parking citation or to pay the fee

specified within thirty days as required is guilty of an infraction.

Reference: NDCC Sec. 39-06.1-04)
(Ord. 4959, 12-21-98)

12-10-11. Operation of Snowmobiles, Reckless or Under the Influence. Any person who violates subdivision 2 or 3 of Section 12-09-36 is guilty of an offense.

Reference: NDCC 39-24-11

12-10-12. Driving Without Liability Insurance. A person may not drive, or the owner may not cause or knowingly permit to be driven, a motor vehicle in the City of Bismarck without a valid policy of liability insurance in effect in order to respond in damages for liability arising out of the ownership, maintenance, or use of that motor vehicle in the amount required by Chapter 39-16.1, N.D.C.C., as that chapter may be amended from time to time. Upon being stopped by a law enforcement officer for the purpose of enforcing or investigating the possible violation of an ordinance or state law or during the investigation of an accident, the person driving the motor vehicle shall provide to the officer upon request satisfactory evidence of the policy required under this section. If unable to comply with the request, that person may not be charged with a violation of this section if that person submits such evidence to the officer or the officer's agency within twenty days of the date of the request. Notwithstanding NDCC Section 26.1-30-18, a person may be convicted for failure to have a valid policy of liability insurance in effect under this section if the time of acquisition of the policy was after the time of the alleged incidence of driving without liability insurance. If the time of acquisition of the policy comes into question, the driver or owner has the burden of establishing the time of acquisition. If the driver is not an owner of the motor vehicle, the driver does not violate this section if the driver provides the court with evidence identifying the owner of the motor vehicle and describing the circumstances under which the owner caused or permitted the driver to drive the motor vehicle. A violation of this section is an offense and the sentence imposed must include a fine of at least one hundred fifty dollars which may not be suspended. A person convicted for a second or subsequent violation of driving without liability insurance within an three-year period must be fined at least three hundred dollars which may not be suspended.

Reference: NDCC 39-08-20 (1985 Supp.)
(Ord. 4406, 11-05-91; Ord. 4716, 08-22-95; Ord. 5004, 08-24-99; Ord. 5275, 08-26-03; Ord. 5615, 07-24-07)

12-10-13. Unlawful Registration.

1. It is unlawful for any person 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.

2. It is unlawful for any person to lend any registration number plate, registration card, or validation tabs to any person not entitled thereto, or knowingly permit the use of any registration number plate or registration card by any person not entitled thereto.

Reference: NDCC Sec. 39-04-37 (1993 Supp.)
(Ord. 4624, 07-19-94)

12-10-14. Unlawful Use of Operators License. It is unlawful for any person:

1. To display or cause or permit to be displayed or have in possession any canceled, revoked, suspended, fictitious, or altered operator's license, permit, or non-driver identification card.

2. To lend one's operator's license, permit or non-driver identification card to any other person or knowingly permit the use thereof by another.

3. To display or represent as one's own any operator's license, permit or non-driver identification card not issued to that person.

4. To permit any unlawful use of an operator's license, permit or non-driver identification card issued to that person.

5. To print, photograph, alter, or in any way reproduce any operator's license, permit, or non-driver identification card or to print, photograph, alter or in any way reproduce any document used in the production of any operator's license, permit or non-driver identification card, in such a manner that it would be mistaken for a valid license or document containing valid information, or to display or have in possession any such print, photograph, or reproduction unless authorized by law.

6. To alter in any manner any operator's license, permit, or non-driver identification card or to display or have in possession any such document.

Reference: NDCC Secs. 39-06-40, 30-06-40.1
(Ord. 5043, 4-25-00)

CHAPTER 12-11. REGULATIONS FOR MOTORCYCLES

12-11-01. Traffic Laws Apply to Persons Operating Motorcycles or Motorized Bicycles. Every person operating a motorcycle or motorized bicycle is granted all of the rights and is subject to all of the duties applicable to the driver of any other vehicle under this title, except as to special regulations in this chapter and except as to those provisions of this title which by their nature can have no application. For the purposes of this chapter, the term "motorcycle" means motorcycles and motorized bicycles.

Reference: NDCC 39-10.2-01 (1985 Supp.)

12-11-02. Riding on Motorcycles.

1. A person operating a motorcycle shall ride only upon the permanent and regular seat attached thereto, and may not carry any other person, nor may 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. A person may not operate a motorcycle while carrying any package, bundle, or other article which prevents the operator from keeping both hands on the handlebars.

4. An operator may not carry any person, nor may any person ride in a position that will interfere with the operation or control of the motorcycle of the view of the operator.

Reference: NDCC 39-10.2-02 (1980)

12-11-03. Operating Motorcycles on Roadways Laned for Traffic.

1. All motorcycles are entitled to a full use of a lane and no motor vehicle shall be driven in such a manner as to deprive any motorcycle of the full use of a lane. This subsection does not apply to the operation of motorcycles two abreast in a single lane as authorized in subsection 4.

2. The operator of a motorcycle may not overtake and pass in the same lane occupied by the vehicle being overtaken.

3. A person may not operate a motorcycle between lanes of traffic or between adjacent lines or rows of vehicles.

4. Motorcycles may not be operated more than two abreast in a single lane.

5. Subsections 2 and 3 do not apply to police officers in the performance of their official duties.

Reference: NDCC 39-10.2-03 (1980)

12-11-04. Clinging to Other Vehicles. A person riding upon a motorcycle may not attach himself or herself or the motorcycle to any other vehicle on a roadway.

Reference: NDCC 39-10.2-04 (1980)

12-11-05. Footrests. Any motorcycle carrying a passenger, other than in a sidecar or enclosed cab, must be equipped with footrests for such passengers.
Reference: NDCC 39-10.2-06 (1980)

12-11-06. Equipment for Motorcycle Riders.

1. A person under the age of eighteen years may not operate or ride upon a motorcycle unless protective headgear, which complies with standards established by the motor vehicle department, is 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 does not apply to persons riding within an enclosed cab or on a golf cart.

3. A person may not operate a motorcycle if a person under the age of eighteen is a passenger upon that motorcycle and is not wearing protective headgear as required by state law.
Reference: NDCC 39-10.2-06 (1985 Supp.)

12-11-07. Other Applicable Law. All of the provisions of this title pertaining to the disposition of traffic offenses apply to this article.
Reference: NDCC 39-10.2-07 (1980)

CHAPTER 12-12. REGULATIONS FOR BICYCLES

12-12-01. Effect of Regulations.

1. It is a violation of this ordinance for any person to do any act forbidden or fail to perform any act required in this article.

2. The parent of any child and the guardian of any ward may 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 apply whenever a bicycle is operated upon any highway or street or upon any path set aside for the exclusive use of bicycles subject to those exceptions stated in this chapter.
Reference: NDCC 39-10.1-01

12-12-02. Traffic Ordinances Apply to Persons Riding Bicycles. Every person riding a bicycle upon a roadway is granted all of the rights and is subject to all of the duties applicable to the driver of a vehicle, except as to special

regulations in this chapter and except as to those provisions of this title which by their nature can have no application.
Reference: NDCC 39-10.1-02 (1980)

12-12-03. Riding on Sidewalks.

1. A person may not ride a bicycle upon a sidewalk within a business district, except where the sidewalk is a designated bicycle route. A person may not ride a bicycle, skateboard or roller blade on any public or private property signed to prohibit those activities.

2. Whenever any person is riding a bicycle, skate boarding or roller blading upon a sidewalk, such person shall yield the right-of-way to any pedestrian.
Reference: City Ords. 1973 Sec. 35-308
(Ord. 4761, 05-28-96)

12-12-04. Riding on Roadways and Bicycle Lanes.

1. Every person operating a bicycle upon a roadway shall ride as near to the right side of the roadway as practicable, except when turning left, exercising due care when passing a standing vehicle or one proceeding in the same direction.

2. Persons riding bicycles upon a roadway must ride single file on lanes or parts of roadways set aside for the exclusive use of bicycles except while passing another cyclist.
Reference: NDCC 39-10.1-05 (1980)
(Ord. 5873, 04-10-12)

12-12-05. Clinging to Vehicles. A person riding upon any bicycle, coaster, rollerskate, skateboard, rollerblades, sled or toy vehicle may not attach the same or himself to any vehicle upon a roadway, except a sled being pulled by a snowmobile.
Reference: NDCC 39-10.1-04 (1980); (Ord. 4874, 10-14-97)

12-12-06. Carrying Articles. A person operating a bicycle may not carry any package, bundle, or article which prevents the driver from keeping at least one hand upon the handlebars.
Reference: NDCC 39-10.1-06 (1980)

12-12-07. Lamps and Other Equipment on Bicycles. Every bicycle when in use at nighttime must be equipped with a lamp on the front which shall emit a white light visible from a distance of at least five hundred feet to the front and with a red reflector on the rear of a type approved by the motor vehicle department. A lamp emitting a red light visible from a distance of five hundred feet to the rear may be used in addition to the red reflector.
Reference: NDCC 39-10.1-07 (1980)

12-12-08. Riding on Bicycles.

1. A person propelling a bicycle may not ride other than upon or astride a permanent and regular seat attached thereto.

2. A bicycle may not be used to carry more persons at one time than the number for which it is designed and equipped.

Reference: NDCC 39-10.1-03 (1980)

12-12-09. Motor Vehicle Driving in Bike Lane Prohibited. A person may not drive a motor vehicle in a bicycle lane established on a roadway except to park where parking is permitted, to enter or leave the roadway, or to prepare for a turn within a distance of 100 feet from an intersection except to avoid an obstacle, debris, potholes, or other unsafe conditions on the roadway.

(Ord. 4954, 11-10-98; Ord. 5873, 04-10-12)

12-12-10. Motor Vehicle Turns in Bicycle Lane. Whenever it is necessary for a driver of a motor vehicle to cross a bicycle lane that is adjacent to his/her lane of travel to make a turn, the driver shall drive the motor vehicle into the bicycle lane prior to making the turn and shall make the turn as close as practicable to the right-hand curb or edge of the roadway.

(Ord. 5873, 04-10-12)

12-12-11. Use of Bicycle Lanes. Any portion of a roadway designated for use by bicycles which is distinguished from that portion of the roadway to be used by motor vehicles by a paint strip, pavement markings, or official signs must be used by bicycle operators when traveling on the roadway except as necessary to leave such portion of the roadway to take the same lane to make a left turn or navigate around obstacles located in the area designated for use by bicycles.

(Ord. 5873, 04-10-12)

12-12-12. Bicycle Direction of Travel. No person shall operate a bicycle on a roadway against the flow of traffic.

(Ord. 5873, 04-10-12)

12-12-13. Bicycle Traffic Flow. The operator of a bicycle traveling on a roadway at a rate of speed which delays a motor vehicle or motor vehicles following in the same lane shall be required, when it is unlawful or unsafe for the following motor vehicle to pass, to move as far to the right of the traveled roadway, or to the left where the bicycle is in the left lane of a one-way roadway, as is safe under the conditions then existing; provided, however, that when the bicyclist is within fifty feet (50') of an intersection, operator shall not be required to move to the right or left until operator has moved through the intersection.

(Ord. 5873, 04-10-12)

CHAPTER 12-13. STOPPING, STANDING AND PARKING REGULATIONS

12-13-01. Outside of Business or Residence Districts.

1. Upon any highway outside of a business or residence district a person may not 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 not less than twelve feet opposite a standing vehicle must be left for the free passage of other vehicles and a clear view of such stopped vehicles shall be available from a distance of two hundred feet in each direction upon such highway.

2. Sections 12-13-01 and 12-13-02 do 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.

Reference: NDCC 39-10-47

12-13-02. Prohibited in Specified Places. A person may not stop, stand, or park a vehicle, except when necessary to avoid conflict with other traffic in compliance with law or the directions of a police officer or traffic-control device, in any of the following places:

1. On a sidewalk;

2. In front of a public or private driveway;

3. Within an intersection;

4. Within ten feet of a fire hydrant or a point on the curb from a line drawn perpendicular to the fire hydrant;

5. On a crosswalk;

6. Within ten feet of a crosswalk at an intersection;

7. Within fifteen feet upon the approach to any flashing beacon, stop sign, or traffic-control signal located at the side of the roadway;

8. Between a safety zone and the adjacent curb or within fifteen feet of points on the curb immediately opposite the ends of a safety zone, unless a different length is indicated by signs or markings;

9. Within fifteen feet of the nearest rail of a railroad crossing;

10. Within twenty feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within seventy-five feet of said entrance when properly signposted;

11. Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic;

12. Except as provided in Section 12-13-17, on the roadway side of any vehicle stopped or parked at the edge or curb of a street;

13. Upon any bridge or other elevated structure upon a highway or within a highway tunnel;

14. At any place where official signs prohibit stopping; or

15. On the public right-of-way except the street and that portion between the street and the roadside edge of the sidewalk improved for the driveway use of the adjacent property owner so long as the vehicle so parked does not extend over the back of the curb or the roadside edge of the sidewalk.

16. On the public right-of-way on the west side of Seventh Street from Avenue C to 200 feet north of Avenue D and on either side of Avenue D from Sixth Street to Seventh Street between the hours of 7:00 a.m. and 4:00 p.m., Monday through Friday, unless a permit from the Bismarck Police Department is displayed in the left portion of the rear window of a motor vehicle. Permits may only be issued to persons whose residential dwelling is contiguous to one of the above-described streets.

17. Any object or thing in excess of seven (7) feet in height within fifty (50) feet of an intersection. For the purpose of this section, an intersection is that point at which lines drawn through the adjacent curb and the curb of the perpendicular roadway intersect. The height of the object or thing shall be measured from the surface of the roadway and shall not include antennas, luggage racks, pipe racks, or other items which do not create sight obstructions. This section shall not apply to any emergency vehicle while responding to an emergency call.

18. Within fifteen feet of an intersection.

Reference: NDCC 39-10-49 (1980)

(Ord. 4227, 9-13-88; Ord. 4643, 11-08-94; Ord. 4751, 04-09-96; Ord. 4853, 06-24-97; Ord. 5625, 08-28-07; Ord. 5706, 02-24-09)

12-13-03. Additional Parking Regulations.

1. Except as otherwise provided in this section, every vehicle stopped or parked upon a two-way roadway must be so stopped or parked with the right-hand wheels of such vehicle parallel to and within twelve inches of the right-hand curb or as close as practicable to the right edge of the right-hand shoulder.

2. Except where otherwise provided by ordinance, every vehicle stopped or parked upon a one-way roadway must be so stopped or parked parallel to the curb or edge of the roadway, in the direction of authorized traffic movement, with its right-hand wheels within twelve inches of the right-hand curb or as close as practicable to the right edge of the right-hand shoulder, or with its left-hand wheels within twelve inches of the left-hand curb or as close as practicable to the left edge of the left-hand shoulder.

3. The city traffic engineer shall determine upon what streets angle parking shall be permitted and shall mark or sign such streets but such angle parking shall not be indicated upon any federal-aid or state highway within this city without the written authorization of the State Highway Commissioner.

On those streets which have been so marked or signed for angle parking, a person may not park or stand a vehicle other than at the angle to the curb or edge of the roadway indicated by such signs or markings.

4. A person may not stop, stand or park any vehicle in violation of the restrictions indicated by devices prohibiting or restricting the stopping, standing or parking of vehicles on any highway.

Reference: NDCC 39-10-50 (1985 Supp.)

12-13-04. Parking for Certain Purposes Prohibited. A person may not park a vehicle upon any street or highway for the purpose of greasing, oiling, servicing, repairing or commercially washing the vehicle, except repairing such vehicle necessitated by an emergency.

12-13-05. Congested or Hazardous Places. The city traffic engineer or other authorized official 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, a person may not stop, stand or park a vehicle in any such designated place.

Reference: NDCC 39-10-49, 39-10-50

12-13-06. In Alleys. A person may not park a vehicle within an alley, so as to leave available less than ten feet of the width of an alley for free movement of vehicular traffic, nor shall a person stop in such a position as to block the driveway entrance to any abutting property. This section applies in areas outside the central business district.
(Ord. 4807, 11-12-96)

12-13-07. Adjacent to Schools.

1. The city traffic engineer or authorized person may erect signs indicating no parking upon either or both sides of any street adjacent to any school property when such parking would 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, a person may not park a vehicle in any such designated place.
Reference: NDCC 39-10-49, 39-10-50

12-13-08. Prohibited on Narrow Streets.

1. The city traffic engineer or authorized person may erect signs indicating no parking upon any street if the width of the roadway does not exceed 20 feet, or upon one side of a street as indicated by such signs if the width of the roadway does not exceed 30 feet.

2. When official signs prohibiting parking are erected upon narrow streets as authorized, a person may not park a vehicle upon any such street in violation of any such sign.
Reference: NDCC 39-10-49, 39-10-50

12-13-09. One-Way Streets. The city traffic engineer or authorized person may erect signs upon the left-hand side of any one-way street to prohibit the standing or parking of vehicles, and when such signs are in place, a person may not stand or park a vehicle upon such left-hand side in violation of any such sign.
Reference: NDCC 39-10-49, 39-10-50

12-13-10. One-Way Roadways. In the event a highway includes two or more separate roadways and traffic is restricted to one direction upon any such roadway, a person may not stand or park a vehicle upon the left-hand side of such one-way roadway unless signs are erected to permit such standing or parking. The city traffic engineer is authorized to determine when standing or parking may be permitted upon the left-hand side of any such one-way roadway and to erect signs giving notice thereof.
Reference: NDCC 39-10-49, 39-10-50

12-13-11. Authority to Designate Loading Zones. The city traffic engineer is authorized to determine the location of loading zones and passenger loading zones and shall place and maintain appropriate signs indicating the same and stating the hours during which the provisions of this chapter are applicable.

12-13-12. Standing in Passenger Loading Zone. A person may not stop, stand, or park a vehicle for any purpose or period of time other than for the expeditious loading or unloading of passengers in any place marked as a passenger loading zone during hours when the regulations applicable to such loading zone are effective, and then only for a period not to exceed fifteen minutes.
(Ord. 5187, 6-11-02)

12-13-13. Standing in Loading Zone.

1. A person may not stop, stand or park a vehicle for any purpose or length of time other than for the expeditious unloading or delivery or pick-up and loading of property in any place marked as a loading zone during hours when the provisions applicable to such zones are in effect. The stop for loading and unloading property may not exceed 30 minutes.

2. The driver of a vehicle may stop temporarily at a loading zone for the purpose of and while actually engaged in loading or unloading passengers when such stopping does not interfere with any vehicle which is waiting to enter or about to enter such zone to load or unload property.

12-13-14. Designated Public Carrier Stops and Stands. The city traffic engineer is hereby authorized to establish bus stops, bus stands, taxicab stands and stands for other passenger common-carrier motor vehicles on public streets in such places and in such number as determined to be of greatest benefit and convenience to the public, and every such bus stop, bus stand, taxicab stand or other stand shall be designated by appropriate stands.

12-13-15. Stopping, Standing and Parking of Buses and Taxicabs Regulated.

1. The operator of a bus may not stand or park such vehicle upon any street or at any place other than a bus stand so designated.

2. The operator of a bus may not stop such vehicle upon any street or at any place for the purpose of loading or unloading passengers or their baggage other than at a bus stop, bus stand or passenger loading zone so designated, except in case of an emergency.

3. The operator of a bus shall enter a bus stop, bus stand or passenger loading zone on a public street in such a manner that the bus when stopped to load or unload passengers or baggage shall be in a position with the right front wheel of the vehicle not farther than 18 inches from the curb and the bus approximately parallel to the curb so as not to unduly impede the movement of other vehicular traffic.

4. The operator of a taxicab may not stand or park a taxicab upon any street at any place other than in a taxicab stand so designated. This provision shall not prevent the operator of a taxicab from temporarily stopping in accordance with other stopping or parking regulations at any place for the purpose of and while actually engaged in the expeditious loading or unloading of passengers.

12-13-16. Restricted Use of Bus and Taxicab Stands. A person may not stop, stand or park a vehicle other than a bus in a bus stop or other than a taxicab in a taxicab stand when any such stop or stand has been officially designated and appropriately signed, except that the driver of a passenger vehicle may temporarily stop for the purpose of and while actually engaged in loading or unloading passengers when such stopping does not interfere with any bus or taxicab to enter or about to enter such zone.

12-13-17. Loading and Unloading of Freight and Merchandise.

1. A vehicle may be allowed to double park or park in the roadway straddling the center of the roadway in the central business district except on arterial roadways for the purpose of loading or unloading freight from a delivery vehicle when there is no alley reasonably available for such purpose and no other curb side parking space available and the freight to be unloaded is of a heavy or bulk nature.

2. In the central business district, merchandise or freight pickups or deliveries may not be made from delivery vehicles double parked or parked in the roadway straddling the center line between the hours of 7:30 a.m. and 8:30 a.m., 11:30 a.m. to 1:30 p.m., and 4:30 p.m. and 6:00 p.m. on any day except Sundays and legal holidays.

3. In the central business district merchandise or freight pickups or deliveries may not be made from the traffic lane in areas where curb side parking is not available between the hours of 11:30 a.m. to 1:30 p.m. and 4:30 p.m. and 6:00 p.m. on any day except Sundays and legal holidays.

4. In the central business district merchandise or freight pickups or deliveries may not be made from delivery

vehicles on roadways with diagonal parking except where loading zones are provided for such use.

5. A person may not stand or park any vehicle in any alley in the central business district, except while loading or unloading freight or merchandise. If any vehicle is left parked or standing in an alley during loading or unloading operations it must be located so that it does not block the alley and must be located as close to the edge of the alley as possible.

6. It is unlawful for any vehicle to block any sidewalk during the loading or unloading of freight or merchandise so as to preclude safe pedestrian passage along the sidewalk. It is unlawful for any person to double park a vehicle or park a vehicle straddling the centerline during the loading or unloading of freight or merchandise within 15 feet of an intersection or within 50 feet of an intersection for a vehicle more than 7 feet tall.

7. For the purposes of this section, the "central business district" is that area bounded by Second Street on the west, Seventh Street on the east, Rosser Avenue on the north, and the Burlington Northern tracks on the south.

(Ord. 4806, 11-12-96; 5625, 08-28-07; Ord. 5738, 08-25-09)

12-13-17.1. Loading and Unloading of Freight and Merchandise in Industrially-Zoned Districts.

1. No vehicle will be allowed to double park, or park in the roadway straddling the center of the roadway in an industrially-zoned district for the purpose of loading or unloading freight from a delivery vehicle that will interfere with the use of the public right-of-way.

2. Loading and Unloading may be conducted from the backside of the curb if the vehicle is parked parallel to the curb. Self-propelled fixed load vehicles including but not limited to off road cranes, pay-loaders, telescopic fork lifts or fork lifts will not be permitted to operate on public streets or alleyways for the purpose of loading or unloading freight.

3. Self-propelled fixed load vehicles including but not limited to off road cranes, pay-loaders, telescopic fork lifts, or fork lifts may not be used to transport materials on a public roadway when the materials are in excess of the transport vehicle’s width.

4. For the purposes of this section, Self-propelled fixed load vehicles including but not limited to off road cranes, pay-loaders, telescopic fork lifts and fork lifts may be on a public roadway or alley with tire loads in excess of 550 lbs/inch squared.

5. A vehicle or trailer may not be parked on a public roadway in such a manner that obstructs or hinders normal movement of traffic. When a vehicle is so parked the police may require the removal of the vehicle.

6. Damage to the roadway surface as a result of the loading or unloading of freight will be special assessed to the responsible party or to the party receiving the freight.

7. Parking of any truck or other motor vehicle licensed for a gross weight in excess of ten thousand pounds, except for a recreational vehicle as listed in Section 12-13-19, is allowed only from 7:00 AM until 11:00 PM.

8. It is unlawful for any person to park or leave standing on any public street of the city any semi-trailer unless attached to a tractor, transport dolly, or tractor chassis except under the following conditions:

a. The trailer must have at least two support/jack stands and a 12″x12″ pad under each support/jack stand. No round wheel type supports/stands are allowed.

b. The weight per support/jack stand may not exceed 6000 pounds or 12,000 pounds total for all support/jack stands.

c. The entire street where the trailer is parked must be zoned industrial.

d. Parking of a trailer under this subsection is allowed only from 7:00 AM until 11:00 PM.

9. Off-loaded freight or items or material being staged for loading may not be placed or stored on the public right-of-way.

(Ord. 5916, 09-25-12)

12-13-18. <u>Authority of City Traffic Engineer - Time Zones - Violation</u>.

1. The city traffic engineer is authorized, on the basis of an engineering and traffic investigation, to prohibit, regulate or limit stopping, standing or parking of vehicles at all times or during specified hours or for longer than a specified period of time not to exceed twenty-four hours.

2. The city traffic engineer may enforce a prohibition, regulation or limitation relating to stopping, standing or parking imposed under this chapter by placement of traffic control devices and signs.

3. It is unlawful for any person to park or leave standing any motor vehicle in violation of any restrictions designated and posted pursuant to this section.

(Ord. 5409, 05-10-05)

12-13-19. Parking Consecutively Over Forty-Eight Hours. It is unlawful for anyone to park or leave standing on any public street or highway in the city any vehicle, boat, snowmobile, bumper pull travel trailer, fifth wheel trailer, pull type camper, pickup camper, motor home, house car, bus, mini motor home, or trailer for a period longer than forty-eight hours consecutively. Any person violating this section is subject to a fine of Fifteen Dollars ($15.00) per each day of violation. A vehicle, boat, snowmobile, bumper pull travel trailer, fifth wheel trailer, pull type camper, pickup camper, motor home, house car, bus, mini motor home, or trailer left parked or standing on any public street or highway for a consecutive period longer than forty-eight hours shall be considered abandoned for purposes of Section 12-13-23(k).

(Ord. 4243, 2-14-89; Ord. 4639, 10-25-94; Ord. 5140, 11-13-01; Ord. 5409)

12-13-19.1. Parking of Campers and Trailers Limited. It is unlawful for any person to park or leave standing any boat, bumper pull travel trailer, fifth wheel trailer, pull type camper, motor home, house car, bus, mini motor home, or trailer on the public right-of-way in any residentially zoned area from December 1 to March 31. Any person violating this section is subject to a fine of fifteen dollars ($15) per each day of violation. A boat, bumper pull travel trailer, fifth wheel trailer, pull type camper, motor home, house car, bus, mini motor home, or trailer parked or left standing in violation of this section for a consecutive period longer than forty-eight hours shall be considered abandoned for purposes of Section 12-13-23(k).

(Ord. 5029, 03-14-00; Ord. 5090, 01-09-01)

12-13-20. Parking of Trucks and Unattached Trailers Restricted.

1. It is unlawful for any person to park or leave standing on any public street in a residential district in the city any truck or other motor vehicle licensed for a gross weight in excess of ten thousand pounds except for a recreational vehicle as listed in City Ordinance Section 12-13-19. The foregoing motor vehicles may park on a public street in a residential district for the purpose of delivery and if being actively loaded or unloaded between 7:00 a.m. and 11:00 p.m. The City may waive the requirements of this section for motor vehicles used in

construction, street repair or other appropriate temporary circumstances.

2. It is unlawful for any person to park or leave standing on any public street of the city any semi or full trailer unless attached to a tractor or tractor chassis except under the following conditions:

a. The trailer must have at least two support/jack stands and a 12″x12″ pad under each support/jack stand. No round wheel type supports/stands are allowed.

b. The weight per support/jack stand may not exceed 6000 pounds or 12,000 pounds total for all support/jack stands.

c. The entire street where the trailer is parked must be zoned MA or MB.

d. Parking of a trailer under this subsection is allowed only from 7:00 PM until 7:00 AM.

(Ord. 4625, 08-02-94; Ord. 5189, 06-25-02)

12-13-21. Parking Citations - Presumption.

1. Whenever any vehicle is found parked or stopped in violation of any provision of this chapter, an authorized police department employee or other person authorized by the police department shall obtain its license number and other information which may identify its owner or user and shall conspicuously affix to the vehicle a traffic citation of the form provided by the municipal judge, which shall require the driver to answer to the charge or pay the required fee within thirty days in the manner established by the municipal judge and specified in the citation.

2. In any prosecution charging a violation of this chapter concerning the standing or parking of a vehicle, proof that the particular vehicle described in the complaint was standing or parked in violation of any provision of this chapter, together with the proof that the defendant named in the complaint or citation was at the time of the violation the registered owner of the vehicle shall constitute prima facie proof that the defendant was the person who lawfully left or parked the vehicle at the place where the violation occurred.

3. Unless signed to prevent re-parking in the same block pursuant to paragraph 4 of this section, in any prosecution charging a violation of this chapter concerning the standing or parking of a vehicle, proof that the vehicle involved has not been moved a distance of 1200 feet during the period of time established and posted in

accordance with this chapter or forty-eight consecutive hours, as the case may be, shall constitute prima facie proof that the vehicle has remained stationary for that period of time.

4. In any prosecution charging a violation of this chapter concerning the standing or parking of a vehicle, and the block is signed to prohibit re-parking in the same block, proof that the posted time-limit restriction has elapsed and the vehicle remains parked or has been moved and is again parked in the same block on either side of the street shall constitute prima facie proof that the vehicle has remained stationary for that period of time.

5. The City Commission shall establish a fee schedule for violations of this chapter not otherwise set by ordinance. The fee schedule may be amended by the Commission at any time and shall be on file at city Administration and at Municipal Court.

(Ord. 4350, 12-18-90; Ord. 4677, 04-25-95; Ord. 5758, 12-22-09; Ord. 5857, 01-24-12)

12-13-22. Interference with Parking Control Markings. Any person, other than a police officer or authorized police department employee, who willfully alters, removes or in any way interferes with chalk or other marks placed on any motor vehicle by a police officer or authorized police department employee or who willfully alters, removes or destroys evidence or notice of a violation is guilty of an offense.

12-13-23. Officers Authorized to Remove Illegally Stopped or Parked Vehicles.

1. Officers of the police department may immediately remove a vehicle or direct the removal of a vehicle from a street or highway to a position off the paved or main-traveled part of a highway or street when a vehicle is standing upon a highway or street in violation of the provisions of Section 12-13-01.

2. Officers of the police department may immediately remove or direct the removal of a vehicle to a garage or other place of safety:

a. When a vehicle is left unattended upon any street, highway, bridge, or causeway, or in any tunnel where such vehicle constitutes an obstruction to traffic.

b. When a report has been made that such vehicle has been stolen or taken without the consent of its owner;

c. When the person or persons in charge of such vehicle are unable to provide for its custody or removal;

d. 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.

e. When a vehicle is parked so as to block any driveway or alley.

f. When vehicle is parked on a posted "snow emergency" route during a snow emergency.

g. When a vehicle is parked on any street designated and posted as a "tow-away" zone.

h. When a vehicle is so parked as to constitute a definite hazard or obstruction to the normal movement of traffic or to efficient snow removal operations.

i. When a vehicle blocks or restricts access to any fire hydrant.

j. When any wrecked, partially dismantled or junked vehicle is left or abandoned on a street, highway, or municipal parking lot.

k. When a vehicle is abandoned on any street, highway, municipal or other public parking lot.

l. When a vehicle is parked in an area which does not have time zone restricted parking and the area is posted as no parking for construction, maintenance or snow removal or street closure ordered by the Board of City Commissioners and the signs have been in place for 24 hours or more; or in an area where a time zone restricts parking and the signs prohibiting parking for construction, maintenance or snow removal or street closure ordered by the Board of City Commissioners have been in place for 12 hours or more.

m. When a vehicle accumulates more than three (3) parking tickets that are unpaid after 30 days and reasonable efforts to contact the registered owner have been unsuccessful.

n. When a vehicle is left on a street without at least one license plate attached and the registration has been expired for more than two months.

o. A trailer, either attached or unattached to a tow vehicle, parked in the area zoned as the

Downtown Core (DC) that is in violation of time zone restrictions.

The City Traffic Engineer may waive the requirements of this paragraph by issuing written permission for trailers used for construction, street repair, or in other appropriate temporary circumstances.

3. Whenever an officer removes a vehicle from a street as authorized in this section, the registered owner of the vehicle, if the owner can be identified and located through reasonable means, must be served as soon as practicable, personally or by leaving at his residence with a member of the household, 14 years of age or older, or by mailing, by certified mail, to his mailing address as shown by the records of the State Motor Vehicle Department, written notice that a vehicle registered to him has been impounded, together with the description of the vehicle, the reason for the impoundment and place found, and the place to which the vehicle has been removed. Such notice shall also state that, upon written demand made and filed in the municipal court within 48 hours, exclusive of weekends and holidays, of receipt of the notice, the owner of the impounded vehicle shall be entitled to a hearing before the municipal judge. Upon the filing of a demand, a hearing shall be scheduled within ten days, exclusive of weekends and holidays, from filing of the demand. The municipal judge may order that all costs and fees be refunded, upon finding that the vehicle was not lawfully impounded.

4. Any vehicle removed pursuant to the provisions of this section must be held until the cost and expense of such removal and storage are paid, unless the municipal judge finds, following a hearing, that the vehicle was not lawfully impounded.

(Ord. 4220, 8-16-88; Ord. 4642, 10-25-94; Ord. 4848, 06-24-97; Ord. 5074, 09-26-00; Ord. 5429, 06-14-05; Ord. 5720, 05-12-09)

12-13-24. Restricted Parking in Designated Residential Zones - Exemption.

1. The board may, by ordinance, adopt parking restrictions, including a prohibited or restriction on parking of vehicles at times or during specified hours or for longer than a specified period of time, in those residential areas adjacent to a school, office, commercial, or industrial zone or other residential areas especially crowded with parked cars from outside the neighborhood. All areas so designated must be signed with official traffic-control signs in accordance with this title.

2. Restrictions may be adopted in those areas where it is determined, based on traffic surveys and

investigation, that a substantial number of vehicles from outside the neighborhood are parked on public streets within the neighborhood at certain times. This condition is met when it is determined that the number of parking spaces available on public streets in a designated area which are actually occupied by any vehicles regularly exceeds 75 percent of all available spaces during weekdays, and the number of vehicles from outside the neighborhood parked on public streets in the area regularly exceeds 25 percent of all vehicles parked on those streets during weekdays.

3. The board may exempt residents of the designated area from the special restrictions adopted pursuant to this section.

(Ord. 4132, 3-10-87)

12-13-25. Designation of Restricted Parking Area Adjacent to Bismarck High School. Pursuant to section 12-13-25, special parking restrictions are adopted for the area designated as follows:

1. The area subject to these special restrictions includes Avenue D between Sixth Street and Seventh Street and the west side of Seventh Street between Avenue C and Avenue D.

2. In the area designated and signed, it is unlawful to park any vehicle, other than vehicles exempt pursuant to subsection 3 of this section, for a period in excess of two hours, between 8 a.m. and 5 p.m., Monday through Friday.

3. Any vehicle owned or leased by a resident of the designated area is exempt from the provisions of this section, provided a sticker approved by the police department and issued on an annual basis which so designates the vehicle is displayed in the rear window of the vehicle.

(Ord. 4132, 3-10-87)

12-13-26. Parking Privileges for Mobility Impaired - Certificate - Revocation.

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 of N.D.C.C. 39-01-15, is entitle 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 handicapped persons shall not apply on

streets or highways where and during such times as parking is prohibited.

2. A mobility impaired person as used in this section includes any person who has lost the use of one or both legs requires personal assistance or the use of crutches, a wheelchair or a walker to walk two hundred feet (60.96 meters) without rest; is restricted by cardiac, pulmonary or vascular disease from walking two hundred feet (60.96 meters) without rest; has a forced expiratory volume of less than one liter for one second or an arterial oxygen tension of less than sixty millimeters of mercury 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 feet (60.96 meters) without assistance or rest.

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

4. If a law enforcement officer finds that the certificate is being improperly used, the officer may report to the registrar of motor vehicles any such violation and the registrar may, in the registrar's discretion, remove the privilege. Any person who is not mobility impaired and who exercises the privileges granted a mobility impaired person under subsection 1 is guilty of an infraction for which a fine of one hundred dollars must be imposed.

5. When 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 the 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 or parking lot adjacent to the space. In addition to blue paint, each space reserved must also be indicated by an official sign approved by the commissioner bearing the internationally accepted symbol of access for the mobility impaired. The sign must indicate that unauthorized use of the space is a non-moving violation for which a fine of one hundred dollars must be imposed. For particular events, a public or a private entity 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 may enforce this section in any parking lot or parking facility whether publicly or privately owned.

6. A person may not stop, stand, or park any vehicle in any designated parking space that is reserved for the mobility impaired unless the vehicle displays a mobility impaired identification certificate issued by the registrar of motor vehicles to a mobility impaired person. A mobility impaired person may not permit the use of a certificate issued under this section by a person who is not mobility impaired when that use is not in connection with the transport of the mobility impaired person. The registered owner of a vehicle may not allow that vehicle to be used in a manner that violates this subsection. Proof of intent is not required to prove a registered owner's violation of this subsection, the registered owner, however, may be excused from 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 person may not stop, stand or park any vehicle in any area of a designated parking space that is shaded blue to designate a loading or unloading area in such a manner as to preclude usage of the area by other mobility impaired identified vehicles. A violation of this subsection is a non-moving violation for which a fee of one hundred dollars must be imposed.

7. 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.

8. An entity that violates the requirements of subsection 5 is guilty of an infraction if the entity does not comply with subsection 5 within sixty days after receiving official notification of the violation.

Reference: NDCC 39-01-15 (1985 Supp.)

(Ord. 4270, 6-27-89; Ord. 4378, 07-02-91; Ord. 4740, 12-12-95; Ord. 4810, 12-17-96; Ord. 5125, 06-26-01; Ord. 5134, 09-11-01)

12-13-27. Library Parking Lot Restricted. The use of the parking lot at the Bismarck Veterans Memorial Public Library is restricted to Library patrons only. The city traffic engineer or authorized person shall erect signs prohibiting the use of the Library parking lot by non-patrons.
(Ord. 5844, 08-23-11)

CHAPTER 12-14. EQUIPMENT OF VEHICLES

12-14-01. Equipment of Vehicles Other than Motorcycles. The provisions of NDCC Chapter 39-21 and all subsequent amendments are hereby incorporated by reference in this ordinance. Any violation of those requirements relating to equipment of motor vehicles shall constitute a violation of this ordinance and is prohibited.
Reference: Chapter 39-21, NDCC (1985 Supp.)

12-14-02. Motorcycle Equipment. The provisions of NDCC Chapter 39-27 and all subsequent amendments are hereby incorporated by reference in this ordinance. Any violation of those requirements concerning equipment of motorcycles shall constitute a violation of this ordinance and is prohibited.
Reference: Chapter 39-21, NDCC (1985 Supp.)

12-14-03. Penalty Procedure. The fee for a violation under this chapter as set out in Section 17-17-07(b). Persons in violation of Sections 12-14-01 or 12-14-02 shall be charged in municipal court with a violation of the applicable section, with reference to the section number or title of the pertinent state statute made in the citation or complaint.
(Ord. 4954, 11-10-98)

CHAPTER 12-15. REGULATING THE KINDS OF CLASSES OF TRAFFIC ON CERTAIN ROADWAYS: SIZE AND RESTRICTIONS

12-15-01. Size, Width and Height Restrictions. The size, width and height restrictions specified in Chapter 39-12 of the NDCC, including all subsequent amendments, are hereby adopted and made a part of this ordinance by reference thereto, and a violation of those restrictions is a violation of this ordinance.
Reference: Chapter 39-12, NDCC (1985 Supp.)

12-15-02. Limiting Use of Commercial Vehicles on Certain Roadways. The city traffic engineer or other authorized official shall designate and post those streets upon which commercial vehicles in excess of 10,000 pounds actual or registered gross weight may not operate.
Reference: NDCC 39-12-03

12-15-03. Exception for Commercial Vehicles. A commercial vehicle may be operated on any street, notwithstanding the provisions of section 12-15-02, for the purpose of delivery or picking up materials or merchandise and then only by traveling the shortest route to and from the vehicle's destination on a street where such vehicle would ordinarily be permitted. Such

vehicles are not excepted from other weights or size restrictions imposed under section 12-15-04 or Chapter 39-12, N.D.C.C.

12-15-04. Load Restrictions Upon Vehicles Using Certain Roadways. When signs are erected giving notice thereof, a person may not 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, except as permitted by sections 12-15-02 or 12-15-03. The city traffic engineer or other authorized official may designate those areas where weight limitations apply.

Reference: NDCC 39-12-01 (1985 Supp.)

12-15-05. Special Permits for Vehicles of Excessive Size and Weight.

1. The city traffic engineer, upon application and payment of the appropriate charges and for good cause shown, may issue a special written permit authorizing the applicant to operate a vehicle of a size or weight exceeding the maximum specified in this chapter or Chapter 39-12 of the NDCC upon the streets of this city. Every such permit shall designate the route to be traversed and may contain other restrictions or conditions deemed necessary by the traffic engineer. Every such permit must be carried in the vehicle to which it refers and shall be open to inspection by any police officer. A person may not violate any of the terms or conditions of such special permit. All permits for the movement of excessive size or weight vehicles on city streets are for single trips only except as allowed under section 12-15-05.1.

2. The charge for each permit is the minimum charge assessed by the North Dakota State Highway Commissioner for a permit for movement of a vehicle of the same size and weight. This charge will be in addition to normal charges for any special services provided or any other costs incurred or damages resulting from movement of said vehicle.

3. Permits issued by the state or other jurisdiction for movement of oversize or overweight vehicles as provided in NDCC Section 35-12-02 may be recognized and accepted as valid permits for movement of a vehicle over a route partially within the City of Bismarck, subject to the approval of and to any additional restrictions or conditions deemed necessary by the city traffic engineer.

Reference: NDCC 39-12-02 (1985 Supp.)
(Ord. 5932, 11-13-12)

12-15-05.1. Monthly Special Permits for Vehicles of Excessive Size and Weight. The City may issue permits as allowed under Section 12-15-05 that are valid for one month for certain vehicles.

1. At the discretion of the traffic engineer, a monthly permit may be issued under this section for oversized or overweight vehicles that travel in the City on a routine basis.

2. An applicant must fill out an application as required by Section 12-15-05 and any monthly special permit issued may contain restrictions or conditions as deemed necessary by the traffic engineer.

3. The fee for a monthly special permit for a vehicle of excessive size or weight is the daily special permit fee multiplied by a factor of 15.

4. A permit issued under this section is not transferrable and shall be valid only for the specific piece of equipment for which it is issued.

5. Every such permit must be carried in the vehicle to which it refers and shall be open to inspection by any police officer.

(Ord. 5932, 11-13-12)

12-15-06. Escorts for Vehicles of Excessive Size. Prior to moving any vehicle of excessive size within the city, the operator must contact the Traffic Engineer. Any load that exceeds the lane width of the proposed travel route and/or is 110 feet or more in length is of excessive size and shall require an escort, either police or private, as determined by the Traffic Engineer. If required, the operator shall contact the Bismarck Police Department to secure a police escort and pay the cost thereof. The operator must comply with all administrative rules adopted by the Bismarck Police Department to facilitate movement, and a violation of those rules is a violation of this ordinance.

(Ord. 4742, 12-12-95; Ord. 5792, 10-12-10)

CHAPTER 12-16. PEDESTRIANS' RIGHTS AND DUTIES

12-16-01. Pedestrian Obedience to Traffic-Control Devices and Traffic Regulations.

1. A pedestrian shall obey the instructions of any official traffic-control device especially applicable to pedestrians, unless otherwise directed by a police officer.

2. Pedestrians are subject to traffic and pedestrian-control signals as provided for in sections 12-04-03 and 12-04-04.

Reference: NDCC 39-10-27 (1980)

12-16-02. Pedestrians' Right-of-Way in Crosswalks.

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. A pedestrian may not 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 does not apply under the conditions stated in subsection 2 of Section 12-16-03;

4. Whenever any vehicle is stopped at a marked crosswalk or any unmarked crosswalk at an intersection to permit a pedestrian to cross the highway, the driver of any other vehicle approaching from the rear may not overtake and pass such stopped vehicle; and

5. The driver of a motor vehicle must stop before entering a marked school crossing when the crossing guard is displaying a stop sign within the crosswalk.

Reference: NDCC 39-10-28 (1980)
(Ord. 5006, 08-24-99; Ord. 5033, 03-28-00)

12-16-03. Crossing at Other Than Crosswalks.

1. Every pedestrian crossing a roadway at any point other than within a marked crosswalk or 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 may not cross at any place except in a marked crosswalk.

4. A pedestrian may not 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.

Reference: NDCC 39-10-29 (1980)

12-16-04. Drivers to Exercise Due Care. Notwithstanding other provision of this chapter every driver of a vehicle shall

exercise due care to avoid colliding with any pedestrian or any person propelling a human-powered vehicle upon any roadway and shall give an audible signal when necessary and shall exercise proper precaution upon observing any child or any obviously confused, or incapacitated or intoxicated person upon the roadway.

Reference: NDCC 39-10-30 (1980)

12-16-05. Pedestrians to Use Right Half of Crosswalks. Pedestrians shall move, whenever practicable, upon the right half of crosswalks.

Reference: NDCC 39-10-32 (1980)

12-16-06. Pedestrians on Roadways.

1. Where a sidewalk is provided and its use is practicable, it is 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.

Reference: NDCC 39-10-33 (1980)

12-16-07. Pedestrians Yield to Authorized Emergency Vehicles.

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 does not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all pedestrians using the highway nor from the duty to exercise due care to avoid colliding with any pedestrian.

Reference: NDCC 39-10-33.2 (1980)

12-16-08. Blind Pedestrian Right-of-Way. 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. The penalty for a violation of this section is a fee of $50 dollars.
Reference: NDCC 39-10-33.3 (1980)
(Ord. 5659, 05-13-08)

12-16-09. Pedestrians Under Influence of Alcohol or Drugs. A pedestrian who is under the influence of alcohol or any drug to a degree which renders himself a hazard may not walk or be upon a roadway.
Reference: NDCC 39-10-33.4 (1980)

12-16-10. Bridge and Railroad Signals. A pedestrian may not 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.
Reference: NDCC 39-10-33.5 (1980)

12-16-11. Pedestrians Soliciting Rides or Business.

1. A person may not stand in a roadway for the purpose of soliciting a ride.

2. A person may not stand in a roadway for the purpose of soliciting employment, business or contributions from the occupant of any vehicle.

3. A person may not stand on or in proximity to a street or highway for the purpose of soliciting the watching or guarding of any vehicle while parked or about to be parked on a street or highway.

Reference: NDCC 39-10-34 (1980)

12-16-12. Use of Coasters, Roller Skates and Similar Devices Restricted. A person upon roller skates, rollerblades, skateboard or riding in or by means of any coaster, toy vehicle, or similar device, may not go upon any roadway except while crossing a street on a crosswalk and when so crossing such person must be granted all of the rights and shall be subject to all of the duties applicable to pedestrians. The penalty for a violation of this section is a fee of thirty dollars.
(Ord. 4873, 10-14-97; Ord. 5659, 05-13-08)

12-16-13. Penalties. Repealed.
(Ord. 4954, 11-10-98)

CHAPTER 12-17. DISPOSITION OF TRAFFIC OFFENSES

12-17-01. Halting Person for Violating Traffic Regulations; Duty of Officer Halting. Whenever any person is halted for the violation of any of the provisions of NDCC Chapters 39-01 through 39-13, 39-18, 39-21, and 39-24, or of equivalent city ordinances, the officer halting such person, except as otherwise provided in Section 13-18-03, may:

1. Take the name and address of such person;

2. Take the license number of his motor vehicle; and

3. Issue a summons or otherwise notify him in writing to appear at a time and place to be specified in such summons or notice.

A halting officer 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 non-criminal offense under N.D.C.C. Section 39-06.1-02 or equivalent city ordinance. The officer shall provide the person with an envelope for use by that person to mail the bond.

Reference: NDCC 39-07-07 (1985 Supp.)

12-17-02. Hearing; Time; Promise of Defendant to Appear; Failure to Appear; Penalty. The time to be specified in the summons or notice provided for in section 12-17-01 must be within fourteen days after the issuance of such summons or notice unless the person halted demands an earlier hearing, and if the person halted desires, he may have the right, at a convenient hour, to an immediate hearing or to a hearing within twenty-four hours. Such hearing shall be before the municipal court. Upon the receipt from the person halted of a written promise to appear at a time and place mentioned in the summons or notice, such officer shall release that person from custody. Any person refusing to give such written promise to appear must 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 who willfully violates a written promise to appear is guilty of an offense, regardless of the disposition of the charge upon which he was originally halted.

Reference: NDCC 39-07-08 (1980)

(Ord. 4718, 08-22-95)

12-17-03. Offenses Under Which Person Halted May Not be Entitled to Release Upon Promise to Appear. The provisions of Section 12-17-01 do not apply to a person if:

1. The halting officer has good reason to believe the person guilty of any felony or if the person is halted and charged with an offenses listed in NDCC Section 39-06.1-05 or equivalent city ordinance, but not listed in subsection 2 of this section; or

2. The halting officer, acting within the officer's discretion, determines that it is inadvisable to release the person upon a promise to appear and if the person has been halted and charged with any of the following offenses:

a. Reckless driving; or

b. Driving in excess of speed limitations established by the state or by the city.

c. Driving while license or driving privilege is suspended or revoked for violation of NDCC Section 39-06-42, or equivalent ordinance.

d. Operating a modified vehicle.

e. Driving without liability insurance in violation of NDCC Section 39-08-20 or equivalent ordinance.

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

Reference: NDCC 39-07-09 (1980);
(Ord. 4155, 6-23-87)

12-17-04. Traffic Violations Noncriminal; Exceptions; Procedure. The provisions of NDCC Sections 39-06.1-02 and 39-06.1-03 and all subsequent amendments to those sections are hereby incorporated by reference thereto and made a part of this ordinance as though set out in full herein. The procedures set forth in those sections for disposition of traffic offenses, other than those excepted pursuant to Section 12-17-06 of this chapter, are hereby adopted. As used in those sections, the term official means municipal judge.

Reference: NDCC 39-06.1-02, 39-06.1-03 (1985 Supp.)

12-17-05. Failure to Appear, Pay Statutory Fee, Post Bond; Procedure; Penalty. If a person fails to choose one of the methods of proceeding set forth in section 12-17-04, he is deemed to have admitted to commission of the violation charged, and the municipal court shall report such fact to the licensing authority within ten days after the date set for the hearing. Failure to appear at the time designated, after signing a promise to appear, without paying the statutory fee or posting and forfeiting bond is an offense. Failure to appear without just cause at the hearing is also deemed an admission of commission of the violation charged.

Reference: NDCC 39-06.1-04 (1980)

12-17-06. Offenses Excepted. The provisions of NDCC Section 39-06.1-05 and all subsequent amendments are hereby incorporated by reference in this ordinance. The procedures authorized under section 12-17-04 may not be utilized by a person charged with one of the offenses listed at NDCC Section 39-06.1-05 or any equivalent city ordinance. Those ordinances for which a violation is an offense, including sections 12-09-39, 12-09-40, 12-10-01 through 12-10-12, inclusive, and failure to appear in violation of section 12-17-05 are deemed to be criminal offenses for which the procedure authorized by Section 12-17-04 is not available.

Reference: NDCC 39-06.1-05 (1985 Supp.)

12-17-07. Amount of Statutory Fees. For all non-criminal traffic dispositions contained in Title 39 or the North Dakota Century Code, the fees shall be as set by NDCC Title 39. For all non-criminal traffic dispositions not contained in Title 39 of the North Dakota Century Code, the fees are as set out in this chapter or if no fee is set out, fifty dollars.

Reference: Home Rule Charter for the City of Bismarck, Article 3, Sections 7, 8 and 9.

(Ord. 4954, 11-10-98; Ord. 5091, 01-09-01; Ord. 5126, 06-26-01; Ord. 5133, 08-28-01) (Ord. 5355, 09-28-04; Ord. 5448, 07-26-05; Ord. 5449, 08-09-05; Ord. 5659, 05-13-08)

12-17-08. "Nonmoving Violation" Defined. The provisions of NDCC Section 39-06.1-08 and all subsequent amendments are hereby incorporated by reference in this ordinance. A "nonmoving violation" means a violation of those sections listed at NDCC Section 39-06.1-08 or equivalent city ordinances.

Reference: NDCC 39-06.1-08 (1980)

(Ord. 4954, 11-10-98)

12-17-09. "Moving Violation" Defined. The provisions of NDCC Section 39-06.1-09 and all subsequent amendments are incorporated by reference in this ordinance. A "moving violation" means a violation of those sections listed at NDCC Section 39-06.1-09 or equivalent city ordinance.

Reference: NDCC 39-06.1-09 (1985 Supp.)

(Ord. 4954, 11-10-98)

12-17-10. General Penalty for Violation of Chapter. Any person found guilty of an offense or of a violation of an ordinance, not classified as a non-criminal traffic violation or an ordinance for which another penalty is not specifically prescribed, may be punished by a fine not to exceed $1,000.00 or by imprisonment not to exceed thirty days, or both, and furthermore, any person convicted of driving under the influence in violation of section 12-10-01 or driving under suspension or revocation in violation of section 12-10-06 may have the license plates of the vehicle owned or operated by the offender at the time of the offense impounded.

Reference: NDCC 39-06.1

(Ord. 4954, 11-10-98)

12-17-11. Notification of Parents or Guardians of Juvenile Traffic Offenders. The municipal judge or his clerk shall notify the parent or guardian of any juvenile, as defined by state law, 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.

Reference: NDCC 39-06.1-02.1 (1980)

12-17-12. Forms. The municipal judge shall provide traffic citation forms in substantially the form required by Chapter 39 of the N.D. Century Code and other forms, preprinted envelopes and the like as may be necessary for enforcement and administration of this chapter to the police department.

Reference: NDCC 39-06.1-07 (1985 Supp.)

12-17-13. Municipal Judge to Keep Records of Convictions; Records to be Forwarded to Licensing Authority. The municipal judge shall keep the records required to be kept pursuant to N.D.C.C. Section 39-07-11 and shall forward records of conviction to the proper authority in the manner and within the time specified by that section as it may be amended from time to time. The definitions of "final order or judgment of conviction" and "conviction" contained in N.D.C.C. Section 39-07-11, as that section may be amended from time to time, are hereby adopted and made a part of this section and incorporated herein by reference.
Reference: NDCC 39-07-11 (1985 Supp.)

CHAPTER 12-18. FILING OF ORDINANCE; AMENDMENTS

12-18-01. Filing of Ordinance. Incident to the adoption of certain portions of Title 39 of the North Dakota Century Code by reference, a copy of the text of the adopted code sections shall be filed in the office of the City Auditor as required by NDCC Section 40-05-01(1) for use and examination by the public.
Reference: NDCC 40-05-01 (1985 Supp.)

12-18-02. 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 copy of the adopted portions of Title 39 filed as required shall at all times be kept current in the office of the City Auditor of this city.
Reference: NDCC 40-05-01 (1985 Supp.)