

CHAPTER 21
TRAFFIC

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Chapter 21 Traffic

I. Article I – Definitions

21-1. Definitions

Words and phrases used in this chapter shall have the meanings and be defined as provided in the North Dakota Century Code in Title 39, and NDCC 39-01-01 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

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

1. Authorized emergency vehicles:

a. Class A authorized emergency vehicles shall mean:

- (1) Vehicles of a governmental fire department.
- (2) Vehicles when operated by or under the control of a police officer having authority to enforce the provisions of this chapter or by a salaried employee of any municipal police department within the municipality or by any sheriff or deputy sheriff not to include special deputy sheriffs, or by the warden of the state penitentiary and his authorized agents.
- (3) Ambulances.
- (4) Vehicles operated by or under the control of the commissioner, and district deputy commissioner, and district deputy game warden of the North Dakota game and fish department.
- (5) Vehicles owned or leased by the United States Government used for law enforcement purposes.
- (6) Vehicles designated for the use of the adjutant general and assistant adjutant general in cases of emergency.
- (7) Vehicles operated by or under the control of the director, assistant director, and parks and recreation department.

b. Class B authorized emergency vehicles shall mean wreckers and such other emergency vehicles as are authorized by the local authorities

- c. Class C authorized emergency vehicles means those vehicles authorized by state and local disaster emergency services organizations and those vehicles used by volunteer firemen while performing their assigned disaster and emergency responsibilities.
2. “Bicycles” means a motorized bicycle and every device propelled by human power upon which any person may ride, having two tandem wheels either of which is more than twenty inches [50.8 centimeters] in diameter.
3. “Bus means every motor vehicle designed for carrying more than ten passengers and used for the transportation of person, and every motor vehicle other than a taxicab, designed and used for the transportation of persons for compensation. Provided every motor vehicle designed for carrying not more than fifteen persons and used for a ride sharing arrangement, as defined in NDCC 8-02-07 is not a “bus”.
4. “Business district” shall mean the territory contiguous to a highway when fifty percent or more of the frontage thereon for a distance of three hundred feet [91.44 meters] or more is occupied by buildings in use for business.
5. “Commercial freighting” shall mean the carriage of things other than passengers, for hire, except that such terms shall not include:
 - a. The carriage of things other than passengers within the limits of the same city;
 - b. Carriage by local dray lines of baggage or goods to or from a railroad station form or to places in such city or in the immediate vicinity thereof, in this state, and not to exceed two miles [3.22 kilometers] form the corporate or recognized limits to said city; or
 - c. Hauling done by farmers for their neighbors in transporting agricultural products to or from market.
6. “Commercial passenger transportation” means the carriage of passengers for hire, except that the term shall not include:
 - a. The carriage of passengers within the limits of a city;
 - b. The carriage of local business of passengers to or from railroad stations from or to places within any city or within two miles [3.22 kilometers] of the limits of the city.
 - c. The carriage of passengers under a ride-sharing arrangement as defined in NDCC 8-02-07.
7. “Commissioner” shall mean the commissioner of the North Dakota State Highway Department, acting directly or through his authorized agents.

8. “Controlled-access highway” shall mean every highway, street or roadway in respect of which owners or occupants of abutting lands and other persons have no legal right of access to or from the same except at such points only and in such manner as may be determined by the public authority having jurisdiction over such highway, street, or roadway.
9. “Crosswalks” shall mean that part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs, or, in the absence of curbs, from the edges of the traversable roadway; or any portion of a roadway at an intersection of elsewhere distinctly indicated for pedestrian crossing by lines of other markings on the surface.
10. “Dealer” shall mean every person, partnership or corporation engaged in the business of buying, selling or exchanging motor vehicles, or who advertises, or holds himself out to the public as engaged in the buying, selling or exchanging of motor vehicles, or who engages in the buying of motor vehicles for resale. Any person, partnership, corporation, or association doing business in several cities or in several locations within a city shall be considered a separate dealer in each such location.
11. “Department” shall mean the motor vehicle department of this state.
12. “Director” shall mean the director of the Division of Public Safety of this state.
13. “Division” shall mean the Division of Public Safety of this state.
14. “Driver” shall mean every person who drives or is in actual physical control of a vehicle.
15. “Essential parts” shall mean all integral and body parts of a vehicle of a type required to be registered here-under, the removal, alteration or substitution of which would tend to conceal the identity of the vehicle or substantially alter its appearance, model, type or mode of operation.
16. “Explosives” shall mean any chemical compound or mechanical mixture that is commonly used or intended for the purpose of producing an explosion and which contains any oxidizing and combustive units of other ingredients in such proportions, quantities, or packing that an ignition by fire, by friction, by detonator of any part of the compound or mixture may cause such a sudden generation of highly heated gasses that the resultant gaseous pressures are capable of producing destructive effects on contiguous objects or by destroying life or limb.
17. “Farm tractor” shall include every motor vehicle designed and used primarily as a farm implement for drawing plows, moving machines, and other implements of husbandry.
18. “Farm trailer” shall include those trailers and semi-trailers towed by a bonafide resident farmer hauling his own agricultural, dairy, and other farm products if the gross weight,

not including the towing vehicle, does not exceed twenty-four thousand pounds [10,886.22 kilograms].

19. “Flammable liquid” shall mean any liquid which has a flash point of seventy degrees Fahrenheit [21.11 degrees Celsius], or less, as determined by a tagliabue or equivalent closed-cup test device.
20. “Gross weight” shall mean the weight of a vehicle without load plus the weight of any load thereon.
21. “Guest” shall mean and include a person who accepts a ride in any vehicle without giving compensation therefore.
22. “Highway” shall mean the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel and of every way privately maintained within a mobile home park, trailer park, or campground containing five or more lots for occupancy by mobile homes, travel trailers, or tents when any part thereof is open for purposes of vehicular travel.
23. “House car” shall mean a motor vehicle which has been reconstructed or manufactured for private use as a sleeping or living quarters.
24. “Implement of husbandry” shall mean every vehicle designed and adapted exclusively for agricultural, horticultural or livestock raising operations or for lifting or carrying an implement of husbandry and in either case not subject to registration if used upon the highway.
25. “Intersection” shall mean the area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadways of two highways which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict. Where a highway includes two roadways thirty feet [9.14 meters] or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. In the event such intersecting highway also includes two roadways thirty feet [9.14 meters] or more apart, then every crossing of two roadways of such highways shall be regarded as a separate intersection.
26. “Intoxicating liquor” shall mean and include any beverage containing alcohol.
27. “Judgment” shall mean any judgment which shall have become final by expiration without appeal of the time within which an appeal might have been perfected, or by final affirmation on appeal, rendered by a court of competent jurisdiction of any state of the United States, upon a cause of action arising out of ownership, maintenance, or use of any motor vehicle, for damages, including damages for care and loss of services, because of bodily injury to or death of any person, or for damages because of injury to or

destruction of property, including the loss of use thereof, or upon a cause of action on an agreement of settlement for such damages.

28. "Legal Owner" shall mean a person who holds the legal title to a vehicle.
29. "Lienholder" shall mean a person holding a security interest in a vehicle.
30. "Local authorities" shall include every county, municipal, and other local board or body having authority to adopt local police regulations under the constitution and laws of this state.
31. "Mail" shall mean to deposit mail properly addressed and with postage prepaid with the United States postal service.
32. "Manufacturer" shall mean any person who manufactures, assembles, or imports and sells new motor vehicles to new motor vehicle dealers for resale in the state; but such term shall not include a person who assembles or specifically builds interior equipment on a completed vehicle supplied by another manufacturer, distributor, or supplier.
33. "Metal tires" shall include all tires the surface of which in contact with the highway is wholly or partly of metal or other hard, non-resilient material except that this provision shall not apply to pneumatic tires.
34. "Motor vehicle" shall include every vehicle, except motorized bicycles, which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.
35. "Motorcycle" shall mean every motor vehicle have a seat of saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding implements of husbandry.
36. "Motorized bicycle" means a vehicle equipped with two or three wheels, foot pedals to permit muscular propulsion, a power source providing up to a maximum of two brake horsepower having a maximum piston or rotor displacement of 3.05 cubic inches [49.98 millimeters] if a combustion engine is used, which will propel the vehicle, unassisted, at a speed not to exceed thirty miles [48.38 kilometers] per hour on a level road surface, is equipped with a power drive system that functions directly or automatically only, not requiring clutching or shifting by the operator after the drive system is engaged, and shall have a width no greater than thirty-two inches [81.28 centimeters].
37. "Nonresident" shall mean any person who is not a resident of this state.
38. "Nonresident's operating privilege" shall mean the privilege conferred upon a nonresident by the laws of this state pertaining to the operation by such person of a motor vehicle, or the use of a vehicle owned by such person, in this state.

39. “Official traffic-control devices” shall mean all signs, signals, markings, and devices not inconsistent with this title placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning, or guiding traffic.
40. “Operator” shall mean every person who drives or is in actual physical control of a motor vehicle upon a highway or who is exercising control over or steering a vehicle being towed by a motor vehicle.
41. “Owner” shall mean a person, other than a lienholder, having the property in or title to a vehicle. The term includes a person entitled to the use and possession of a vehicle subject to a security interest in another person, but excludes a lessee under a lease not intended as security.
42. “Park” when prohibited, shall mean the standing of a vehicle, whether occupied or not, otherwise that temporarily for the purpose of and while actually engaged in loading or unloading.
43. “Pedestrian” shall mean any person afoot.
44. “Person” shall include every natural person, firm, co-partnership, association, or corporation.
45. “Pneumatic tires” shall include all tires inflated with compressed air.
46. “Pole trailer” shall mean every vehicle without motive power designed to be drawn by another vehicle and attached to the towing vehicle by means of a reach, or pole, or by being boomed or otherwise secured to the towing vehicle, and ordinarily used for transporting long or irregularly shaped loads such as poles, pipes, or structural members capable, generally, or sustaining themselves as beams between the supporting connections.
47. “Police officer” shall mean every officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.
48. “Private road or driveway” shall mean every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.
49. “Proof of financial responsibility” shall mean proof of ability to respond in damages for liability, on account of accidents occurring subsequent to the effective date of said proof, arising out of the ownership, maintenance or use of a motor vehicle, in the amount of twenty-five thousand dollars because of bodily injury to or death of one person in any one accident, and subject to said limit for one person, in the amount of fifty thousand dollars because of bodily injury to or death of two or more persons in any one accident,

and in the amount of ten thousand dollars because on injury to or destruction of property of others in any one accident.

50. "Railroad" shall mean a carrier of persons or property upon cars, other than streetcars, operated upon stationary rails.
51. "Railroad sign or signal" shall mean any sign, signal, or device erected by authority of a public body, or official or by a railroad and intended to give notice of the presence of railroad tracks or the approach of a railroad train.
52. "Reconstructed vehicle" shall mean every vehicle or a type required to be registered hereunder materially altered from its original construction by the removal, addition or substitution of essential parts, new or used.
53. "Residence district" shall mean territory contiguous to a highway not comprising a business district, when the frontage on such highway for a distance of three hundred feet [91.44 meters] or more is occupied mainly by dwellings, or by dwellings and buildings in use for business.
54. "Right of way" shall mean the privilege of the immediate use of a roadway.
55. "Road tractor" shall mean every motor vehicle designed and used for drawing other vehicles and not so constructed as to carry any load thereon either independently or any part of the weight of a vehicle or load so drawn.
56. "Roadway" shall mean that portion of a highway improved, designed, or ordinarily used for vehicular travel, exclusive of the berm or shoulder. In the event a highway includes two or more separate roadways the term "roadway" as used therein shall refer to any such roadway separately but not to all such roadways collectively.
57. "Saddle mount" shall mean placing the front wheels of the drawn vehicle upon the bed of the drawing vehicle.
58. "Safety zone" shall mean the area or space officially set aside within a highway for the exclusive use of pedestrians and which is so plainly marked or indicated by proper signs as to be plainly visible at all times while set aside as a safety zone.
59. "Salvage certificate of title" shall mean a document issued by the department for purposes of proof of ownership of a salvage or destroyed vehicle and not acceptable for motor vehicles registration purposes.
60. "School bus" shall mean any motor vehicle owned by a public or governmental agency and operated for the transportation of children to or from school or to or from school-related activities, or privately owned and operated for compensation for the transportation of children to or from school or to or from school-related activities.

61. "Semi-trailer" shall include every vehicle of the trailer type so designed and used in conjunction with a truck or truck tractor that some part of its own weight and that of its own load rests upon or is carried by a truck or truck tractor, except that it shall not include a "house trailer" or "mobile home" as defined in subsection 68.
62. "Sidewalk" shall mean that portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines, intended for use of pedestrians.
63. "Solid tire" shall include every tire made of rubber or other resilient material other than a pneumatic tire.
64. "Specially constructed vehicle" shall mean any vehicle under distinctive name, make, model, or type by a generally recognized manufacturer of vehicles and not materially altered from its original construction.
65. "Stand" or "Standing" shall mean the halting of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in receiving or discharging passengers.
66. "State" shall mean a state, territory or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico or a province of the Dominion of Canada.
67. "Stop", when required, shall mean complete cessation from movement.
68. "Stop" or "Stopping" when prohibited, shall mean any halting, even momentarily of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control sign or signal.
69. "Street" shall mean the entire width between boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.
70. "Through highway" shall mean every highway or portion thereof on which vehicular traffic is given preferential right of way, and at the entrances to which vehicular traffic from intersecting highways is required by law to yield right of way to vehicles on such through highway and in obedience to either a stop sign or yield right of way to vehicles on such through highway and in obedience to either a stop sign or yield sign, when such signs are erected by law.
71. "Trackless trolley coach" shall mean every motor vehicle which is propelled by electric power obtained from overhead trolley wires but not operated upon rails.
72. "Traffic" shall mean pedestrians, ridden or herded animals, vehicles, streetcars, and other conveyances either singly or together while using any highway for purpose of travel.

73. "Traffic-control signal" shall mean any device, whether manually, electrically, or mechanically operated, by which traffic is alternately directed to stop and to proceed.
74. "Trailer" shall include every vehicle without motive power designed to carry property or passengers wholly on its own structure and to be drawn by a motor vehicle, except that it shall not include a "house trailer" or "mobile home", which terms shall mean a vehicle as defined in this subsection which is designed and intended for use as living or sleeping quarters for people and which is not used for commercial hauling of passengers.
75. "Truck" shall include every motor vehicle designed, used or maintained primarily for transportation of property.
76. "Truck traction" shall include every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.
77. "Urban district" shall mean the territory contiguous to and including any street which is built up with structures devoted to business, industry or dwelling houses situated at intervals of less than one hundred feet [30.48 meters] for a distance of a quarter of a mile [402.34 meters] or more.
- 77.1 "Used vehicle" means a motor vehicle which has been sold, bargained, exchanged, given a way, or the title to which has been transferred to another, by the person who first acquired it from the manufacturer or importer, dealer, or agent of the manufacturer or importer.
78. "Vehicle" shall include every device in, upon, or by which any person or property may be transported or drawn upon a public highway, except devices moved by human power or used exclusively upon stationary rails or tracks.

II. Article II – Traffic Administration

21-1 Police administration

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

21-3 Duty of traffic division

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

21.4 Records of traffic violations

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

21-5 Traffic division to investigate accidents

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

21-6 Traffic - accident - studies

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

21-7 Traffic accident reports

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

21-8 Traffic division to designate method of identifying funeral processions

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

III. Article III – Enforcement and Obedience to Traffic Regulations

1. It shall be the duty of the officers of the police department or such officers as are assigned by the chief of police to enforce all street traffic laws of this city and all of the State vehicle laws.
2. Officers of the police department or such officers as are assigned by the Chief of police are hereby authorized to direct all traffic by voice, hand or signal in conformance with traffic laws, provided that, in the event of a fire or other emergency or to expedite traffic

or to safeguard pedestrians, officers of the police department may direct traffic as conditions may require notwithstanding the provisions of the traffic laws.

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

21-10. Obedience to traffic ordinance

It shall be unlawful for any person to do any act forbidden or fail to perform any act required by the provisions of this Chapter, and upon conviction of a violation of any of the provisions of this Chapter every person, firm or corporation shall be punished as provided in 20-11 of this Chapter.

21-11. Obedience to police officers or fireman

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

21-12. Certain nonmotorized traffic to obey traffic regulations.

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

21-13. Use of coasters, roller skates, and similar devices restricted

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

21-14. Public employees to obey traffic regulations

The provisions of this ordinance shall apply to the drivers of all vehicles owned or operated by the United States, this State, or any county, town, district, or any other political subdivision of the ordinance or in the State vehicle code.

21-15. Emergency vehicles

The provisions of NDCC 39-10-03, 39-10-03.1, and 39-01-03.2 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

1. Class A authorized emergency vehicles.

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

- 1) Park or stand, irrespective of the provisions of this chapter;
- 2) Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation.
- 3) Exceed the speed limit so long as he does not endanger life or property;
- 4) Disregard regulations governing directions of movement or turning in specified directions.

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

- 1) When the authorized emergency vehicle is in pursuit of or apprehension of a violator or a suspected violator requiring the use of these exemptions;
- 2) When the Class A authorized emergency vehicle is being operated in response to a reported emergency involving a possible personal injury, death or damage to property, and when giving audible signal by siren or when giving adequate warning by use of a flashing red or combination red and white lights which are visible under normal atmospheric conditions for at least five hundred feet [152.4 meters];
- 3) In any instance when the head of a law enforcement agency deems advisable within the area of his jurisdiction for the protection of person and property and when giving audible signal by siren or when giving adequate warning by use of a flashing red or combination red and white lights which are visible under normal atmospheric conditions for at least five hundred feet [152.4 meters].

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

2. Class B authorized emergency vehicles.

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

- 1) Park or stand, irrespective of the provisions of this chapter;
- 2) Exceed the speed limit so long as he does not endanger life or property during the time of a local or national disaster;

- 3) Disregard regulations governing direction of movement or turning in specified directions.
- b. The exceptions herein granted to a Class B authorized emergency vehicle shall apply only when the authorized emergency vehicle is displaying as amber light visible under normal atmospheric conditions for a distance of five hundred feet in any direction, and
 - 1) When it is necessary for the authorized emergency vehicle to use these exemptions for the immediate protection of life or property;
 - 2) When an authorized emergency vehicle is stopped on a highway for the purpose of performing a duty as required of him; or
 - 3) When traveling at a speed slower than the normal flow of traffic.
3. Class C authorized emergency vehicles. All Class B specifications 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. The division of disaster emergency services shall be responsible for promulgating the rules for the use of flashing blue lights in accordance with chapter 28-32 of the North Dakota Century Code.
4. Any law enforcement officer as provided in paragraph 2 of subdivision of a subsection 1 of section 1-1 having stopped another vehicle along a highway, and while still involved in that incident, where flashing red or combination red and white lights were used in making the stop, may switch to the use of amber lights, visible under normal atmospheric conditions for at least five hundred feet { 152.4 meters}, for the purpose of maintaining traffic flow.

21-16. Operation of vehicles on approach of authorized emergency vehicles

The provisions of NDCC 39-10-26 and all subsequent amendments

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

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

21-17. 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 four hundred dollars or more shall immediately give notice of such accident to the local police department if such accident occurs within a municipality, otherwise to the office of the county sheriff or the state highway patrol. Within ten days after such accident, the driver shall also forward a written report of the accident to the highway commissioner.
2. When it shall appear to the magistrate that any person has failed to file a written report in compliance with this section he shall notify the highway commissioner of such failure so that appropriate action may be taken pursuant to NDCC: 39-08-09.
3. a. An accident notice is not required from a person who is physically incapable of making the report during the period of such incapacity.
 - b. Whenever the driver of a vehicle is physically incapable of giving an immediate notice of an accident and there was another occupant in the vehicle at the time of the accident capable of doing so, such occupant shall make or cause to be given the notice by the driver.
 - c. Whenever the driver is physically incapable of making a written report of an accident and such driver is not the owner of the vehicle, then the owner of the vehicle involved shall within five days after learning of the accident make such report not made by the driver.
4. Garages to report. The person in charge of any garage or repair shop to which is brought any motor vehicle which shows evidence of having been involved in a reportable accident as provided in section 3-9 (1) or of being struck by any bullet, shall report or cause a report to be made to a police officer within twenty-four hours after such motor vehicle is received, and before any repairs are made to such vehicle, giving the registration number and the name and address of the owner, operator, or person in control of such vehicle with a description of the missing parts, if the vehicle does not have a sticker on a window thereof issued by a police officer, sheriff or highway patrolman bearing information to show that the accident in which the vehicle was involved had been investigated. The police officer investigating any reportable accident shall attach a sticker to the window of any damaged vehicle showing that the accident in which such vehicle was involved has been investigated. If the vehicle does bear such a sticker the garage or repair shop need not make the report this section requires and may begin repairs immediately. After repairs have been made and before the vehicle is released, the sticker provided herein shall be removed.

IV. Article IV – Traffic Control Devices

21-18. Authority to install

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

21-19. Specifications for

All traffic-control signs, signals, and devices shall conform to the specifications approved by the state highway commissioner pursuant to NDCC: 39.13.06. All signs and signals required here-under for a particular purpose shall so far as practicable be uniform as to type and location though out 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.

21-20 Traffic-control signal legend

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

Whenever traffic is controlled by traffic-control signals exhibiting 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 of legend, and said 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 and adjacent crosswalk at the time such signals 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 :4.5, pedestrian 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 for in :4-5 are thereby advised that there is insufficient time to cross the roadway before a red indication is shown and no pedestrian shall then start to cross the roadway.

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 adjacent crosswalk and to other traffic lawfully using the intersection.
- (c) Unless otherwise directed by a pedestrian-control signal as provided for in :4-5, pedestrians facing a steady red signal alone shall not enter 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.

21-21. Flashing signals

The provisions of NDCC: 39-10-07 and all subsequent amendments shall be and are hereby incorporate by reference amendments shall be and are hereby incorporated by reference in this ordinance.

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

- a. Flashing red (stop signal). When a red lens is illuminated with rapid intermittent flashes, drivers of vehicles shall stop at a clearly marked stop line, or, if none, before entering the crosswalk on the near side of the intersection, or, if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering it, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.
 - b. Flashing yellow (caution signal). When a yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles may proceed through the intersection or past such signal only with caution.
2. This section shall not apply at railroad grade crossings. Conduct of drivers of vehicles approaching railroad grade crossings shall be governed by the rules as set forth in :8-5.

21-22. Pedestrian control signals

The provisions of NDCC: 39-10-06 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

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

21-23. Designation of walks, lanes, etc.

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

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

21-24. Obedience to and required traffic-control devices

The provisions of NDCC: 39-10-04 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

1. The driver of any vehicle shall obey the instruction of any official traffic-control device applicable thereto placed in accordance with the provisions of this chapter, unless otherwise directed by a traffic or police officer, subject to the exceptions granted the driver of an authorized emergency vehicle in this chapter.
2. No provision of this chapter for which traffic-control devices are required shall be enforced against an alleged violator if at the time and place of the alleged violation as 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 title and purporting to conform to the lawful requirements pertaining to such devices shall be presumed to comply with the requirements of this title, unless the contra shall be established by competent evidence.

21-25. Unauthorized signs

No person shall place, maintain, or display upon or in view of any street any unauthorized sign, signal, marking, or device which purports to be or is 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.

21-26. Interference with official traffic-control devices or railroad signs or signals

The provisions of NDCC: 39-10-07.3 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

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

V. Article V – Speed Regulations and Care Required

21-27. Basic rule

The provisions of NDCC: 39-09-01 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

No person shall drive a vehicle at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing. Consistent with the foregoing, every person shall drive at a safe and appropriate speed when approaching and crossing an intersection or railroad grade crossing, when approaching and going around a curve, when approaching a hill crest, when traveling upon any narrow or winding roadway, and when special hazards exist with respect to pedestrians or other traffic or by reason of weather or highway conditions. Any person who shall drive a vehicle upon a highway or private or public property open to the public for the operation of motor vehicles without heed to the requirements or restrictions of this section shall have committed careless driving, and shall be assessed a fee of thirty dollars.

21-28. Speed limitations

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

Subject to the provisions of :5-1 and except in those instances where a lower speed is specified in this chapter, it presumably shall be lawful for the driver of a vehicle to drive the same at a speed not exceeding:

1. Twenty miles an hour when approaching within fifty feet of a grade crossing of any steam, electric, or street railway when the driver's view is obstructed. A driver's view shall be defined to be obstructed when at any time during the last two hundred feet of his approach to such crossing he does not have a clear and uninterrupted view of such railway crossing and of any traffic on such railway for a distance of four hundred feet in each direction from such crossing;
2. Twenty miles an hour when passing a school during school recess or while children are going to or leaving school during opening or closing hours;
3. Twenty miles an hour when approaching within fifty feet and in traversing an intersection of highways when the driver's view is obstructed. A driver's view shall be deemed to be obstructed when at any time during the last fifty feet of his approach to such intersection, he does not have a clear and uninterrupted view of such intersection and of the traffic upon all of the highways entering such intersection for a distance of two hundred feet from such intersection;
4. Twenty miles an hour when the driver's view of the highway ahead is obstructed within a distance of one hundred feet;
5. Twenty-five miles an hour on any highway in a business district or in a residence district or in a public park, unless a different speed limit is designated and posted by local authorities; and

6. Fifty-five miles an hour under other circumstances, unless otherwise permitted, restricted, or required by conditions.
 - a. The highway commissioner may designate and post special areas of state highways where lower speed limits shall apply.
 - b. Except as provided by law, it shall be unlawful for any person to drive a vehicle upon a highway at a speed that is unsafe or at a speed exceeding the speed limit prescribed by law or established pursuant to law.
 - c. In charging a violation of the provisions of this section, the complaint shall specify the speed at which the defendant is alleged to have driven and the speed which this section prescribes shall be prima facie lawful at the time and place of the alleged offense.

21-29. When local authorities may or shall alter maximum speed – Limits – Signs posted

The provisions of NDCC: 39-09-03 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

1. Whenever the City, on the basis of an engineering and traffic investigation, determines that the maximum speed permitted under the conditions found to exist upon a highway or part of a highway, the City may determine and declare a reasonable and safe maximum limit thereon which:
 - a. Decreases the limit at intersections;
 - b. Increases the limit within an urban district but not to more than fifty-five miles per hour.
 - c. Decreases the limit outside an urban district, but not to less than thirty-five miles per hour.
2. The City shall determine by an engineering and traffic investigation the proper maximum speed for arterial streets and shall declare a reasonable and safe maximum thereon which may be greater or less than the minimum speed permitted under this chapter for an urban district.
3. Any altered limit established as hereinabove authorized shall be effective at all times or during hours of darkness or at other times as may be determined when appropriate signs giving notice thereof are erected upon such street or highway.
4. Any alteration of maximum limits on state highways or extensions thereof in the municipality shall not be effective until such alteration has been approved by the state highway commissioner.

5. Not more than six such alterations as hereinabove authorized shall be made per mile along a street or highway except in the case of reduced limits at intersections, and the difference between adjacent limits shall not be more than ten miles (16.09 kilometers) per hour.

21-30. Speed limitations inapplicable to whom – liability of exempt driver for reckless driving.

The provisions of NDCC: 30-09-06 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

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

21-31. Minimum speed limits

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

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

21-32. Regulations of speed by traffic signals

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

21-33. Exhibition driving and drag racing – Definitions – Penalty

The provisions of NDCC: 39-08-03.1 and all subsequent amendments shall be and are hereby incorporated by references in this ordinance.

1. No person shall engage in exhibition driving of any vehicle on a highway, street, alley, sidewalk, or any public or private parking lot area nor shall any person engage in a race, a speed competition, drag race or acceleration contest, test of physical endurance, or

exhibition of speed or acceleration. Any person who violates this section shall be assessed a fee of forty dollars.

2. As used in this section:

- a. "Drag race" means the operation of two or more vehicles from a point side-by-side by accelerating rapidly in a competitive attempt to cause one vehicle to outdistance the other; or the operation of one or more vehicles over a common selected course from the same point to the same point for the purpose of comparing the relative speed or powers of acceleration of such vehicle or vehicles within a certain distance or time limit.
- b. "Exhibition driving" means driving a vehicle in a manner which disturbs the peace by creating or causing unnecessary engine noise, tire squeal, skid, or slide upon acceleration or braking; or driving and executing or attempting one or a series of unnecessarily abrupt turns.
- c. "Race" means the use of one or more vehicles in an attempt to outgain, outdistance, or to arrive at a given distance ahead of another vehicle or vehicles; or the use of one or more vehicles to willfully prevent another vehicle from passing the racing vehicle or vehicles, or the test the physical stamina or endurance of the persons driving the vehicle over a long-distance driving route.

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

21-34. Radar evidence in speed violations

The provisions of NDCC: 39-03-15 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

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

21-35. Care required in operating vehicle

The provisions of NDCC: 39-09-01.1 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

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

VI. Article VI – Turning Movements

21-36. Authority to place devices altering normal course for turns

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

21-37. Authority to place restricted turn signals

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

21-38. Turning signs – obedience to

Whenever authorized signs are erected indicating that no right or left or U turn is permitted, no driver of a vehicle shall disobey the directions of any such sign.

21-39. Required position and method of turning at intersections

The provisions of NDCC: 39-10-35 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

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

1. Right turns. Both the approach for a right turn and a right turn shall be made as close as practicable to the right-hand curb or edge of the roadway;
2. Left turns on two-way roadways. At any intersection where traffic is permitted to move in both directions on each roadway entering the intersection, an approach for a left turn shall be made in that portion of the right half of the roadway nearest the center line thereof and by passing to the right of such center line where it enters the intersection and after entering the intersection the left turn shall be made so as to leave the intersection to the right of the center line of the roadway being entered. Whenever practicable the left turn shall be made in that portion of the intersection;

3. Left turns on other than two-way roadways. At any intersection where traffic is restricted to one direction on one or more of the roadways, the driver of a vehicle intending to turn left at any such intersection shall approach the intersection in the extreme left-hand lane lawfully available to traffic moving in the direction of travel of such vehicle and after entering the intersection the left-turn shall be made so as to leave the intersection, as nearly as practicable, in the left-hand lane lawfully available to traffic moving in such direction upon the roadway being entered, and;
4. The City may cause markers, buttons, or signs to be placed within or adjacent to intersections and thereby require and direct that a different course from that specified in this section be traveled by vehicle turning at an intersection, and when markers, buttons, or signs are so placed not driver of a vehicle shall turn a vehicle at an intersection other than as directed and required by such markers, buttons, or signs.

21-40. Vehicle turning left at intersection

The provisions of NDCC: 39-10-23 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

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

21-41. Limitations on turning around

The provisions of NDCC: 36-10-36 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

1. The driver of any vehicle shall not turn such vehicle so as to proceed in the opposite direction unless such movement can be made in safety and without interfering with other traffic.
2. No vehicle shall be turned so as to proceed in the opposite direction upon any curve, or upon the approach to or near the crest of a grade, where such vehicle cannot be seen by the driver of any other vehicle approaching from either direction within five hundred feet.

21-42. Turning movements and required signals

The provisions of NDCC: 39-10-38 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

1. No person shall turn a vehicle at an intersection unless the vehicle is in proper position upon the roadway as required in :6-4 or turn a vehicle to enter a private road or driveway, or otherwise turn a vehicle for a direct course or movement can be made with reasonable

safety. No person shall so turn any vehicle without giving an appropriate signal in the manner hereinafter provided in the event any other traffic may be affected by such movement:

2. A signal of intention to turn right or left when required shall be given continuously during not less than the last one hundred feet traveled by the vehicle before turning;
3. No person shall stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal in the manner provided herein to the driver of any vehicle immediately to the rear when there is opportunity to give such signal; and
4. The signals required on vehicles by subsection 2 of :6-8 shall not be flashed on one side only on a disabled vehicle, flashed as a courtesy or “do pass” signal to operators of other vehicles approaching from the rear, nor be flashed on one side only of a parked vehicle except as may be necessary for compliance with this section.

21-43. Signals by hand and arm or signal lamps

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

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

21-44. Methods of giving hand-and arm signals

The provisions of NDCC: 39-10-40 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

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

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

VII. Article VII – One-Way Streets and Alleys

21-45. Authority to sign one-way streets and alleys

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

VIII. Article VIII – Stop and Yield Intersections

21-46. Stop signs and yield signs

The provisions of NDCC: 39-10-44 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

1. Preferential right-of-way at an intersection may be indicated by stop signs or yield signs.
2. Every stop sign and every yield sign shall be erected as near as practicable to the nearest line of the crosswalk on the near side of the intersection or, if there is not crosswalk, then as near as practicable to the nearest line of the intersecting roadway.
3. Every stop sign shall bear the word “STOP” in letters not less than eight inches in height. Every yield sign shall bear the word “YIELD” in letters not less than six inches in height.

Every stop sign and every yield sign shall at nighttime be rendered luminous by internal illumination, or by light projected on the face of the sign or by efficient reflecting elements in the face of the sign.

4. Except when directed to proceed by a police officer or traffic-control signal, every driver of a vehicle approaching a stop intersection indicated by a stop sign shall stop before entering the crosswalk on the near side of the intersection or, in the event there is no crosswalk, shall stop at a clearly marked stop line, but if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway.
5. The driver of a vehicle approaching a yield sign if required for safety to stop shall stop before entering the crosswalk on the near side of the intersection or, in the event there is no crosswalk, at a clearly marked stop line, but if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting highway.

21-47. Stop signs and yield signs

The provisions of NDCC: 39-10-24 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

1. Preferential right-of-way may be indicated by stop signs or yield signs.
2. Except when directed to proceed by a police officer, every driver of a vehicle approaching a stop sign shall stop at a clearly marked stop line, or, if none, then at the point of

approaching traffic on the intersecting roadway before entering it. After having stopped, the driver shall yield the right-of-way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time when such driver is moving across or within the intersection or junction or roadways.

3. The driver of a vehicle approaching a yield sign shall in obedience to such sign slow down to a speed reasonable for the existing conditions and if required for safety to stop, shall stop at a clearly marked stop line, or, if none, then at a point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering it. After slowing or stopping, the driver shall yield the right-of-way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time such driver is moving across or within the intersection or junction or roadways. Provided, however, that if a driver is involved in a collision with a vehicle in the intersection or junction of roadways after driving past a yield sign without stopping, such collision shall be deemed prima facie evidence of his failure to yield the right-of-way.

21-48. Emerging from alley, driveway, private road, or building

The provisions of NDCC: 39-10-45 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

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

21-49. Obedience to signal indicating approach of train

The provisions of NDCC: 39-10-41 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

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

21-50. All vehicles must stop at certain railroad grade crossings

The provisions of NDCC: 39-10-42 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

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

21-51. Certain vehicles must stop at all railroad grade crossings

The provisions of NDCC: 39-10-43 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

1. The driver of a bus carrying passengers, or of any school bus carrying any school child, or of any vehicle carrying any chlorine, empty or loaded cargo tank vehicles used to transport dangerous articles or any liquid having a 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", "radioactive", or "dangerous", before crossing at grade any track or tracks of a railroad shall stop such vehicle within fifty feet but not less than fifteen feet from the nearest rail of both directions along such track for any approaching train, and for signals indicating the approach of a train and shall not proceed until he can do so safely. After stopping as required herein and upon proceeding when it is safe to do so the driver of any said vehicle shall cross only in such gear of the vehicle while traversing such crossing and the driver shall not manually shift gears while crossing the track or tracks.
2. No stop need be made at any such crossing at which traffic is controlled by a police officer. For the purposes of this section, a United States marshal shall be considered a police officer.

IX. Article IX – Miscellaneous Driving Rules

21.52. When traffic obstructed

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

21.53. Driving through funeral or other procession

No driver of a vehicle (or motorman of a streetcar) shall drive between the vehicles comprising a funeral or other authorized procession while they are in motion and when such vehicles are conspicuously designated as required where traffic is controlled by traffic-control signals or police officers.

21-54. Drivers in a procession

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

21-55. Funeral processions to be identified

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

21-56. When permits required for parades and processions

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

21-57. Drive on right side of roadway – exceptions

The provisions of NDCC: 39-10-08 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

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

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

- b. When an obstruction exists making it necessary to drive to the left of the center of the highway; provided, any person so doing shall yield the right-of-way to all vehicle traveling in the proper direction upon the unobstructed portion of the highway within such distance as to constitute an immediate hazard;
 - c. Upon a roadway divided into three marked lanes for traffic under the rules applicable thereon; or
 - d. Upon a roadway restricted to one-way traffic.
2. Upon all roadways any vehicle proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing shall be driven in the right-hand lane when available for traffic, or as close as practicable to the right-hand curb or edge of the roadway, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn in an intersection or into a private road or driveway.
 3. Upon any roadway having four or more lanes for moving traffic and providing for two-way movement of traffic, no vehicle shall be driven to the left of the center line of the roadway, except when authorized by official traffic-control devices designating certain lanes to the left side of the center lane 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.

21-58. Passing vehicles proceeding in opposite directions

The provisions of NDCC: 39-10-09 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

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

21-59. Overtaking a vehicle on the left

The provisions of NDCC: 39-10-11 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

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

1. The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle.

2. Except when overtaking and passing on the right is permitted; the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.

21-60. When overtaking on the right is permitted

The provisions of NDCC :39-10-12 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

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

21-61. Limitations on overtaking on the left

The provisions of NDCC :39-10-13 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

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

21-62. Further limitations on driving on left of center of roadway

The provisions of NDCC :39-10-14 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

1. No vehicle shall be driven to the left side of the roadway under the following conditions:
 - a. When approaching or upon the crest of a grade or a curve in the highway where the driver's view is obstructed within such distance as to create a hazard in the event another vehicle might approach from the opposite direction;

- b. When approaching within one hundred feet of or traversing any intersection or railroad grade crossing, or
 - c. When the view is obstructed upon approaching within one hundred feet of any bridge, viaduct, or tunnel.
2. The foregoing limitations shall not apply upon a one-way roadway, nor under the conditions described in :9-6 nor to the driver of a vehicle turning left into or from an alley, private road, or driveway.

21-63. No-passing zones

The provisions of NDCC :39-10-15 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

1. The state highway commissioner and local authorities are hereby authorized to determine those portions of any highway under their respective jurisdiction where overtaking and passing or driving on the left side of the roadway would be especially hazardous and may be appropriate signs or markings on the roadway indicate the beginning and end of such zones and when such signs or marking are in place and clearly visible to an ordinarily observant person, every driver of a vehicle shall obey the directions thereof.
2. Where signs or markings are in place to define a no-passing zone as set forth in subsection 1, no driver shall at any time drive on the left side of the roadway with such no-passing zone or on the left side of any pavement striping designed to mark such no-passing zone throughout its length.
3. This section does not apply under the conditions described in 21-57 nor to the driver of a vehicle turning left into or from an alley, private road, or driveway.

21-64. Driving on roadways laned for traffic

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

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

1. A vehicle shall be driven as nearly as practicable entirely within a single lane and shall not be moved from such lane until the driver has first ascertained that such movement can be made with safety.
2. Upon a roadway which is divided into three lanes and provides for two-way traffic, a vehicle shall not be driven in the center lane except when overtaking and passing another vehicle traveling in the same direction when such center lane is clear of traffic within a

safe distance, or in preparation for making a left turn or where such center lane is at the time allocated exclusively to traffic moving in the same direction that the vehicle is proceeding and such allocation is designated by official traffic-control devices.

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

21-65. Following too closely

The provisions of NDCC :39-10-18 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

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

21-66. Driving on divided highways

The provisions of NDCC :39-10-19 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

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

21-67. Restricted access

The provisions of NDCC :39-10-20 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

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

21-68. Restrictions on use of controlled-access roadway

The provisions of NDCC :39-10-21 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

The commissioner may by order, and the City may by ordinance, with respect to any controlled-access roadway under their respective jurisdictions, prohibit the use of any such roadway by any class or kind of traffic which is found incompatible with the normal and safe movement of traffic.

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

21-69. Vehicle entering roadway

The provisions of NDCC :39-10-25 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

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

21-70. Vehicle approaching or entering intersection

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

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

21-71. Overtaking and passing school bus

The provisions of NDCC :39-10-46 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

1. The driver of a vehicle meeting or overtaking from either direction a school bus stopped on the highway shall stop the vehicle before reaching such school bus when there is in operation on said school bus the flashing red lights specified in NDCC :39-21-18, and said driver shall not proceed until such school bus resumes motion or he is signaled by the school bus driver to proceed or the flashing red lights are no longer actuated.
2. Every school bus shall bear upon the front and rear thereof plainly visible signs containing the words " SCHOOL BUS" in letters not less than eight inches in height. When a school bus is being operated upon a highway for purposes other than the actual transportation of children either to or from school or for a school sanctioned activity, all markings, thereon indicating "SCHOOL BUS" shall be covered or concealed.
3. Every school bus shall be equipped with red visual signals meeting the requirements of NDCC :39-21-18. Which may be actuated by the driver of said school bus whenever, but only whenever, such vehicle is stopped on the highway for the purpose of receiving or discharging school children. A school bus driver shall not actuate said special visual signals:
 - a. On city streets which the receiving or discharging of school children is prohibited by ordinance;
 - b. At intersections or other places where traffic is controlled by traffic-control signals or police officers; or
 - c. In designated school bus loading areas where the bus is entirely off the roadway.
4. The driver of a vehicle upon a highway with separate roadways need not stop upon meeting or passing a school bus which s 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.

21-72. Unattended motor vehicle

The provisions of NDCC :39-10-51 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

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

21-73. Limitations of backing

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

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

21-74. Obstruction to driver's view or driving mechanism

The provisions of NDCC :39-10-54 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

In this ordinance.

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

21-75. Opening and closing vehicle doors

The provisions of NDCC :39-10-54.1 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

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

21-76. Coasting prohibited

The provisions of NDCC :39-10-56 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

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

21-79. Garbage, glass, etc., on highway prohibited

The provisions of NDCC :39-10-59 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

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

21-80. Driving through safety zone prohibited

The provisions of NDCC :39-10-64 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

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

21-81. Moving heavy equipment at railroad grade crossings

The provisions of NDCC :39-10-67 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

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

21-82. Alteration of odometers or other mileage recorders, hour meters on tachometers or other hour recorders – Penalty

The provisions of NDCC :39-10-51 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

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

21-83. Open bottle law – Penalty

The provisions of NDCC :39-08-18 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

No person shall drink or consume alcoholic beverages, as defined in the North Dakota Century Code, in or on any motor vehicle when such vehicle is upon a public highway or in an area used principally for public parking. No person shall have in his possession on his person while in or on a private motor vehicle upon a public highway or in an area used principally for public parking, any bottle or receptacle containing such alcoholic beverages which has been opened, or the seal broken, or the contents of which have been partially removed. It shall be unlawful for the owner of any private motor vehicle or the driver, if the owner be not then present in or on the motor vehicle, to keep or allow to be kept in a motor vehicle when such vehicle is upon the public highway or in an area used principally for public parking any bottle or receptacle containing such alcoholic beverages which has been opened, or the seal broken, or the contents of which have been partially removed except when such bottle or receptacle shall be kept in the trunk of the motor vehicle when such vehicle is equipped with a trunk, or kept in some other area of the vehicle not normally occupied by the driver or passengers, if the motor vehicle is not equipped with a trunk. A utility compartment or glove compartment shall be deemed to be with the area occupied by the driver and passengers. The provisions of this section shall not prohibit the consumption or possession of alcohol beverages in a house car, as defined by subsection 21.1 or :1-1, if the consumption or possession occurs in the area of the house car used as sleeping or living quarters and that area is separated from the driving compartment by a solid partition, door, curtain, or some similar means of separation; however, consumption is not authorized while the house car is in motion. Any person violating the provisions of this section shall be assessed a fee of fifty dollars; however, the licensing authority shall not record the violation against the driving record of such person unless he was the driver of the automobile at the time that the violation occurred.

21-84. Permitting unauthorized minor to drive

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

21-85. Permitting unauthorized person to drive

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

X. Article X – Pedestrians’ Rights and Duties

21-86. Pedestrian obedience to traffic-control devices and traffic regulations

The provisions of NDCC :39-10-27 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

1. A pedestrian shall obey the instructions of any official traffic-control device especially applicable to him, unless otherwise directed by a police officer.
2. Pedestrians shall be subject to traffic and pedestrian-control signals as provided for in :4-3 and :4-5.

21-87. Pedestrians’ right-of-way in crosswalks

The provisions of NDCC :39-10-28 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

1. When traffic-control signals are not in place or not in operation, the driver of a vehicle shall yield the right-of-way, slowing down or stopping if need be to so yield, to a pedestrian crossing the roadway within a crosswalk when the pedestrian is upon the half of the roadway upon which the vehicle is traveling, or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger;
2. No pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close as to constitute an immediate hazard;
3. Subsection 1 of this section shall not apply under the condition state in subsection 2 of :11-3; and
4. Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the highway, the driver of any other vehicle approaching from the rear shall not overtake and pass such stopped vehicle.

21-88. Crossing at other than crosswalks

The provisions of NDCC :39-10-29 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

1. Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within any unmarked crosswalk at an intersection shall yield the right-of-way to all vehicles upon the roadway.

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

21-89. Drivers to exercise due care

The provisions of NDCC :39-10-30 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

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

21-90. Repealed – see 21-95

21-91. Pedestrians to use right half of crosswalks

The provisions of NDCC :39-10-32 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

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

21-92. Pedestrians of roadways

The provisions of NDCC :39-10-33 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

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

4. Except as otherwise provided for in this chapter, any pedestrian upon a roadway shall yield the right-of-way to all vehicles upon the roadway.

21-93. Pedestrians' right-of-way on sidewalks

The provisions of NDCC :39-10-33.1 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

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

21-94. Pedestrians yield to authorized emergency vehicles

The provisions of NDCC :39-10-33.2 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

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

21-95. Blind pedestrian right-of-way

The provisions of NDCC :39-10-33.3 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

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

21-96. Pedestrians under influence of alcohol or drugs

The provisions of NDCC :39-10-33.4 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

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

21-97. Bridge and railroad signals

The provisions of NDCC :39-10-33.5 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

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

21-98. Pedestrians soliciting rides or business

The provisions of NDCC :39-10-34 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

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

XI. Article XI – Regulations for Motorcycles

21-99. Traffic laws apply to persons operating motorcycles

The provisions of NDCC :39-10.2-01 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

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

21-100. Riding on motorcycles

The provisions of NDCC :39-10.2-02 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

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

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

21-101. Operating motorcycles on roadways laned for traffic

The provisions of NDCC :39-10.2-03 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

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

21-102. Clinging to other vehicles

The provisions of NDCC :39-10.2-04 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

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

21-103. Footrests

The provisions of NDCC :39-10.2-05 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

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

21-104. Equipment for motorcycle riders

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

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

21-105. Other applicable law

The provisions of NDCC :39-10.2-07 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

All of the provisions of Article XX derived from NDCC chapter 39-06.1 pertaining to the disposition of traffic offenses shall apply to this article.

XII. Article XXI – Regulations for Bicycles

21-106. Effect of regulations

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

21-107. Traffic ordinances apply to persons riding bicycles

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

21-108. Obedience to traffic-control devices

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

21-109. Riding on sidewalks

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

21-110. Riding on roadways and bicycle paths

The provisions of NDCC :39-10.1-05 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

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

21-111. Clinging to vehicles

The provisions of NDCC :39-10.1-04 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

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

21-112. Carrying articles

The provisions of NDCC :39-10.1-06 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

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

21-113. Reflectors

Every bicycle shall be equipped with reflectors on the spokes and on the front and rear of each pedal.

21-114. Riding on bicycles – Motorized bicycles – Age of operator

The provisions of NDCC :39-10.1-03 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

1. A person propelling a bicycle shall not ride other than upon or astride a permanent and regular seat attached thereto.
2. No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped.
3. No person under fourteen years of age may operate a motorized bicycle. A person operating a motorized bicycle must have a valid Class 3 license or a special permit issued by the Drivers License Division.

21-115. Parking

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

21-116. Penalties

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

21-117. Point system not applicable

The provisions of NDCC :39-10.1-08 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

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

XIII. Article XIII – Angle Parking

21-118. Angle parking

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

21-119. Angle parking – Where

Angle parking shall also be permitted on the following streets;

Permitted on North and South side of Block 89 and north & south side of the west half of Block 90.

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

21-120. Stopping, standing or parking prohibited in specific places

The provisions of NDCC :39-10-47 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

1. Upon any highway outside of a business or residence district no person shall stop, park, or leave standing any vehicle, whether attended or unattended, upon the paved or main-traveled part of the highway when it is practicable to stop, park, or so leave such vehicle off such part of said highway, but in every event an unobstructed width of the highway of not less than twelve feet opposite a standing vehicle shall be left for the free passage of their vehicles and a clear view of such stopped vehicles shall be available from a distance of two hundred feet in each direction upon such highway.
2. :14-1, 14-3, and 14-4 shall not apply to the driver of any vehicle which is disabled while on the paved or main-traveled portion of a highway in such manner and to such extent that it is impossible to avoid stopping and temporarily leaving such disabled vehicle in such position.

21-121. Officers authorized to remove illegally stopped vehicles

The provisions of NDCC :39-10-48 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

1. Whenever any police officer finds a vehicle standing upon a highway in violation of any of the provisions of :14-1, such officer is hereby authorized to move such vehicle, or require the driver or other person in charge of the vehicle to move the same, to a position off the paved or main-traveled part of such highway.
2. Whenever any police officer finds a vehicle unattended upon any highway, bridge, or causeway, or in any tunnel where such vehicle constitutes an obstruction to traffic, such

officer is hereby authorized to provide for the removal of such vehicle to the nearest garage or other place of safety.

3. Any police officer is hereby authorized to remove or cause to be removed to the nearest garage or other place of safety any vehicle found upon a highway when:
 - a. A report has been made that such vehicle has been stolen or taken without the consent of its owner;
 - b. The person or persons in charge of such vehicle are unable to provide for its custody or removal; or
 - c. When the person driving or in control of such vehicle is arrested for an alleged offense for which the officer is required by law to take the person arrested before a proper magistrate without unnecessary delay.

21-122. Stopping, standing, or parking prohibited in specified places

The provisions of NDCC :39-10-49 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

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

1. On a sidewalk;
2. In front of a public or private driveway;
3. Within an intersection;
4. Within ten feet of a fire hydrant;
5. On a crosswalk;
6. Within ten feet of a crosswalk at an intersection;
7. Within fifteen feet upon the approach to any flashing beacon, stop sign, or traffic-control signal located at the side of a roadway;
8. Between a safety zone and the adjacent curb or within fifteen feet of points on the curb immediately opposite the ends of a safety zone, unless the state highway department or the City indicates a different length by signs or marking;
9. Within fifteen feet of the nearest rail of a railroad crossing;

10. Within twenty feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within seventy-five feet of said entrance when properly signposted;
11. Alongside or opposite any street excavation or obstruction when stopping, standing, or parking would obstruct traffic;
12. On the roadway side of any vehicle stopped or parked at the edge or curb of a street;
13. Upon any bridge or other elevated structure upon a highway or within a highway tunnel;
or
14. At any place where official signs prohibit stopping.

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

21-123. Additional parking regulations

The provisions of NDCC :39-10-50 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

1. Except as otherwise provided in this section, every vehicle stopped or parked upon a two-way roadway shall be so stopped or parked with the right-hand wheels of such vehicle parallel to and within twelve inches of the right-hand curb or as close as practicable to the right edge of the right-hand shoulder.
2. Except where otherwise provided by ordinance, every vehicles stopped or parked upon a one-way roadway shall be so stopped or parked parallel to the curb or edge of the roadway, in the direction of authorized traffic movement, with its right-hand wheels within twelve inches of the right-hand curb or as close as practicable to the right edge of the right-hand shoulder, or with its left-hand wheels within twelve inches of the left-hand wheels within twelve inches of the left-hand curb or as close as practicable to the left edge of the left-hand shoulder.
3. The City may permit angle parking on any roadway, except that angle parking shall not be permitted on any federal-aid or state highway with-out first obtaining the written authorization of the state highway commissioner.
4. The state highway department with respect to highways under its jurisdiction may place official traffic-control devices prohibiting or restricting the stopping, standing, or parking of vehicles on any highway where in its opinion such stopping, standing, or parking is dangerous to those using the highway or where the stopping, standing, or parking of vehicles would unduly interfere, with the free movement of traffic thereon. No person shall stop, stand, or park any vehicle in violation of the restrictions indicated by such devices.

21-124. Parking prohibited – All times

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

21-124-1. Alternating parking

During snow removal events of two inches or more there is to be no parking on avenues Tuesday, Thursday, or Saturday and on streets Monday, Wednesday or Friday. Sunday parking is allowed on streets or avenues as the parking area is not widened. Penalties for Parking Violations are \$10.00 except for Handicap Citations.

21-125. Stopping – Parking – Certain purposes prohibited

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

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

21-126. Stopping – Parking – Congested – Hazardous places

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

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

21-127. Stopping – Parking 24 hours – Parking in alleys

1. No person may park a vehicle within an alley, nor may they stop a commercial vehicle not attended in an alleyway.
2. Vehicles must be moved two (2) vehicle lengths every 48 hours when parked on streets and avenues.
3. No trailers are to be parked on any street or avenue from November 1st to April 15th. This includes all types and kinds of trailers unless actively engaged by a business or trade at a residence or business place.
4. Between April 16th and October 31st trailers of all types and kinds, to include but no limited to, Motor Home and Boat trailers, must be moved two vehicle lengths every 48

hours and must not interfere with vision of traffic at intersections or upon entering alleyways or driveways of neighbors.

5. Penalties for Parking Violations are \$10.00 except for Handicap Citations.

21-128. Parking adjacent to schools

1. The city traffic engineer or authorized person may erect signs indicating not parking upon either or both sides of any street adjacent to any school property when such parking would, in his/her opinion, interfere with traffic or create a hazardous situation.
2. When official signs are erected indicating no parking upon either side of a street adjacent to any school property as authorized herein, no person shall park a vehicle in any such designated place.

21-129. Parking prohibited on narrow streets

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

21-130. Standing or parking on one-way streets

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

21-131. Standing or parking on one-way roadways

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

21-132. Parking privileges for physically handicapped – Certificate – Revocation

The provisions of NDCC :39-01-15 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

1. Any physically handicapped person who displays prominently upon an automobile parked by him or under his direction and for his use, the distinguishing certificate or insignia specified in subsection 3 shall be entitled to courtesy in the parking of such automobile.

Provided, however, that 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. Physically handicapped as used in this section shall include any person who has sustained an amputation or material disability of either or both legs, or who has been otherwise disabled in any manner rendering it difficult and burdensome for him to walk.
3. The motor vehicle registrar shall issue without charge a special identifying certificate or insignia for a marked motor vehicle to any physically handicapped applicant upon submission by the applicant of a certificate issued by a qualified physician to the motor vehicle registrar that he is a physically handicapped person within the meaning of subsection 2. The motor vehicle registrar shall determine the form and size of the certificate or insignia and shall promulgate rules and regulations governing the issuance thereof.
4. If the police of any municipality or any other political subdivision shall find that such certificate or insignia is being improperly used, they may report to the motor vehicle registrar any such violation and the motor vehicle registrar who is not physically handicapped and who exercises the privileges granted a physically handicapped person under subsection 1 shall be guilty of an infraction.
5. Whenever any public or private agency or authority designates parking spaces for use by motor vehicles operated by physically handicapped persons, those reserved spaces shall be indicated by blue paint on the curb or edge of the paved portion of the street or parking lot adjacent to the space. In addition to blue paint, the space reserved shall also be indicated by signs or other suitable means. The law enforcement agency of the city may enforce the provisions of this subsection in any parking lot or parking facility that is generally open to the public, whether publicly or privately owned.
6. No person may stop, stand, or park any vehicle in any designated parking space which is reserved for the physically handicapped on any state charitable or penal institution property or on the state capital grounds unless the vehicle displays a physically handicapped identification certificate or insignia issued by the motor vehicle registrar to a physically handicapped person, for a violation of this subsection, or any municipal ordinance equivalent to it, there will be a fee in the amount of five dollars.

XV. Article XV – Reserved Parking Areas

21-133. Reserved parking areas

No person, firm or corporation shall when signs are erected giving notice thereof, park or leave standing, either attended or unattended any motor vehicle on street areas which are reserved

for the following temporary uses: loading and unloading, bus parking, guest parking, taxi parking, emergency parking, no parking, police or fire use.

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

XVI. Article XVI – Time Limit Parking Zones

21-134. Time limit parking zones

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

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

XVII. Article XVII – Equipment of Vehicles

21-135. Equipment of vehicles other than motorcycles

All vehicles, other than motorcycles, shall be equipped with all equipment as required by the provisions of NDCC Chapter 39-21, and all subsequent amendments, which Chapter and amendments are hereby incorporated by reference in this ordinance. Any violation of the provisions of NDCC Chapter 39-21 shall be deemed a violation of this Code.

SEC. 21-135.1 SAME—MUFFLERS

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

(d) A violation of this section is punishable by a fine of twenty dollars (\$20.00).

N.D.C.C. §39-21-37, N.D.C.C §39-06.1-08, N.D.C.C §39-06.1-06.

SEC. 21-135.2 SAME-Windshield – Must be unobstructed and equipped with wipers – Tinted windows.

- (a) A motor vehicle must be equipped with a windshield. An individual may not drive any motor vehicle with any sign, poster, or other nontransparent material upon the front windshield, side wings, or side or rear windows which obstructs the driver's clear view of the highway or any intersecting highway.
- (b) The windshield on a motor vehicle must be equipped with a device for cleaning rain, snow, or other moisture from the windshield, which must be constructed as to be controlled or operated by the driver of the vehicle.
- (c) The windshield wiper upon a motor vehicle must be maintained in good working order.
- (d) An individual may not operate a motor vehicle with any object, material, or tinting displayed, affixed, or applied on the front windshield or any window unless the object, material, or tinting in conjunction with the windshield upon which it is displayed, affixed, or applied has a light transmittance of at least seventy percent (70%) or the object, material, or tinting in conjunction with a window other than the windshield upon which it is displayed, affixed, or applied has a light transmittance of at least fifty percent (50%). This subsection does not apply to windows behind the operator if the motor vehicle is equipped with outside mirrors on both sides that meet the requirements of N.D.C.C. § 39-21-38.
- (e) A violation of this section is punishable by a fine of twenty dollars (\$20.00).

N.D.C.C. §39-21-39, §39-06.1-08, N.D.C.C. §39-06.1-06.

SEC. 21-135.3. SAME—USE OF SAFETY BELTS

- (a) Subject to the limitations of this section and NDCC §39-21-41.5, a driver may not operate upon a highway a motor vehicle designed for carrying fewer than eleven (11) passengers, which was originally manufactured with safety belts unless each front seat occupant is wearing a properly adjusted and fastened safety belt. This section does not apply to a child in a child restraint or seatbelt in accordance with Section 21-135.4; to drivers of implements of husbandry; to operators of farm vehicles as defined in NDCC §39-04-19(5) ; to rural mail carriers while on duty delivering mail; to an occupant with a medical or physically disabling condition that prevents appropriate restraint in a safety belt, if a qualified physician states in a signed writing the nature of the condition and the reason restraint is inappropriate; or when all front seat safety belts are in use by other occupants. A physician who, in good faith, provides a statement that restraint would be

inappropriate is not subject to civil liability. A violation for not wearing a safety belt under this section is not, in itself, evidence of negligence. The fact of a violation of this section is not admissible in any proceeding other than one charging the violation.

(b) A violation of this section is punishable by a fine of twenty dollars (\$20.00).

N.D.C.C. §39-21-41.4.

SEC. 21-135.4 SAME—CHILD RESTRAINT DEVICES

- (a) Every child under seven (7) years of age is required to use a child restraint system which meets the standards in 49 C.F.R. 571.213 when present in any motor vehicle. When the motor vehicle is in motion, such child must be properly secured in the child restraint system in accordance with the manufacturer's instructions.
- (b) Every child under seven (7) years of age who is at least fifty-seven (57) inches [1.45 meters] tall and who weights at least eighty (80) pounds [36.28 kilograms] is not required to use a child restraint system.
- (c) A child weighing more than forty (40) pounds [18.14 kilograms] may be restrained by a lap belt if the vehicle is not equipped with lap and shoulder belts or if all lap and shoulder belts are in use by other occupants.
- (d) While a motor vehicle is in motion, every child seven (7) years of age through seventeen (17) years of age in the vehicle must be in an approved child restraint system in accordance with the manufacturer's instructions or correctly buckled in a seatbelt.
- (e) Use of child restraint systems and seatbelts is not required in motor vehicles that were not equipped with seatbelts when manufactured and when the child is being transported in an emergency situation.
- (f) Violation of this section is not, in itself, evidence of negligence. The fact of a violation of this section is not admissible in any proceeding other than one charging the violation.
- (g) An individual violating this section is guilty of a moving violation pursuant to N.D.C.C. §39-06.1-06 punishable by a fine of twenty-five dollars (\$25.00).

N.D.C.C. §39-21-41.2, N.D.C.C. §39-06.1-06.

21-136. Motorcycle equipment

The provisions of NDCC :39-27 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

21-137. When lighted lamps are required – Penalty

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

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

21-138. Load restrictions upon vehicles using certain roadways

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

21-139. Commercial vehicles prohibited from using certain streets

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

21-140. Size restrictions upon vehicles using certain highways

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

21-141. Restrictions upon use of streets by certain vehicles

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

XIX. Article XIX – Criminal Traffic Violations

21-142. Persons under the influence of intoxicating liquor or any other drugs or substances

Not to operate motor vehicle – Penalty.

1. A person may not drive any vehicle, or be in actual physical control of any vehicle upon a street or upon public or private areas to which the public has a right of access for vehicular use in this city if any of the following apply:
 - a. That person has an alcohol concentration of at least eight one-hundredths (.08) of one percent by weight at the time of the performance of a chemical test within two (2) hours after the driving or being in actual physical control of a vehicle.
 - b. That person is under the influence of intoxicating liquor.
 - c. That person is under the influence of any drug or substance or combination of drugs or substances to a degree which renders that person incapable of safely driving.
 - d. That person is under the combined influence of alcohol and any other drugs or substances to a degree which renders that person incapable of safely driving.
 - e. That person refuses to submit to any of the following:
 - i. A chemical test, or tests, of the individual's blood, breath, or urine to determine the alcohol concentration or presence of other drugs, or combination thereof, in the individual's blood, breath, or urine, at the direction of a law enforcement officer under section 39-06.2-10.2 of the NDCC if the individual is driving or is in actual physical control of a commercial motor vehicle; or
 - ii. A chemical test, or tests, of the individual's blood, breath, or urine to determine the alcohol concentration or presence of other drugs, or combination thereof, in the individual's blood breath, or urine, at the direction of a law enforcement officer under section 39-20-01 of the North Dakota Century Code.
 - f. Subdivision (e) does not apply to an individual unless the individual has been advised of the consequences of refusing a chemical test consistent with the Constitution of the United States and the Constitution of North Dakota.

The fact 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. It is an affirmative defense that a drug was used only as directed or cautioned by a practitioner who legally prescribed or dispensed the drug to that person.

2. A person who operates a motor vehicle on a highway or on public or private areas to which the public has a right of access for vehicular use in this state who refuses to submit to a chemical test, or tests, required under sections 39-06.2-10.2 or 39-20-01 of the North Dakota Century Code, is guilty of an offense under this section.

3. A person violating 39-08-01 of the North Dakota Century Code or equivalent ordinance is guilty of a Class B misdemeanor for the first or second offense in a seven-year period, and of a Class A misdemeanor for a later conviction in a seven-year period. The minimum penalty for violating this section is as provided in subsection 5. The court shall take judicial notice of the fact that offense would be a subsequent offense if indicated by the records of the director of the North Dakota Department of Transportation or may make a subsequent offense finding based on other evidence.

4. Upon conviction of a second or subsequent offense within seven (7) years under 39-08-01 of the North Dakota Century Code or equivalent ordinance, the court may order the motor vehicle number plates of all of the vehicles owned and operated by the offender at the time of the offense to be destroyed by the office of the police officer that made the arrest. The offender shall deliver the number plates to the court without delay at a time certain as ordered by the court following the conviction. The court shall deliver the number plates to the office and notify the department of the order. An offender who does not provide the number plates to the court at the appropriate time is subject to revocation of probation. The court may make an exception to this subsection, on an individual basis, to avoid undue hardship to an individual who is completely dependent on the motor vehicle for the necessities of life, including a family member of the convicted individual and a co-owner of the motor vehicle, or if the offender is participating in the twenty-four seven sobriety program.

5. A person convicted of violating 39-08-01 of the North Dakota Century Code or equivalent ordinance must be sentenced in accordance with 39-08-01 of the North Dakota Century Code or any amendments thereto.

a. For the first offense, the sentence must include both a fine of at least five hundred dollars (\$500.00) and an order for addiction evaluation by an appropriate licensed addiction treatment program. In addition, for a first offense when the convicted person has an alcohol concentration of at least sixteen one-hundredths (.16) of one percent by weight, the offense is an aggravated first offense and the sentence must include a fine of at least seven hundred fifty dollars (\$750.00) and at least two (2) days' imprisonment.

b. For a second offense within seven (7) years, the sentence must include at least ten (10) days imprisonment, of which forty-eight (48) hours must be served consecutively; a fine of one thousand five hundred dollars (\$1,500.00); and an order for addiction evaluation by an appropriate licensed addiction treatment program; and at least three hundred and sixty days' participation in the twenty-four seven sobriety program under chapter 54-12 as a mandatory condition of probation.

c. The imposition of sentence under this section may not be deferred under subsection 4 of Section 12.1-32.02 of the North Dakota Century Code for an offense subject to this section.

d. If the offense is subject to subdivision a or b, a municipal court or district court may not suspend a sentence, but may convert each day of a term of imprisonment to ten hours of community service for an offense subject to paragraph 2 of subdivision a.

e. For purposes of this section, conviction of an offense under a law or ordinance of another state which is equivalent to this section must be considered a prior offense if such offense was committed within the time limitations specified in this section.

f. If the penalty mandated by this section includes imprisonment or placement upon conviction of a violation of this section or equivalent ordinance, and if an addiction evaluation has indicated that the defendant needs treatment, the court may order the defendant to undergo treatment at an appropriate licensed addiction treatment program under subdivision g of subsection 1 of section 12.1-32-02 of the North Dakota Century Code and the time spent by the defendant in the treatment must be credited as a portion of a sentence of imprisonment or placement under this section. A court may not order the department of corrections and rehabilitation to be responsible for the costs of treatment in a private treatment facility.

g. If the individual has participated in the twenty-four seven sobriety program as a condition of pretrial release or for the purpose of receiving a temporary restricted operator's license under section 39-06.1-11 of the North Dakota Century Code, the sentencing court may give credit for the time the individual has already served on the twenty-four seven sobriety program when determining the amount of time the individual must serve on the twenty-four seven sobriety program for the purposes of probation, if that individual has not violated the twenty-four seven sobriety program before sentencing.

6. As used in subdivision b of subsection 5, the term "imprisonment" includes house arrest. As a condition of house arrest, a defendant may not consume alcoholic beverages. The house arrest must include a program of electronic home detention and the defendant shall participate in the twenty-four seven sobriety program. The defendant shall defray all costs associated with the electronic home detention. For an offense under subdivision b of subsection 5, no more than ninety percent of the sentence may be house arrest.

7. As used in this title, participation in the twenty-four seven sobriety program under chapter 54-12 means compliance with section 54-12-27 through 54-12-31 of the North Dakota Century Code, and requires sobriety breath testing twice per day seven days per week or electronic alcohol monitoring, urine testing, or drug patch testing. The offender is responsible for all twenty-four seven sobriety program fees and the court may not waive the fees. For purposes of this section, the twenty-four seven program is a condition of probation and a court may not order participation in the program as part of the sentence. If an individual ordered to participate in the twenty-four seven program is not a resident of this state, that individual shall enroll in a twenty-four seven program or an alcohol compliance program if available in that individual's state of residence and shall file proof of such enrollment.

21-143. Reckless driving – Penalty

The provisions of NDCC :39-08-03 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

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

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

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

21-143.1 Accidents involving damage to vehicle – Penalty

The provisions of NDCC :39-08-05 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

The driver of any vehicle involved in an accident resulting only in damage to a vehicle which is driven or attended by any person shall immediately stop such vehicle at the scene of such accident or as close thereto as possible but shall forthwith return to and in every event shall remain at the scene of such accident until he has fulfilled the requirements of :19.4. Every such stop shall be made without obstructing traffic more than is necessary. Any person failing to stop or comply with said requirements under such circumstances shall be guilty of an offense.

21-143.2 Immediate Notice of Accident-Penalty

The driver of a vehicle involved in an accident resulting in injury to or death of any person or property damage to an apparent extent of at least one thousand dollars (\$1,000.00) shall immediately give notice of the accident to the police department. Any person who violates this section must be assessed a fine of fifty dollars (\$50.00). The name of the motor vehicle insurance 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 police officer investigating the accident. If the driver does not have the required information concerning insurance to furnish to the investigating police officer, then within five (5) days of the accident the driver shall supply that information to the driver's license division in the form the division requires.

The driver of a vehicle involved in an accident with an undomesticated animal resulting in property damage only to the driver's vehicle is exempt from the notice requirements of this section, regardless of the amount of damage to the driver's vehicle.

21-144. Duty upon striking unattended vehicles

The provisions of NDCC :39-08-07 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

The driver of any vehicle which collides with any vehicle which is unattended shall immediately stop and shall then and there either locate and notify the operator or owner of 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 violating this section is guilty of an offense.

21-145. Duty upon striking fixtures upon a highway

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

The driver of any vehicle involved in an accident resulting only in damage to fixtures or other property legally upon or adjacent to a highway shall take reasonable steps to locate and notify the owner or person in charge of such property of such fact and of his name and address and of the registration number of the vehicle he is driving and shall upon request and if available exhibit his operator's or chauffeur's license and shall make report of such accident when and as require in :3-9.

21-146. Penalty for driving while license suspended or revoked

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

1. Except as provided in NDCC section 39-06.1-11, any person who operates a motor vehicle on a highway or on public or private areas to which the public has a right of access for vehicular use in this state while a person's operator's license is suspended or revoked in any jurisdiction is guilty of a class B misdemeanor for the first, second, or third offense within a five-year period. Any subsequent offense within the same five-year period is a class A misdemeanor.
2. If the suspension or revocation was imposed for violation of section 21-142 or was governed by Section 39-06-31 or Chapter 39-20 of the NDCC, the sentence must be at least four (4) consecutive days' imprisonment and such fine as the court deems proper. The execution of sentence may not be suspended or the imposition of sentence deferred under subsection 3 or 4 of Section 12.1-32-02 of the NDCC. Forfeiture of bail is not permitted in lieu of the defendant's personal appearance in open court for arraignment on a charge under this subsection.
3. A court may dismiss a charge under this section upon motion by the defendant if the defendant's operator's license is reinstated within sixty days of the date of the offense and the defendant provides to the court satisfactory evidence of the reinstatement.
4. In addition to any other punishment imposed, the court may order the number plates of the motor vehicle owned and operated by the offender at the time of the offense to be impounded by the sheriff for the duration of the period of suspension or revocation, as the case may be, of the offender's driving license or privilege. The impounded number plates may be released, upon order of the court, to a bona fide purchaser of the offender's motor vehicle, if that purchaser produces a new certificate of title to the motor vehicle issued by the motor vehicle registrar.

21-147. Operation of snowmobiles

1. Definitions:

For the purpose of this section, the following definitions are hereby adopted:

- a. "Person" includes an individual, firm, partnership, corporation, trustee, association, the state and its agencies and subdivisions, and any body of persons, whether incorporated or not, and with respect to acts prohibited or required herein shall include employees and licensees.
- b. "Snowmobile" means a self-propelled vehicle designed for travel on snow or ice or a natural terrain steered by wheels, skis, or runners.
- c. "Owner" means a person, other than a lien holder, having the property in or title to a snowmobile entitled to the use or possession thereof.
- d. "Operate" means to ride in or on and control the operation of a snowmobile.
- e. "Operator" means every person who operates or is in actual physical control of a snowmobile.
- f. "Register" means the act of assigning a registration number of a snowmobile by the registrar of motor vehicles of the State of North Dakota.
- g. "Registrar" means the registrar of motor vehicles under 39-02 NDCC, acting directly or through his authorized agent.
- h. "Roadway" means that portion of a highway improved, designed, or ordinarily used for vehicular travel.
- i. "Street or Highway" shall mean the entire width between the boundary lines of way or place when any part thereof is open to the use of the public in the city, as a matter of right, for the purposes of vehicular traffic.
- j. "Daylight" hours shall mean any time except from a half hour after sunset to a half hour before sunrise or at any other time when there is not sufficient light to render clearly discernible persons and vehicles at a distance of 500 feet.

2. Prohibited operation

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

- a. At a rate of speed greater than reasonable or proper under all the surrounding circumstances.
- b. In a careless, reckless, or negligent manner so as to endanger the person or property of another or to cause injury or damage to such person or property.
- c. While under the influence of intoxicating liquor or narcotics or habit forming drugs.
- 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. Under the age of fourteen years.
- h. On direct crossing of a street or highway unless:
 - 1. 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; and
 - 2. The snowmobile is brought to a complete stop before crossing the shoulder or main traveled way of the highway; and
 - 3. The driver yields the right-of-way to all oncoming traffic which constitutes an immediate hazard; and
 - 4. In crossing a divided highway, the crossing is made only at an intersection of such highway with another public street or highway.
- i. In violation of any rule or regulation promulgated for regulating the use of snowmobiles by the state highway commissioner where applicable within the geographical limits of the city.
- j. At a speed in excess of 10 miles per hour at any time upon any street, alley, highway, or other public ground or place in the city.
- k. While towing a sled, skid, or any other vehicle, unless the sled, skid, or other vehicle is connected to the snowmobile by a hinged swivel and secure hitch.
- l. Passing another snowmobile while such snowmobile is in operation and underway on any street, alley, highway or other public ground or place in the city.

- m. If the operator does not hold a valid, current North Dakota driver's license or is not accompanied by a licensed driver who is actually occupying a seat in the snowmobile.
- n. Abreast of another snowmobile upon any street, alley, highway, or other public ground or place.
- o. Between the hours of 10:30 P.M. and 7:30 A.M., except on Friday and Saturday the beginning hour is changed from 10:30 P.M. to 11:00 P.M., with the further exception that snowmobiles entering the City are not limited by time as long as they meet with the provisions of this ordinance.
- p. In any municipal park or recreation area except when posted as "open" to snowmobiles, and within the hours permitted.
- q. Upon private property, other than that of snowmobile owner, or operator, without express permission of the owner.
- r. While carrying a strung bow or loaded firearm.
- s. Leaving or allowing a snowmobile to be or remain unattended on public property, streets, highway or other public grounds or places while the motor is running or with keys to start the same in the ignition switch.
- t. At any time with more than two (2) persons riding thereon in addition to the operator.
- u. Without observing all traffic signs, signals, rules and regulations applying to motor vehicles when also applicable to snowmobiles.

3. Prohibition of use on all streets

No person shall operate a snowmobile upon any road, street, or highway, in this city kept open for vehicular traffic, except:

- a. During a period of emergency when travel by other vehicles is not possible.
- b. For a special snowmobile event of limited duration when conducted on a prearranged schedule under permit from the governing body.
- c. In crossing a street as herein provided.
- d. On streets or roads not maintained for winter vehicular travel.
- e. In traveling from the operator's place of residence to the edge of the city limits, using the shortest route from said operator's residence to the edge of said city's limits.

4. Permissible use on streets as regulated herein

No person shall operate a snowmobile upon the roadway, shoulder, or inside bank or slope of any road, street or highway in this city except as provided in this ordinance. No snowmobile shall be operated upon a public street or highway unless it is equipped with at least one head lamp, one tail lamp and brakes all in working order which conform to standards prescribed by rule of the highway commissioner. When snowmobiles are operated within the right-of-way of any road, street or highway of this city pursuant to this ordinance during times or conditions that warrant the use of lights, such snowmobiles shall travel in the same direction as the direction of motor vehicles on the side of the road way immediately adjacent to the side of the right-of-way traveled by the snowmobile.

5. Any person who shall violate subdivision b and c of subsection 2 of section 21-147 shall be guilty of a class B misdemeanor. A violation of subdivision p of subsection 2 shall be an infraction punishable by a fine of One Hundred Dollars (\$100).

21-148. Penalty for harassment of domestic animals

The provisions of NDCC :39-08-19 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

Any person operating a motorcycle, snowmobile, or other motor vehicle as defined in subsection 34 of 21-1 who willfully harasses or frightens any domestic animal, shall upon conviction, be guilty of an offense, if injury or death results to the animal due to such action, such person shall be liable for the value of the animal and exemplary damages as provided in NDCC :36-21-13.

21-149. Operation of motor vehicle, tractor, or other vehicle prohibited on flood protective works – Exception – Penalty

The provisions of NDCC :39-10-65 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

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

21-150. Driving without an operator's license

No person shall drive any motor vehicle upon any street or highway within this city unless such person has a valid operator's license as provided for in the North Century Code, Chapter 39-06. A violation of this section is a moving violation punishable by a fine of twenty dollars (\$20.00).

N.D.C.C §39-06-01, N.D.C.C. §39-06.1-09, N.D.C.C §39-06.1-06

SEC. 21-150.1. FAILURE TO OBTAIN NORTH DAKOTA OPERATOR'S LICENSE.

(a) If an individual is a North Dakota resident, the individual shall not possess an operator's license from another state. The following persons are exempt from the requirement to have a North Dakota operator's license:

1. An employee of the United States government while operating a motor vehicle owned by or leased to that government and being operated on official business.
2. A nonresident who is at least sixteen years of age, who has in that individual's immediate possession a valid operator's license issued to that individual in that individual's home state or country.
3. A nonresident who is at least sixteen years of age, whose home state or country does not require the licensing of operators, for a period of not more than thirty days in any calendar year without making an application for or obtaining an operator's license of this state, if that individual has in that individual's possession while driving in this state an official certificate showing the lawful registry of the motor vehicle and be able to prove that individual's lawful possession or the right to operate the vehicle and to establish that individual's identity.
4. A member of the armed forces of the United States while that individual is stationed in North Dakota, if that individual has a valid current operator's license from another state.
5. An individual over sixteen years of age who becomes a resident of this state and who has in possession a valid operator's license issued to that individual under the laws of some other state or country or by military authorities of the United States for a period of not more than sixty days after becoming a resident of this state.
6. A member of the North Dakota national guard operating any military vehicles as authorized by a national guard operator's license while on duty.

(b) For purposes of this section, a person is deemed to be a resident of this state when the person has lived in the state for ninety (90) consecutive days, unless such person is a nonresident student, a tourist, or a member of the armed forces.

N.D.C.C §39-06-02, but cited as N.D.C.C §39-06-01, N.D.C.C. §39-06.1-09, N.D.C.C §39-06.1-06

21-151. License to be carried and exhibited on demand

The provisions of NDCC :39-06-16 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

Every licensee shall have his operator's license or permit in his immediate possession at all times when operating a motor vehicle and shall display the same, upon demand of 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 produces in court, to the chief of police or in the office of the arresting officer an operator's license or permit theretofore issued to him and valid and not under suspension, revocation or cancellation at the time of his arrest.

21-152. Penalty

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

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

XX. Article XX – Disposition of Traffic Offenses

21-153. Halting person for violating traffic

Regulations – Duty of officer halting

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

Whenever any person is halted for the violation of any of the provisions of NDCC chapters 39-01 through 39-13, 39-18, 39-21, and 39-24, or of equivalent City ordinances, the officer halting such person, except as otherwise provided in 21-155 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 employed by any political subdivision of the state may not take a person into custody or require that person to proceed with the officer to any other location for the purpose of posting bond, where the traffic violation was a noncriminal offense under section 39-06-02. The officer shall provide the person with an envelope for use by that person to mail the bond.

21-154. Hearing – Time – Promise of defendant to appear – Failure to appear – Penalty

The provisions of NDCC :39-07-08 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

The time to be specified in the summons or notice provided for in 21-153 shall be within ten days after the issuance of such summons or notice unless the person halted desires, he may have the right, at a convenient hour, to an immediate hearing or to a hearing within twenty-four hours. Such hearing shall be before the municipal court. Upon the receipt from the person halted of a written promise to appear at the time and place mentioned in the summons or notice, such officer shall release him from custody. Any person refusing to give such written promise to appear shall be taken immediately by the halting officer before the nearest or most accessible magistrate, or to such other place or before such other person as may be provided by a statute or ordinance authorizing the giving bail. Any person willfully violating his written promise to appear shall be guilty of an offense, regardless of the disposition of the charge upon which he originally was halted.

21-155. Offenses under which person halted may not be entitled to release upon promise to appear.

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

The provisions of 21-153 shall not apply to a person if:

1. The halting officer shall have good reason to believe such person guilty of any felony or when such person is halted and charged with any of the offenses listed in 21-159, except reckless driving;
2. The halting officer, acting within his discretion, deems it inadvisable to release such person upon his promise to appear when halted and charged with either of the following offenses:
 - a. Reckless driving; or
 - b. Driving in excess of speed limitations established by the state or by local authorities in their respective jurisdictions.

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

21-156. Traffic violations noncriminal – Exceptions – Procedures

The provisions of NDCC :39-06.1-02 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

Any person cited, in accordance with the provisions of sections 39-07-07 and 39-07-08, for a traffic violation under state law or municipal ordinance, other than an offense listed in section

39-06.105, before the designated official and pay the statutory fee for the violation charged at or prior to the time scheduled for a hearing, or, if he has posted bond in person, as provided by section 39-07-07, or by mail, he may forfeit bond by not appearing at the designated time. If the person appears at the time scheduled in the citation, he may make a statement in explanation of his action, and the official may at that time, in his discretion, waive, reduce, or suspend the statutory fee or bond, or both. If the person cited follows the foregoing procedures, he shall be deemed to have admitted the violation and to have waived his right to a hearing on the issue of commission of the violation. The bond required to secure appearance before the official designated in the citation shall be identical to the statutory fee established by section 39-06.1-06. Within ten days after forfeiture of bond or payment of the statutory fee, the official having jurisdiction over the violation shall certify to the licensing authority.

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

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

21-157. Administrative hearing – Prepaid costs – Procedures – Appeals – Stay orders

The provisions of NDCC :39-06.1-03 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

1. If a person cited for a traffic violation, other than an offense listed in 21-156, he may request a hearing on the issue of his commission of the violation charged, the hearing to be held at the time scheduled in the citation or at some future time, not to exceed ninety days later, set at that first appearance.
2. At the time of a request for a hearing on the issue of commission of the violation, the person charged shall deposit with the official having jurisdiction an appearance bond equal to the statutory fee for the violation charged.
3. If a person cited for a traffic violation, other than on offense listed in 21-159*, who has requested a hearing on the issue of the commission of the violation charged, appears at the time scheduled for the hearing and the state or city, as the case may be, does not appear or is not ready to prove the commission of a charged violation at the hearing, the official shall dismiss the charge.
4. If the official finds that the person had committed the traffic violation, he shall notify the licensing authority of that fact, and whether the person was driving more than nine miles [14.48 kilometers] per hour in excess of the lawful limit, stating specifically the miles [kilometers] per hour in excess of the lawful limit, if charged with a speeding violation, within ten days of the date of the hearing. The fact that a person has admitted a violation,

or has, in any proceeding, been found to have committed a violation, shall not be referred to in any way, nor be admissible as evidence in any court, civil, equity, or criminal, except in an action or proceeding involving that person's driving license or privilege.

5. a. If a person is aggrieved by a finding that he committed the violation, he may, without payment of filing fee, appeal that finding to the district court for trial anew, and the case may be tried to a jury, if, after trial in the district court, the person is again found to have committed the violation, there shall be no further appeal. Notice of appeal under this subsection shall be given within thirty days after a finding of commission of a violation is entered by the official. Oral notice of appeal may be given to the official at the time that he adjudges that a violation has been committed. Otherwise, notice of appeal shall be in writing and filed with the official and a copy of the notice shall be served upon the city attorney or state's attorney, as the case may be. An appeal taken under this subsection shall not operate to stay the reporting requirement of subsection 4, nor to stay appropriate action by the licensing authority upon receipt of that report.

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

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

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

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

6. The city must prove the commission of a charged violation at the hearing or appeal under this section by a fair preponderance of the evidence. Upon an appeal under subsection 5,

the court and parties shall follow, to the extent applicable, the North Dakota Rules of Civil Procedures. If on the appeal from the finding of the official the finding is affirmed, costs may be assessed at the discretion of the trial judge.

7. As used in 21-156 through 21-158 the word “official” means a municipal judge.

21-158. Failure to appear, pay statutory fee, post bond – Procedure – Penalty

The provisions of NDCC :39-06.1-04 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

If a person fails to choose one of the methods of proceeding set forth in 21-156 & 21-157 he shall be deemed to have admitted to commission of the violation charged, and the municipal court shall report such fact to the licensing authority within ten days after the date set for the hearing. Failure to appear at the time designated, after signing a promise to appear, without paying the statutory fee or posting and forfeiting bond shall be an offense. Failure to appear without just cause at the hearing shall also be deemed an admission of commission of the violation charged.

21-159 Offenses excepted

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

The procedures authorized under 21-156 and 21-157 may not be utilized by a person charged with one of the following offenses:

1. Driving or being in actual physical control of a vehicle while under the influence of a controlled substance or intoxicating liquor in violation of 21-142.
2. Reckless driving or aggravated reckless driving in violation of 21-143.
3. Negligent homicide in violation of NDCC :12.1-16-03.
4. Manslaughter resulting from the operation of a motor vehicle.
5. Leaving the scene of an accident in violation of 21-143.1 through 21-145.
6. Driving while license or driving privilege is suspended or revoked I violation of 21-146.
7. Violating subdivision b or c of subsection 2 of 21-147.

21-160. Amount of statutory fees

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

The fees required for a noncriminal disposition pursuant to either 21-156 or 21-157 shall be as follows:

1. For a nonmoving violation as defined in section 39-06.1-08, a fee of twenty dollars.
2. For a moving violation as defined in section 39-06.1-09, a fee of twenty dollars. Except a violation of 21-46 or 21-47 and any amendments thereto shall be a fee of \$40.00 and any exception listed under N.D.C.C. 39-06.1-06(2) and any amendments therto.
3. For a violation of section 39-09-02, or an equivalent ordinance, the penalty shall be a fee and a point assessment as may be amended by the North Dakota Legislature against the driver's license as follows:

Speed (mph)	Fee (\$)	Points
1-5 mph over \$5		
6-10 mph over \$5 plus \$1/each mph over 5 mph over		1
11-15 mph over \$10 plus \$1/each mph over 10 mph		2
16-20 mph over \$15 plus \$2/each mph over 15 mph		3
21-25 mph over \$25 plus \$3/each mph over 20 mph		4
26-35 mph over \$40 plus \$3/each mph over 25 mph		6
36-45 mph over \$70 plus \$3/each mph over 35 mph		8
46 mph over \$100 plus \$5/each mph over 45 mph		12

4. For a violation of section 39-09-01, or an ordinance defining careless driving, a fee of thirty dollars.
5. For a violation of section 39-09-01.1, or an ordinance defining care required in driving, a fee of not less than ten dollars nor more than thirty dollars.
6. For a violation of section 39-08-20, a fee of one hundred and fifty dollars for a first violation and three hundred dollars for a second or subsequent violation in three years.
7. For a violation of section 39-08-20, a fee of not less than twenty-five dollars nor more than one hundred dollars.

21-161. "Nonmoving violation" defined

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

For the purpose of 21-160, a "nonmoving violation" shall mean: :21-75, 21-84, 21-85, or the provisions of Article XIV.

21-162. "moving violation" defined

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

For the purpose of 21-160, a “moving violation” means a violation of 21-151; 21-83; 21-31; 21-100; 21-101; 21-102; 21-103; 21-104; 21-17 (1); or 19-7 (2), except subdivisions b and c: or a violation of the provisions of Article IX or Article XVII except 21-137 and those sections which are specifically listed in 21-161.

21-163. General penalty for violation of chapter

The provisions of NDCC :39-07-06 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

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

21-164. Notification of parents or guardians of juvenile traffic offenders

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

21-165. Truck routes

No truck, whether loaded or without load, shall be driven over or shall operate upon any of the streets and avenues of the city where such traffic is forbidden by resolution of the city council; provided, that before the provisions of any such resolution shall become in force and effect, proper signs are placed at the entrances to the city listing the truck route and weight restrictions.

1. Utility and service vehicles will be permitted on residential streets and avenues when performing services as required.
2. Services or delivery vehicles must take the shortest route from the posted truck route to and from their point of delivery or service.
3. Vehicles will not exceed load limits listed by resolution of the city council.
4. Empty farm trucks owned by local residence will be permitted to proceed from nearest truck route to the residence and then shall be parked in the driveway or the yard of the owner. To leave owner will take nearest route back to designated truck route. This does not include tractor trailers.

21-166. Playing on streets prohibited generally

No person shall play on the streets, avenues, alleys or public grounds of the city, nor on the sidewalks within the business district of the city.

21-167. Designation and use of safety zones.

Within the business district of the city, the police department may designate by marked standard and fragile cords or by lines on the street or paving regular vehicle stands or zones, within which enclosure all vehicle within the length of the blocks facing on such stand or zone, to be left standing without a driver, may be compelled to stand as directed so long as vacant space therein will allow during days or portion of the day when the congestion of traffic and the safety of pedestrians at any point may seem to demand or justify it.

21-168. Regulation of parking on private areas

No person shall park any vehicle upon any private parking lot, stall or area within the city without first obtaining permission from the owner thereof, provided such parking lot, stall or area is properly identified as a private parking space by a suitable sign.

Any vehicle parked in violation of this section may be removed and impounded by the police at the request of the owner or person entitled to the occupancy of the parking space involved. The cost of such removal and impoundment shall be paid by the owner or driver thereof before its release.

21-169. Authority to impound vehicles

(a) Members of the police department are hereby authorized to remove a vehicle from a street or highway within the city to the nearest garage or other place of safety, or to a garage designated or otherwise maintained by the city, under the circumstances enumerated as follows:

1. When any vehicle is left unattended upon any street, highway, or bridge and is so parked illegally as to constitute a definite hazard or obstruction to the normal movement of traffic.
2. When a vehicle upon a street or highway is so disabled so as to constitute an obstruction to traffic and the person or persons in charge of the vehicle are by reason of physical injury incapacitated to such an extent so as to be unable to provide for its custody or removal.
3. When any vehicle is left unattended and illegally parked in violation of this code.

(b) Whenever an officer removes a vehicle from a street as authorized in this section and the officer knows or is able to ascertain from the registration records in the vehicle the name and address of the owner thereof, such officer shall immediately give or cause to be given notice in writing to such owner of the fact of such removal and the reasons there for and of the place to

which such vehicle has been removed. In the event any such vehicle is stored in a public garage, a copy of such notice shall be given to the proprietor of such garage.

(c) The owner may reclaim such impounded vehicle upon payment to the garage, company or person removing the same, all costs necessarily incurred in the removal and impoundment of such vehicle. Any costs paid hereunder shall in no manner relieve the owner of criminal liability for violation of this Code.

21-170. Parking fines, etc., to be paid into general fund

All fines, penalties and forfeitures collected for offenses against the provisions of this chapter relating to overtime parking in the city shall be paid into the treasury of the city.

21-171. Throwing snowballs, rocks or other missiles

The throwing of snowball, rocks, or other missiles by any person at or toward a vehicle, wither standing or moving, shall be deemed a violation of this section and the same is hereby prohibited.

21-172 Motor Vehicles, Trailers and Semitrailers Registration Requirements

Except as provided by NDCC §39-04-18, every motor vehicle as defined by NDCC 39-01-01, trailer or semitrailer designed to be towed by a truck or truck tractor, and farm trailer operated or intended to be operated upon any highway, road, or street in this city must be registered annually by the North Dakota Department of Transportation and display license plates furnished by the department, unless subject to the exceptions in NDCC §39-04-18
N.D.C.C. §39-04-18

21-173 DISPLAY OF REGISTRATION PLATES AND TABS

(a) A person may not operate, drive, or intend to operate a vehicle upon an highway, road, or street in this city unless the vehicle has a distinctive number assigned to it by the North Dakota Department of Transportation, and two (2) number plates, bearing the distinctive number conspicuously displayed, horizontally and in the upright position, one (1) on the front and one (1) on the rear of the vehicle, each securely fastened, except assigned to a motorcycle, trailer or housetrailer must be attached to the rear thereof. The bottom of each number plate must be at a height of not less than twelve (12) inches (30.48 centimeters) above the level surface upon which the vehicle stands. Each plate must be mounted in a manner that does not cover any words, letter, or number on the plate. As far as is reasonably possible, the plates must at all times be kept free and clear of mud, ice, or snow so as to be clearly visible and all number plates, markers, or evidence of registration or licensing except for the current year must be removed from the vehicle. An annual registration tab or sticker for the current registration year must be displayed on each number plate, in the area designated by the department the tab or sticker, in those years for which tabs or stickers are issued in lieu of number plates.

(b) When only one (1) plate is furnished for apportioned vehicle under the international registration plan as authorized in NDCC 39-19-04, truck tractor, or semitrailer, the plate must be attached to the front of the apportioned vehicle or truck tractor and the rear of the semitrailer.

(c) A violation of this section is punishable by a fine of twenty dollars (\$20.00)

NDCC §39-04-11, NDCC 39-06.1-08, NDCC §39-06.1-06

21-174 REGISTRATION CARD TO BE CARRIED IN OR ON VEHICLE

(a) The registration card issued for a vehicle must be carried in the driver's compartment of the vehicle, or in the case of a motorcycle, house trailer, mobile home, trailer, or semitrailer, regardless of when such vehicle was acquired, inside or on the vehicle, at all times while the vehicle is being operated. Such card shall be subject to inspection by any peace officer or highway patrolman. Any person violating this section shall be assessed a fee of twenty dollars (\$20.00).

(b) Any person cited for a violation of this section may not be found to have committed the violation if the person, within forty-eight (48) hours after being cited, produces and displays to any peace officer or highway patrolman, or to the hearing official before whom the person was to appear, a registration card valid at the time the person was cited. A peace officer or highway patrol officer, upon citing a person for a violation of this section, shall inform the person that a violation will be considered as not having occurred if the person produces and displays a valid registration card in the manner provided in this section. A peace officer or highway patrol officer receiving evidence of the existence of a valid registration card as herein provided shall notify the hearing official of the appropriate jurisdiction of that fact.

N.D.C.C. §39-04-55

SEC. 21-175 VIOLATIONS OF REGISTRATION PROVISIONS

It shall be unlawful for any person to operate, or for the owner thereof knowingly to permit anyone to operate, upon any street or highway within this city, any vehicle:

1. To operate, or for the owner thereof knowingly to permit anyone to operate, upon a highway any vehicle the registration of which has been canceled or revoked, or for which the registration fees required in this title have not been paid, or which does not have attached thereto and displayed thereon a number plate, plates, or validation tabs assigned thereto by the director for the current registration period, subject to the exemptions in NDCC §39-04-37.
2. To display or cause or permit to be displayed, or to have in possession, any registration card, registration number plate, or validation tabs knowing the same to be fictitious or to have been canceled, revoked, suspended, or altered.

3. To lend any registration number plate, registration card, or validation tabs to any person not entitled thereto, or knowingly permit the use of any registration number plate or registration card by any person not entitled thereto.
4. To fail or refuse to surrender to the department, upon demand, any registration card, registration number plate, or validation tab which has been suspended, canceled, or revoked as is provided in this chapter.
5. To use a false or fictitious name or address in any application for the registration of any vehicle, or for any renewal or duplicate thereof, or knowingly to make a false statement or knowingly to conceal a material fact or otherwise to commit a fraud in any application.
6. A violation of subsection (1) shall be punishable in accordance with NDCC §39-06.1-06. A violation of subsections (2) through (5) is punishable as a class B misdemeanor.

N.D.C.C. §39-04-37, N.D.C.C §39-06.1-06

SEC. 21-176 TRANSFER OF TITLE OF VEHICLE

- (a) The owner of a motor vehicle who transfers title to a vehicle shall endorse an assignment and warranty of title upon the certificate of title for the vehicle. The owner or transferor shall include on the assignment and warranty of title the name of the transferee and the selling price of the vehicle if applicable.
- (b) If legal title passes to the transferee, the owner shall deliver the endorsed certificate of title to the transferee within fifteen (15) days.
- (c) If legal title passes to a lienholder rather than the transferee, the transferee shall endorse a statement that the lienholder holds the lien and shall send the certificate of title to the department with an application for a new certificate of title showing the names of the new owner and lienholder. The certificate of title when issued must be sent by the department to the lienholder or the department may use an electronic lien notification procedure in lieu of sending a certificate of title to a lienholder.
- (d) Within thirty (30) days, the transferee shall deliver the endorsed certificate of title to the department with a transfer fee of five dollars (\$5.00), and shall make an application for a new certificate of title. In addition to any other penalty, the registration to a motor vehicle may be suspended or revoked if the transferee fails to present the endorsed certificate of title to the department for transfer and make application for a new certificate of title within thirty (30) days. The department shall deliver the new certificate of title to the lienholder with priority. If there is no lienholder, delivery must be made to the owner.

- (e) A violation of this section by an owner, lienholder, or transferee is a Class B misdemeanor.

N.D.C.C. §39-05-17

SEC. 21-177 DRIVING WITHOUT LIABILITY INSURANCE PROHIBITED

- (a) A person may not drive, or the owner may not cause or knowingly permit to be driven, a motor vehicle in this state without a valid policy of liability insurance in effect in order to respond in damages for liability arising out of the ownership, maintenance, or use of that motor vehicle in the amount required by NDCC Chapter 39-16.1.
- (b) Upon being stopped by a law enforcement officer for the purpose of enforcing or investigating the possible violation of an ordinance or state law, the person driving the motor vehicle shall provide to the officer upon request satisfactory evidence, including written or electronic proof of insurance, of the policy required under this section. If unable to comply with the request, that person may be charged with a violation of this section. If that person produces satisfactory evidence, including written or electronic proof of insurance, of a valid policy of liability insurance in effect at the time of the alleged violation of this section to the office of the court under which the matter will be heard, that person may not be convicted or assessed any administration fee for violation of subsection (a).
- (c) Notwithstanding NDCC §26.1-30-18, a person may be convicted for failure to have a valid policy of liability insurance in effect under this section if the time of acquisition of the policy was after the time of the alleged incidence of driving without liability insurance. If the time of acquisition of the policy comes into question, the driver or owner has the burden of establishing the time of acquisition. If the driver is not an owner of the motor vehicle, the driver does not violate this section if the driver provides the court with evidence identifying the owner of the motor vehicle and describing circumstances under which the owner caused or permitted the driver to drive the motor vehicle.
- (d) Violation of subsection (a) is an infraction and the sentence imposed must include a fine of at least one hundred fifty dollars (\$150.00) which may not be suspended. A person convicted for a second or subsequent violation of driving without liability insurance within a three-year period must be fined at least three hundred dollars (\$300.00) which may not be suspended. For a second or subsequent conviction for a violation of subsection (a) or equivalent ordinance, the court shall order the motor vehicle number plates of the motor vehicle owned and operated by the person at the time of the violation to be impounded until that person provides proof of insurance and a twenty-dollar (\$20.00) fee to the court. The person shall deliver the number plates to the court without

delay at a time certain as ordered by the court following the conviction. The court shall deliver the number plates to the office of the police officer that made the arrest and notify the department of the order. A person who does not provide the number plates to the court at the appropriate time is guilty of a class B misdemeanor.

- (e) Upon conviction for a violation of subsection (a) or equivalent ordinance, the person who has been convicted shall provide proof of motor vehicle liability insurance to the department in the form of a written or electronically transmitted certificate from an insurance carrier authorized to do business in this state. This proof must be provided for a period of three (3) years and kept on file with the department. If the person fails to provide this information, the department shall suspend that person's driving privileges and may not issue or renew that person's operator's license unless that person provides proof of insurance.
- (f) A person who has been convicted for violation of subsection (a) or equivalent ordinance shall surrender that person's operator's license and purchase a duplicate operator's license with a notation requiring that person to keep proof of liability insurance on file with the department. The fee for this license is fifty dollars (\$50.00) and the fee to remove this notation is fifty dollars (\$50.00).
- (g) When an insurance carrier has certified a motor vehicle liability policy, the insurance carrier shall notify the director no later than ten (10) days after cancellation or termination of the certified insurance policy by filing a notice of cancellation or termination of the certified insurance policy; except that a policy subsequently procured and certified shall, on the effective date of its certification, terminate the insurance previously certified with respect to any motor vehicle designated in both certificates.

N.D.C.C. §39-08-20

XXI. Article XXI – Sections not Adopted

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

XXII. Article XXII – Filing of Ordinance

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

XXIII. Article XXIII – 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 in Article XXII shall at all times be kept current in the office of the City Auditor of this city.

XXIV. Article XXIV – Severability Clause

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

XXV. Article XXV – Penalties

Any person who is convicted of violating or of failing to comply with any of the provisions of this ordinance may be punished by a fine of not more than \$500.00 or by imprisonment not to exceed 30 days, or both and, upon conviction of any person of a violation of Article XIX, 21-142 Persons under the influence of intoxicating liquor or narcotic drugs not to operate vehicle – Penalty, or 21-146, Penalty for driving while license suspended or revoked, the court may order the number plate of the motor vehicle owned and operated by the offender at the time of the offense to be impounded by the Sheriff or chief law enforcement officer of the city, as is appropriate, for the duration of the period of suspension of the offender's driver's license or driving privilege by the licensing authority.