

TITLE XIII.

TRAFFIC

(Source: Ord. 602, Sec. 1 (2000))

CHAPTERS:

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CHAPTER 13-01

DEFINITIONS

SECTIONS:

13-0101. Definitions.

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13-0101. DEFINITIONS. The following words and phrases, when used in this title, shall have the meanings respectively ascribed to them except in those instances where the context clearly indicates a different meaning:

1. "Authorized Emergency Vehicles."

a. "Class A" authorized emergency vehicles means:

- (1) Vehicles of a governmentally owned fire department;
- (2) Vehicles when operated by or under the control of a police officer having authority to enforce the provisions of this title or by a salaried employee of a municipal police department within the municipality or by a sheriff or deputy sheriff not including special deputy sheriffs, or by the director of the department of corrections and rehabilitation and the director's authorized agents who have successfully completed training in the operation of class A authorized emergency vehicles;
- (3) Vehicles clearly identifiable as property of the Department of Corrections and Rehabilitation when operated or under the control of the Director of the Department of Corrections and Rehabilitation.
- (4) Ambulances;
- (5) Vehicles operated by or under the control of the Director, District Deputy Director, or a District Deputy Game Warden of the Game and Fish Department;
- (6) Vehicles owned or leased by the United States and used for law enforcement purposes.
- (7) Vehicles designated for the use of the Adjutant General and Assistant Adjutant General in cases of emergency;

- (8) Vehicles operated by or under the control of the Director of the Parks and Recreation Department.
  - (9) Vehicles operated by or under the control of a licensed railroad police officer and used for law enforcement purposes.
  - (10) Vehicles operated by or under the control of the state forester.
  - (11) Vehicles operated by or under the control of the Bureau of Criminal Investigation and used for law enforcement purposes.
- b. "Class B" authorized emergency vehicles means wreckers and such other emergency vehicles as are authorized by the local authorities.
- c. "Class C" authorized emergency vehicles means:
- (1) Vehicles used by the State Division of Homeland Security or local division of emergency management organizations.
  - (2) Vehicles used by volunteer firefighters while performing their assigned disaster and emergency responsibilities.
  - (3) Vehicles, other than ambulances, used by emergency medical services personnel.

Source: Ord. 961, Sec. 5 (2013)

- 2. "Bicycle" shall mean every device propelled by human power upon which any person may ride, having two tandem wheels either of which is more than twenty (20) inches in diameter.
- 3. "Bus" shall mean every motor vehicle designed for carrying more than ten (10) passengers and used for the transportation of persons, and every motor vehicle, other than a taxi cab, designed and used for the transportation of persons for compensation.
- 4. "Business District" shall mean the territory contiguous to a highway when fifty percent (50%) or more of the frontage thereon for a distance of three hundred (300) feet or more is occupied by buildings in use for business; and the term "business district" shall in all cases include that portion of the City lying within the fire limits now established or to be hereafter established in the City of West Fargo, together with all streets or alleys constituting the boundaries thereof.

5. "Central Business District" shall mean all property adjacent to Main Avenue, Sheyenne Street, and Thirteenth Avenue South.
6. "Commercial Freighting" shall mean the carriage of things other than passengers, for hire, except that such terms shall not include:
  - a. Carriage by local dray lines, baggage or goods to or from a railroad station, from or to places in the City or in the immediate vicinity thereof, not to exceed two miles from the corporate or recognized limits of the City; or
  - b. Hauling done by farmers for their neighbors in transporting agricultural products to or from market.
7. "Commercial Vehicle" shall mean a vehicle designed, maintained, or used primarily for the transportation of property for hire.
8. "Controlled-Access Highway" shall mean every highway, street, or road-way in respect to owners or occupants of abutting lands and other persons have no legal right or access to or from the same except at such points only and in such manner as may be determined by the Board of City Commissioners.
9. "Cross Walk" shall mean and include any clearly marked cross walk, or any regular pedestrian crossing included within the prolongation of the lateral boundary lines of the adjacent sidewalk at the end of the block.
10. "Curb" shall mean the boundary of that portion of the street open to the use of the public from and for the use of vehicles.
11. "Curb Loading Zone" shall mean a space adjacent to a curb reserved for the exclusive use of vehicles for the loading and unloading of passengers or materials.
12. "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 locations in the City shall be considered a separate dealer in each such location.
13. "Drag Race" shall mean the operation of two (2) or more vehicles from a point side by side at accelerating speeds in a competitive attempt to out-distance each other, or

the operation of one (1) or more vehicles over a common selected course, from the same point to the same point, for the purposes of comparing the relative speeds or powers of acceleration of such vehicle or vehicles within a certain distance or time limit.

14. "Driver" shall mean every person who drives or is in actual physical control of a vehicle, and shall include the rider or driver of any animal.
15. "Essential Parts" shall mean all integral and body parts of a vehicle of a type required to be registered hereunder, the removal, alteration or substitution of which would tend to conceal the identity of the vehicle or substantially alter its appearance, model, type or mode of operation.
16. "Exhibition Driving" shall mean driving a vehicle in such a manner that it creates or causes unnecessary engine noise, tire squeal, skid or slide upon acceleration or stopping, or that causes the vehicle to unnecessarily turn abruptly or sway.
17. "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 or combustible units or other ingredients in such proportions, quantities or packing that an ignition by fire, by friction, by concussion, by percussion, or by detonator of any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing sudden destructive effects on contiguous objects or by destroying life or limb.
18. "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.
19. "Flammable Liquid" shall mean any liquid which has a flash point of seventy degrees Fahrenheit, or less, as determined by a tagliabue or equivalent closed cup test device.
20. "Freight Curb Loading Zone" shall mean a space adjacent to a curb for the exclusive use of vehicles during a loading or unloading of freight.
21. "Guest" shall mean a person who accepts a ride in any vehicle without giving compensation therefore.
22. "Gross Weight" shall mean the weight of a vehicle without load plus the weight of any load thereon.

23. "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.
24. "House car" means a motor vehicle which has been reconstructed or manufactured primarily for private use as a temporary or recreational dwelling and having at least four (4) of the following permanently installed systems:
- a. Cooking facilities.
  - b. Icebox or mechanical refrigerator.
  - c. Potable water supply including plumbing and a sink with faucet either self-contained or with connections for an external source, or both.
  - d. Self-contained toilet or a toilet connected to a plumbing system with connection for external water disposal, or both.
  - e. Heating or air-conditioning system, or both, separate from the vehicle engine or the vehicle engine electrical system.
  - f. A 110-115 volt alternating current electrical system separate from the vehicle engine electrical system either with its own power supply or with a connection for an external source, or both, or a liquefied petroleum system and supply.
25. "Implement of Husbandry" shall mean every vehicle designed or 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.
26. "Intersection" shall mean the area embraced within the prolongation or connection of the lateral curb line, 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 become in conflict, whether or not one such street crosses the other. Where a highway includes two roadways thirty feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. In the event such intersecting highway also includes two roadways thirty feet or more apart,

then every crossing of two roadways of such highways shall be regarded as a separate intersection.

27. "Intoxicating Liquor" shall mean and include any beverage containing alcohol.
28. "Laned Roadway" shall mean a roadway which is divided into two or more clearly marked lanes for vehicular traffic.
29. "Legal Owner" shall mean a person who holds the legal title to the vehicle.
30. "Lienholder" means a person holding a security interest in a vehicle.
31. "Local Authorities" shall include every individual, local board, or body having authority to adopt local police regulations under the ordinances of this municipality.
32. "Mail" shall mean to deposit mail properly addressed with postage prepaid with the United States Postal Service.
33. "Manufacturer" shall mean any person engaged in the business of manufacturing motor vehicles or trailers.
34. "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.
35. "Motor Vehicle" shall include any vehicle which is self-propelled.
36. "Motorcycle" shall mean every motor vehicle having a seat or saddle for the use of the rider designed to travel on not more than three wheels in contact with the ground, but excluding implements of husbandry.
37. "Motorized bicycle" means a vehicle equipped with two or three wheels, foot pedals to permit muscular propulsion or footrests for use by the operator, 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 milliliters] if a combustion engine is used, which will propel the vehicle, unassisted, at a speed not to exceed thirty (30) miles [48.28 kilometers] per hour on a level road surface, and a power drive system that functions directly or automatically only, not requiring clutching or shifting by the operator after the drive system is engaged, and the vehicle may not have a width greater than thirty-two (32) inches or eighty-one and twenty-eight hundredths (81.28) centimeters.
38. "Non-Resident" shall mean any person who is not a resident of this municipality.

39. "Official Time Standard" shall mean whenever certain hours are named herein they shall mean standard time or daylight savings time as may be in current use in this City.
40. "Official Traffic-Control Devices" shall mean all signs, signals, markings and devices not inconsistent with this chapter, placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning or guiding traffic.
41. "Open Intersection" shall mean an intersection at which there are no "stop" or "yield" signs posted, and at which there are no traffic control devices installed nor any officer directing traffic.
42. "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.
43. "Owner" shall mean the person holding legal title to a vehicle, or if a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the condition stated in the agreement, and with an immediate right of possession vested in the conditional vendee or lessee, or if the mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner for the purpose of this title.
44. "Park or Parking" shall mean the standing of a vehicle, occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers.
45. "Passenger Curb Loading Zone" shall mean a place adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers.
46. "Pedestrian" shall mean any person afoot.
47. "Person" shall include every natural person, firm, partnership, association or corporation.
48. "Pneumatic Tires" shall include all tires inflated with compressed air.
49. "Pole Trailer" shall mean every vehicle without motive power designed to be drawn by another vehicle and attached to the towing vehicle by means of a reach or pole, or by being boomed or otherwise secured to the towing vehicle and ordinarily used for transporting long or irregularly shaped loads, such as poles, pipes, or

structural members capable, generally, of sustaining themselves as beams between the supporting connections.

50. "Police Officer" shall mean every officer of the Police Department or any officer authorized to direct and regulate traffic or to make arrests for violations of traffic regulations.
51. "Private Road or Driveway" shall mean every way or place in private ownership in use for vehicular travel by the owner and those having expressed or implied permission from the owner, but not by other persons.
52. "Proof of financial responsibility" means 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 (\$25,000) 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 (\$50,000) because of bodily injury to or death of two or more persons in any one accident, and in the amount of ten thousand dollars (\$10,000) because of injury to or destruction of property of others in any one accident.
53. "Public Building" shall mean any theater, moving picture house, hospital, church, school, city building, state building, federal building, public library or post office.
54. "Racing" shall mean the use of one (1) or more vehicles in an attempt to outgain, outdistance, arrive at a given destination ahead of another vehicle or vehicles, willfully prevent another vehicle from passing, or to test the physical stamina or endurance of drivers over long-distance driving routes.
55. "Railroad" shall mean a carrier of persons or property on cars, other than street cars, operated upon stationary rails.
56. "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.
57. "Reckless Driving" shall mean operating any vehicle upon a roadway carelessly and needlessly in willful and wanton disregard to the safety of others, or without due caution and at a speed or in a manner so as to endanger or be likely to endanger any person or property.

58. "Reconstructed vehicle" means any vehicle, of a type required to be registered, materially altered from its original construction by the removal, addition, or substitution of new or used essential parts.
59. "Residence District" shall mean all of that territory within the City of West Fargo outside the district known and designated as the fire limits, and not comprising a part of the business district.
60. "Revocation" means that the driver's license and the privilege to drive a motor vehicle on the public streets are terminated and shall not be renewed or restored except that an application for a new license may be presented and acted upon by the proper authorities after the expiration of the period of revocation, which period shall not be less than thirty (30) days.
61. "Right-of-Way" shall mean the privilege of the immediate use of a roadway.
62. "Roadway" shall mean that portion of a highway improved, designed, or ordinarily used for vehicular travel, exclusive of the berm or shoulder. In the event a highway includes two or more separate roadways the term "roadway" as used herein shall refer to any such roadway separately but not to all such roadways collectively.
63. "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.
64. "School Bus" shall mean every motor vehicle owned by a public governmental agency and operated for the transportation of children to or from school or privately owned and operated for compensation for the transportation of children to or from school.
65. "School Zone" shall mean the area or space of any public street or alley, any part of which abuts or lies opposite any public or private property used exclusively for school purposes, where any children receive educational training, and shall include public play grounds.
66. "Semi-Trailer" shall include any vehicle of the trailer type so designed and used in conjunction with a motor vehicle that some part of its own weight and that of its own load rests upon or is carried by another motor vehicle.
67. "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.

68. "Solid Tires" shall include every tire made of rubber or other material other than a pneumatic tire.
69. "Stand or Standing" shall mean the halting of vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in receiving or discharging passengers.
70. "Stop" when required, shall mean complete cessation from movement.
71. "Stop or Stopping" when prohibited, this means 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 a traffic control sign or signal.
72. "Street" shall mean the entire width between the legal lines of every way publicly maintained when any part thereof is open to the public for the purposes of vehicular travel. Said term shall include and mean public and private parking lots.
73. "Suspension" means that the driver's license and privilege to drive a motor vehicle on the streets are temporarily withdrawn, but only during the period of such suspension.
74. "Through Highway or Street" shall mean every highway street which is described as a principal arterial, minor arterial, or collector street in the Fargo-Moorhead Metropolitan Area Highway Plan Update.
75. "Traffic" shall mean pedestrians, ridden or herded animals, vehicles, street cars, and other conveyances either singly or together while using any highway for purposes of travel.
76. "Traffic Control Signal" shall mean any device whether manually, electrically, or mechanically operated, by which traffic is alternately directed to stop and to proceed.
77. "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.
78. "Tricycle" shall mean every device propelled by human power upon which any person may ride, having three wheels any of which is more than twenty (20) inches in diameter.
79. "Truck" shall include every motor vehicle designed, used, or maintained primarily for transportation of property.

80. "Truck Tractor" shall include every motor vehicle designed and used primarily for drawing other vehicles and not so constructed to carry a load other than a part of the weight of the vehicle and load so drawn.
81. "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 100 feet for a distance of a quarter of a mile or more.
82. "Vehicle" shall mean every device in, upon, or by which any person or property is, or may be transported or drawn upon a public highway, except devices moved by human power or used exclusively upon stationary rails or tracks. A bicycle, tricycle or a ridden animal shall be deemed a vehicle.

CHAPTER 13-02  
CRIMINAL OFFENSES

SECTIONS:

- 13-0201. Reckless Driving.
- 13-0202. Driving While License Suspended or Revoked.
- 13-0203. Persons Under the Influence of Intoxicating Liquor or Narcotic Drugs not to Operate Vehicle: Declaring What Constitutes Being Under the Influence of Intoxicating Liquor or Narcotic Drugs - Penalty.
- 13-0204. Accidents Involving Damage to Vehicle - Penalty.
- 13-0205. Unlawful Use of License.
- 13-0206. Driving on Flood Protective Works Prohibited.
- 13-0207. Temporary Roadblocks.
- 13-0208. Road Closures - Hazardous Conditions.
- 13-0209. Driving Without Liability Insurance Prohibited - Penalty.
- 13-0210. Duty Upon Striking Highway Fixtures or Other Property.

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13-0201. RECKLESS DRIVING. Any person is guilty of reckless driving if the person 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.

(Source: North Dakota Cent. Code § 39-08-03)

13-0202. DRIVING WHILE LICENSE SUSPENDED OR REVOKED.

1. Except as provided in Section 39-06.1-11 of the North Dakota Century Code, an individual who operates a motor vehicle on a highway or on public or private areas to which the public has a right of access for vehicular use in this state while an individual'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 a suspension or revocation was imposed for violation of Section 39-08-01 of the North Dakota Century Code or equivalent ordinance or was governed by Section 39-06-31 or Chapter 39-20, 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 North Dakota Century Code. 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 destroyed by the sheriff. If a period of suspension has been extended under Subsection 6 of Section 39-06-17 of the North Dakota Century Code, the court may order the number plates to be destroyed in accordance with this subsection. 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 sheriff 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.
5. The municipal judge may order destruction of motor vehicle number plates by the office of the police officer that made the arrest in the manner provided in subsection 4.

(Source: North Dakota Cent. Code § 39-06-42) Ord. 974, 2013

13-0203. PERSONS UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR NARCOTIC DRUGS NOT TO OPERATE VEHICLE: DECLARING WHAT CONSTITUTES BEING UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR NARCOTIC DRUGS - PENALTY.

1. A person may not drive or be in actual physical control of any vehicle upon a highway or upon public or private areas to which the public has a right of access for vehicular use in this state if any of the following apply:
  - a. That person has an alcohol concentration of at least eight one hundredths of one percent (.08) by weight at the time of the performance of a chemical test within two hours after the driving or being in actual physical control of a vehicle.
  - 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 individual refuses to submit to any of the following:
  - (1) A chemical test, or tests, of the individual's blood, breath, or urine to determine the alcohol concentration or presence of other drugs, or combination thereof, in the individual's blood, breath, or urine, at the direction of a law enforcement officer under Section 39-06.2-10.2, NDCC, if the individual is driving or is in actual physical control of a commercial motor vehicle; or
  - (2) A chemical test, or tests, of the individual's blood, breath, or urine to determine the alcohol concentration or presence of other drugs, or combination thereof, in the individual's blood, breath, or urine, at the direction of a law enforcement officer under Section 39-20-01, NDCC; or
  - (3) An onsite screening test, or tests, of the individual's breath for the purpose of estimating the alcohol concentration in the individual's breath upon the request of a law enforcement officer under Section 39-20-14, NDCC.

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

- 2. An individual who operates a motor vehicle on a highway or on public or private areas to which the public has a right of access for vehicular use in this state who refuses to subject to a chemical test, or tests, required under Section 39-06.2-10.2, 39-20-01, or 39-20-14, NDCC, is guilty of an offense under this section.
- 3. An individual violating this section or equivalent ordinance is guilty of a class B misdemeanor for the first or second offense in a seven-year period, of a class A misdemeanor for a third offense in a seven-year

period, of a class C felony for any fourth or subsequent offense regardless of the length of time since the previous offense. The minimum penalty for violating this section is as provided in subsection 5. The court shall take judicial notice of the fact that an offense would be a subsequent offense if indicated by the records of the director or may make a subsequent offense finding based on other evidence.

4. Upon conviction of a second or subsequent offense within seven years under this section or equivalent ordinance, the court may order the motor vehicle number plates of all the motor vehicles owned and operated by the offender at the time of the offense to be impounded for the duration of the period of suspension or revocation of the offender's driving privilege by the licensing authority. The impounded number plates must be sent to the director of the North Dakota Department of Transportation who must retain them for the period of suspension or revocation, subject to their disposition by the court. 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, if the offender is participating in the twenty-four seven sobriety program.
5. A person convicted of violating this section, or an equivalent ordinance, must be sentenced in accordance with this subsection. For purposes of this subsection, unless the context otherwise requires, "drug court program" means a district court-supervised treatment program approved by the Supreme Court which combines judicial supervision with alcohol and drug testing and chemical addiction treatment in a licensed treatment program. The Supreme Court may adopt rules, including rules of procedure, for drug courts and the drug court program.
  - a. (1) For a first offense, the sentence must include both a fine of at least five hundred dollars and an order for addiction evaluation by an appropriate licensed addiction treatment program.
  - (2) In addition, for a first offense when the convicted person has an alcohol concentration of at least sixteen one-hundredths of one percent by weight, the offense is an aggravated first offense and the sentence must include a fine of at least \$750 and at least 2 days' imprisonment.

- b. For a second offense within seven years, the sentence must include at least ten days' imprisonment, of which forty-eight hours must be served consecutively; a fine of one thousand five hundred dollars; an order for addiction evaluation by an appropriate licensed addiction treatment program; and at least twelve months' participation in the twenty-four seven sobriety program under Chapter 54-12, NDCC, as a mandatory condition of probation.
- c. For a third offense within seven years, the sentence must include at least one hundred twenty days' imprisonment; a fine of at least two thousand dollars; an order for addiction evaluation by an appropriate licensed addiction treatment program; at least one year's supervised probation; and participation in the twenty-four seven sobriety program under Chapter 54-12, NDCC, as a mandatory condition of probation..
- d. For a fourth or subsequent offense, the sentence must include at least one year and one day's imprisonment, a fine of at least two thousand dollars, and an order for addition evaluation by an appropriate licensed treatment program; at least two years' supervised probation; and participation in the twenty-four seven sobriety program under Chapter 54-12, NDCC, as a mandatory condition of probation.
- e. 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.
- f. 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. If the offense is subject to subdivision c, the district court may suspend a sentence, except for sixty days' imprisonment, under subsection 3 of Section 12.1-32-02, NDCC, on the condition that the defendant first undergo and complete an evaluation for alcohol and substance abuse treatment and rehabilitation and upon completion of the twenty-four seven sobriety program. If the offense is subject to subdivision d, the district court may suspend a sentence, except for one year's imprisonment, under subsection 3 of Section 12.1-32-02, NDCC, on the condition that the

defendant first undergo and complete an evaluation for alcohol and substance abuse treatment and rehabilitation. If the defendant is found to be in need of alcohol and substance abuse treatment and rehabilitation, the district court may order the defendant placed under the supervision and management of the Department of Corrections and Rehabilitation and is subject to the conditions of probation under Section 12.1-32-07, NDCC. The district court may require the defendant to complete alcohol and substance abuse treatment and rehabilitation under the direction of the drug court program as a condition of probation in accordance with rules adopted by the Supreme Court. If the district court finds that a defendant has failed to undergo an evaluation or complete treatment or has violated any condition of probation, the district court shall revoke the defendant's probation and shall sentence the defendant in accordance with this subsection.

- g. 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.
- h. 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, NDCC, 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.
- i. If the court sentences an individual to the legal and physical custody of the Department of Corrections and Rehabilitation, the Department may place the individual in an alcohol treatment program designated by the Department. Upon the individual's successful completion of the alcohol treatment program, the Department shall release the individual from imprisonment to serve the remainder of the sentence of imprisonment on probation, which

may include placement in another facility or treatment program. If an individual is placed in another facility or treatment program after release from imprisonment, the remainder of the individual's sentence of imprisonment must be considered time spent in custody.

Source: Ord. 961, Sec. 6 (2013)

13-0204. ACCIDENTS INVOLVING DAMAGE TO VEHICLE - PENALTY. 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 the driver has fulfilled the requirements of Section 39-08-06 of the North Dakota Century Code. Every such stop must be made without obstructing traffic more than is necessary. Any person failing to stop or comply with said requirements under such circumstances is guilty of an offense.

(Source: North Dakota Cent. Code § 39-08-05)

13-0205. UNLAWFUL USE OF LICENSE. It shall be unlawful for any person:

1. To display, or cause, or permit to be displayed or have in his possession any canceled, revoked, suspended, fictitious, or fraudulently altered operator's or chauffeur's license;
2. To lend his operator's or chauffeur's license to any other person or knowingly permit the use thereof by another;
3. To display or represent as one's own any operator's or chauffeur's license not issued to him;
4. To fail or refuse to surrender to the State upon lawful demand any operator's or chauffeur's license which has been suspended, revoked or canceled;
5. To permit any unlawful use of an operator's or chauffeur's license issued to him.

13-0206. DRIVING ON FLOOD PROTECTIVE WORKS PROHIBITED.

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 the City of West Fargo 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 a class B misdemeanor.

13-0207. TEMPORARY ROADBLOCKS.

1. For the purpose of this section, a temporary roadblock means any structure, device, or means used by police, sheriffs, deputy sheriffs, game wardens, highway patrolmen, agents of the federal bureau of investigation, or officers of the United States border patrol, or their agents, for the purpose of controlling traffic through a point on a highway, road, or street, whereby all vehicles may be slowed or stopped.
2. The duly authorized law enforcement officers, or their agents, are hereby authorized to establish in their respective jurisdictions, or in other jurisdictions within the state, temporary roadblocks upon the highways, roads, and streets of this state for the purpose of apprehending persons wanted for violation of the laws of this state, or of any other state, or of the United States of America, and using the highways, roads, or streets of this state for the purpose of escape.
3. For the purpose of warning and protecting the traveling public, the minimum requirements to be met by such officers establishing temporary roadblocks are:
  - a. The temporary roadblock must be established at a point on the highway clearly visible at a distance of not less than three hundred (300) feet [91.44 meters] in either direction.
  - b. At a point of the temporary roadblock, at least one red light must be placed at the point of the temporary roadblock which must display an intermittent or flashing beam of light, clearly visible to the oncoming traffic at a distance of not less than three hundred (300) feet [91.44 meters] under normal atmospheric conditions. The intermittent or flashing beam of light may be provided by lighting which is part of the equipment of a class A authorized emergency vehicle.
4. Nothing in this section may be deemed to limit or encroach upon the existing authority of North Dakota law enforcement officers in the performance of their duties involving traffic control and criminal apprehension.

5. 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 a class B misdemeanor.

13-0208. ROAD CLOSURES - HAZARDOUS CONDITIONS. The highway patrol or local law enforcement authorities having jurisdiction over a road may close a road temporarily due to hazardous conditions for the protection and safety of the public. If such a closing is made, the authority ordering the closing shall make every reasonable attempt to notify the public and, when practical, may post appropriate official traffic-control devices to advise motorists of the closing. No person, while operating a motor vehicle, may knowingly enter a road closed under this section.

(Source: North Dakota Cent. Code § 39-10-21.1)

13-0209. DRIVING WITHOUT LIABILITY INSURANCE PROHIBITED PENALTY. (Source: Ord. 922, Sec. 1 (2012); Ord. 961, Sec. 7 (2013))

1. 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 chapter 39-16.1 of the North Dakota Century Code. Upon being stopped by a law enforcement officer for the purpose of enforcing or investigating the possible violation of an ordinance or state law or during the investigation of an accident, the person driving the motor vehicle shall provide to the officer upon request satisfactory evidence, 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 a valid policy of liability insurance, including written or electronic proof of insurance in effect at the time of 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 court costs for violation of this section. 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. Violation of this section is an infraction, and the sentence imposed must include a fine of at least one hundred fifty dollars which may not be suspended. A person convicted for a second or subsequent violation of driving without liability insurance within a thirty-six month period must be fined at least three hundred dollars which may not be suspended.

2. Upon conviction for a violation of this section 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 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.
3. A person who has been convicted for violation of this section 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 and the fee to remove this notation is fifty dollars.
4. When an insurance carrier has certified a motor vehicle liability policy, the insurance carrier shall notify the director no later than ten 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.
5. For a second or subsequent conviction for a violation of subsection 1 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) 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.
6. If a person causes damage to another or another's property with a motor vehicle while in violation of this section, at a minimum the court shall order that person to pay to the other person the amount of the deductible on that person's insurance.

13-0210. DUTY UPON STRIKING HIGHWAY FIXTURES OR OTHER PROPERTY. The driver of any vehicle involved in an accident resulting only in damage to highway fixtures or other property shall take reasonable steps to locate and notify the owner or person in charge of such property of such fact and of his name and address and of the registration number of the vehicle he is driving and shall upon request and if available exhibit his operator's or chauffeur's license and shall make report of such accident when and as required by state law.

(Source: North Dakota Cent. Code. § 39-08-08)

CHAPTER 13-03

MISCELLANEOUS OFFENSES

SECTIONS:

- 13-0301. Care Required in Operating Vehicle.
- 13-0302. Operation of Motor Vehicles by Certain Minors Forbidden.
- 13-0303. Registration Card to be Carried in or on Vehicle: Inspection of Card.
- 13-0304. Proper Display of License Upon Vehicle.
- 13-0305. Driver's License.
- 13-0306. Restricted Licenses.
- 13-0307. Registration Number Prima Facie Evidence.
- 13-0308. Open Bottle Law-Penalty.
- 13-0309. Careless Driving.
- 13-0310. Exhibition Driving and Racing - Definitions - Penalty.
- 13-0311. Permitting Unauthorized Person to Drive.
- 13-0312. Operators Must be Licensed. (Ord. 856, Sec. 5 (2010))

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13-0301. CARE REQUIRED IN OPERATING MOTOR VEHICLE. 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 reasonable necessary for safe operation under the circumstances. No person may drive any vehicle upon a highway in a manner to endanger the life, limb, or property of any person.

(Source: North Dakota Cent. Code § 39-09-01.1)

13-0302. OPERATION OF MOTOR VEHICLE BY CERTAIN MINORS FORBIDDEN.

1. The driving or operation of any automobile within the City limits of West Fargo by any person under the age of fourteen (14) years is prohibited. The driving or operation of a motorized bicycle within the City limits of West Fargo by a person fourteen (14) years of age or older is permitted, providing the individual is the holder of a valid State permit authorizing the operation of motorized bicycles. The driving or operation of other motor vehicles, including motorcycles, taxi-cabs, trucks and delivery cars, within the limits of West Fargo by any person under the age of sixteen (16) years is prohibited.
2. Any owner or other person having charge of or having within his control or supervision, a motor vehicle, and who knowingly allows or permits such motor vehicle to be

driven or operated within the City of West Fargo by a minor under the age of fourteen (14), shall be guilty of a misdemeanor and shall be deemed to have violated the provisions of this chapter and shall upon conviction thereof be subject to the penalty provided by this title.

13-0303. REGISTRATION CARD TO BE CARRIED IN OR ON VEHICLE: INSPECTION OF CARD. The registration card issued for a vehicle shall be carried in the driver's compartment of the vehicle or, in the case of a house trailer or mobile home or trailer or semi-trailer, regardless of when such vehicle was acquired, inside or on the vehicle, at all times when the vehicle is being operated upon the streets of the City. Such card shall be subject to inspection by any peace officer. Any person violating this section must be assessed a fee of Twenty Dollars (\$20). However, a person cited for violation of this ordinance 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 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, upon citing a person for violating this person, 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 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.

13-0304. PROPER DISPLAY OF LICENSE UPON VEHICLE. It shall be unlawful for any person to commit any of the following acts:

1. To operate or drive a vehicle on the public highways of this state unless the vehicle has a distinctive number assigned to it by the department, and two number plates, bearing the distinctive number conspicuously displayed, horizontally and in an upright position, one on the front and one on the rear of the vehicle, each securely fastened, except number plates assigned to a motorcycle, trailer, or housetrailer must be attached to the rear thereof. When only one number plate is furnished for an apportioned vehicle licensed under the international registration plan as authorized in Section 39-19-04 North Dakota Cent. Code, truck tractor, or semitrailer, the plate must be attached to the front of the apportioned vehicle or truck tractor and the rear of the semitrailer. The bottom of each number plate must be at a height of not less than twelve (12) inches [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. All vehicle license plates issued by the department continue to be the property of the state of North Dakota for the period for which the plates are valid. An annual registration tab or sticker for the current registration year must be displayed on each number plate, in the area designated by the department for the tab or sticker, in those years for which tabs or stickers are issued in lieu of number plates;

2. To operate, or for the owner of the vehicle to knowingly permit anyone to operate, upon a highway any vehicle, the registration of which has been canceled or revoked, or which is not registered, or which does not have attached thereto and displayed thereon a current number plate, plates, or validation tabs assigned thereto by the Registrar of the Motor Vehicle Department of the State of North Dakota, or his appropriate counterpart from another state, subject to the exemptions allowed in this chapter;
3. To display or cause 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;
4. 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;
5. 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;
6. 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;
7. The highway patrol and all other road or police officers shall enforce the provisions of this chapter; and
8. Any person violating any of the provisions of this chapter for which another penalty is not specifically provided is guilty of a class B misdemeanor.

#### 13-0305. DRIVER'S LICENSE.

1. Every licensee shall have the licensee's operator's

license or permit in the licensee's immediate possession at all times when operating a motor vehicle and shall display the same, upon demand of any district court, municipal court, a patrolman, peace officer or a field deputy or inspector of the State Highway Department. However, no person charged with violating this section may be convicted or assessed any court costs if the person 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 that person and valid and not under suspension, revocation or cancellation at the time of the person's arrest.

2. No person shall operate a motor vehicle in any manner in violation of the restrictions imposed upon a license or permit issued to him.

Source: Ord. 906, Sec. 5 (2011)

13-0306. RESTRICTED LICENSES. No person shall operate a motor vehicle in any manner in violation of the restrictions imposed in a restricted license issued to him.

13-0307. REGISTRATION NUMBER PRIMA FACIE EVIDENCE. In any proceeding for a violation of the provisions of this title or any local ordinance, rule or regulation, the registration plate displayed on such vehicle or tractor shall be prima facie evidence that the owner of such vehicle or tractor was then operating the same. If in any hearing or proceeding, the owner shall testify, under an oath or affirmation, that he was not operating the said vehicle or tractor at the time of the alleged violation of this title or any local ordinance, rule or regulation, and shall submit himself to an examination as to who at that time was operating such a vehicle or tractor, and reveal the name of the person, if known to him or, if the information is made in a county other than that of his own residence, shall forward to the magistrate an affidavit setting forth these facts, then the prima facie evidence arising from the registration plate shall be overcome and removed and the burden of proof shifted.

13-0308. OPEN BOTTLE LAW-PENALTY.

1. A person may not drink or consume alcoholic beverages, as defined in Section 5-01-01 of the North Dakota Century Code, in or on any motor vehicle when the vehicle is upon a public highway or in an area used principally for public parking. A person may not have in that person's possession on that person's person while in or on a private motor vehicle upon a public highway or in an area used principally for public parking, any bottle or receptacle containing alcoholic beverages which has been opened, or the seal broken, or the contents of which have been partially removed. It shall be unlawful for the

owner of any private motor vehicle or the driver, if the owner is 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 alcoholic beverages which have been opened, or the seal broken, or the contents of which have been partially removed, except when such bottle or receptacle is kept in the trunk of the motor vehicle when such vehicle is equipped with a trunk, or kept in some other area of the vehicle not normally occupied by the driver or passengers, if the motor vehicle is not equipped with a trunk. A utility compartment or glove compartment shall be deemed to be within the area occupied by the driver and passengers. This section does not prohibit the consumption or possession of alcoholic beverages in a house car, as defined in Section 39-01-01, of the North Dakota Century Code, if the consumption or possession occurs in the area of the house car used as sleeping or living quarters and that area is separated from the driving compartment by a solid partition, door, curtain or some similar means of separation; however, consumption is not authorized while the house car is in motion. Any person violating the provisions of this section must be assessed a fee of Fifty Dollars (\$50); however, the licensing authority shall not record the violation against person's driving record unless the person was the driver of the motor vehicle at the time that the violation occurred.

2. Subsection 1 does not apply to a public conveyance that has been commercially chartered for group use, any passenger for compensation in a for-hire motor vehicle, or a privately owned motor vehicle operated by a person in the course of that person's usual employment transporting passengers at the employer's direction. This subsection does not authorize possession or consumption of an alcoholic beverage by the operator of any motor vehicle described in this subsection while upon a public highway or in an area used principally for public parking.

(Source: North Dakota Cent. Code § 39-08-18)

13-0309. CARELESS DRIVING. No person may drive a vehicle at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing. Consistent with the foregoing, every person shall drive at a safe and appropriate speed when approaching and crossing an intersection or railroad grade crossing, when approaching and going around a curve, when approaching a hill crest, when traveling upon any narrow or winding roadway, and when special hazards exist with respect to pedestrians or other traffic or by reason of weather or

highway conditions. Any person who drives a vehicle upon a highway or private or public property open to the public for the operation of motor vehicles without heed to the requirements or restrictions of this section has committed careless driving and must be assessed a fee of thirty dollars.

Source: Ord. 906, Sec. 6 (2011)

13-0310. EXHIBITION DRIVING AND DRAG RACING - DEFINITIONS PENALTY.

1. No person shall engage in exhibition driving of any vehicle on a highway, street, alley, sidewalk, or any public or private parking lot or area, nor shall any person engage in a race, a speed competition, drag race or acceleration contest, test of physical endurance, or exhibition of speed or acceleration. Any person who violates this section by engaging in an act defined by subdivision b of subsection 2 must be assessed a fee of fifty dollars (\$50). Any person who violates this section by engaging in an act defined by subdivision a or c of subsection 2 must be assessed a fee of one hundred dollars (\$100).
2. As used in this section:
  - a. "Drag race" means the operation of two or more vehicles from a point side-by-side by accelerating rapidly in a competitive attempt to cause one vehicle to out distance 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 facing vehicle or vehicles, or to test the physical stamina or endurance of the persons driving the vehicles over a long distance driving route.

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.

(Source: North Dakota Cent. Code §39-08-03.1)

13-0311. PERMITTING UNAUTHORIZED PERSON TO DRIVE. No person may authorize or knowingly permit a motor vehicle owned by the person or under the person's control to be driven upon any highway by any person who is not authorized hereunder or in violation of any of the provisions of this chapter.

13-0312. OPERATORS MUST BE LICENSED. A person, unless expressly exempted in this section, may not drive any motor vehicle on a highway or on public or private areas to which the public has a right of access for vehicular use in this state unless the person has a valid license as an operator under the provisions of Chapter 39-06, N.D.C.C., or a temporary operator's permit issued under Chapter 39-20, N.D.C.C. A person may not receive an operator's license unless and until that person surrenders to the director all operator's licenses issued to the person by any jurisdiction. When a license issued by another jurisdiction is surrendered, the director shall notify the issuing jurisdiction of its surrender. A person may not have more than one valid operator's license at any time.

Source: Ord. 856, Sec. 5 (2010).

CHAPTER 13-04

POLICE ADMINISTRATION

SECTIONS:

- 13-0401. Records of Traffic Violations.
- 13-0402. Traffic Accident Studies.
- 13-0403. Traffic Accident Reports.
- 13-0404. Drivers' Files to be Maintained.
- 13-0405. Police Department to Submit Annual Traffic-Safety Report.
- 13-0406. Emergency and Experimental Regulations.
- 13-0407. Provisions of Title Refer to Vehicles Upon the Highways - Exceptions.
- 13-0408. Removal of Vehicles.

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13-0401. RECORDS OF TRAFFIC VIOLATIONS.

1. The Police Department shall keep a record of all violations of the traffic ordinances of this city 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 a total of each.
2. All forms for records of violations and notices of violations shall be serially numbered. For each month and year a written record shall be kept available to the public showing the disposal of such forms.
3. All such records and reports shall be public record.

13-0402. TRAFFIC ACCIDENT STUDIES. Whenever the accidents at any particular location become numerous, the Police Department shall conduct studies of such accidents and determine remedial measures.

13-0403. TRAFFIC ACCIDENT REPORTS. The Police Department shall maintain a suitable system of filing traffic accident reports.

13-0404. DRIVERS' FILES TO BE MAINTAINED. The Police Department shall maintain a suitable record of all traffic accidents, warnings, arrests, convictions, and complaints reported for each driver.

13-0405. POLICE DEPARTMENT TO SUBMIT ANNUAL TRAFFIC-SAFETY REPORT. The Department shall annually prepare a traffic report which shall be filed with the City Commission. Such report shall

contain information on traffic matters in this City as follows:

1. The number of traffic accidents, the number of persons killed, the number of persons injured, and other pertinent traffic accident data;
2. The number of traffic accidents investigated and other pertinent data on safety activities of the police;
3. The plans and recommendations of the Department for future traffic safety activities.

13-0406. EMERGENCY AND EXPERIMENTAL REGULATIONS.

1. The Chief of Police is hereby empowered to make regulations necessary, to make effective provisions of the traffic ordinances of this City and to make and enforce temporary or experimental regulations to cover emergencies or special conditions. No such temporary or experimental regulations shall remain in effect for more than ninety (90) days.
2. The Department may test traffic-control devices under actual conditions of traffic.

13-0407. PROVISIONS OF TITLE REFER TO VEHICLES UPON THE HIGHWAYS - EXCEPTIONS.

1. The provisions of this title relating to the operation vehicles apply to the operation of vehicles upon highways or other places open to the public for the operation of vehicles except where a different place is specifically referred to in a given section.
2. Provisions of this title relating to reporting of accidents, careless driving, exhibition driving, drag racing, reckless driving, driving while under the influence of intoxicating liquor or controlled substances shall apply anywhere within the jurisdiction of the West Fargo Municipal Court whether it is on a highway or elsewhere.

13-0408. REMOVAL OF VEHICLES. Motor vehicles found in violation of the provisions of Title 13, or any other Ordinance of the City of West Fargo, or any resolution passed pursuant thereto, or which may be impounded under any laws of the State of North Dakota or the United States, may be removed by or under the direction of the police department to the City Hall, or any other place designated by the police department, and held until the costs and expenses of such removal and storage, together with any and all fines or penalties imposed for violation of the Ordinances of the City of West Fargo, are paid. The Chief of Police of the City of West Fargo is authorized to develop and maintain policy guidelines for the implementation of this section.

CHAPTER 13-05

ENFORCEMENT AND OBEDIENCE TO TRAFFIC REGULATIONS

SECTIONS:

- 13-0501. Authority of Police and Fire Department Officials.
- 13-0502. Obedience to Police and Fire Department Officials.
- 13-0503. Public Employees When Subject to Provisions of this Title.
- 13-0504. Rights of Owners of Real Property Used for Roadway to Make Regulations for Same.

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13-0501. AUTHORITY OF POLICE AND FIRE DEPARTMENT OFFICIALS.

1. It shall be the duty of the officers of the Police Department or such officers as are assigned by the Chief of Police to enforce all street traffic laws of the city and all of the State vehicle laws applicable to street traffic in the City.
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 if conditions may require notwithstanding the provisions of the traffic laws.
3. Officers of the Fire Department, when at the scene of a fire, may direct or assist the police in directing traffic thereat or in the immediate vicinity.

13-0502. OBEDIENCE TO POLICE AND FIRE DEPARTMENT OFFICIALS. No person shall willfully fail or refuse to comply with any lawful order or direction of a police or fire department official.

13-0503. PUBLIC EMPLOYEES WHEN SUBJECT TO PROVISIONS OF THIS TITLE. The provisions of this title shall apply to the driver of any vehicle owned by or used in the service of the United States government, the State of North Dakota, this County, City, District or other political subdivisions of the State, and it shall be unlawful for any said driver to violate any of the provisions of this title subject to exceptions as are set forth in this title or in the State Vehicle Code. The provisions of this title shall not apply to persons, teams, motor vehicles or other equipment while actually engaged in work upon the surface of a highway but shall apply to such persons and vehicles while traveling to or from work.

13-0504. RIGHTS OF OWNERS OF REAL PROPERTY USED FOR ROADWAY TO MAKE REGULATIONS FOR SAME. Nothing in this title shall be construed to prevent the owner of real property used by the public for the purposes of vehicular travel by permission of the owner and not as a matter of right, from prohibiting such use nor from requiring other or different or additional conditions than those specified in this title or otherwise regulating such use as may seem best to such owner.

CHAPTER 13-06

TRAFFIC CONTROL DEVICES

SECTIONS:

- 13-0601. Authority to Install Traffic Control Devices.
- 13-0602. Manual and Specifications for Traffic-Control Devices.
- 13-0603. Obedience to Official Traffic-Control Devices.
- 13-0604. Traffic-Control Signal Legend.
- 13-0605. Pedestrian Control Signals.
- 13-0606. Flashing Signals.
- 13-0607. Designates Crosswalks and Establishes Every Safety Zone and Traffic Lane.
- 13-0608. Police Department to Establish and Designate Public Carrier Stops and Stands.
- 13-0609. Intersection Where Yield is Required.
- 13-0610. Interference with Official Traffic-Control Devices or Railroad Signs or Signals.
- 13-0611. Display of Unauthorized Signs, Signals or Markings.
- 13-0612. Injury to Traffic Control Devices.

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13-0601. AUTHORITY TO INSTALL TRAFFIC CONTROL DEVICES.

1. The Street Department shall place and maintain traffic control signs, signals and devices when requested to do so by the Police Department. The Police Department, upon the approval of the City Commission, may place and maintain such additional traffic control devices as may be necessary to regulate traffic under the traffic ordinances of this City or under State law or to guide or warn traffic.
2. The Street Department and Police Department are hereby authorized to erect temporary signs indicating no parking upon either or both sides of any street when such parking would in its opinion interfere with traffic or create a hazardous situation.

13-0602. MANUAL AND SPECIFICATIONS FOR TRAFFIC-CONTROL DEVICES. All traffic-control signs, signals, and devices shall conform to the specifications approved by the State Highway Commissioner pursuant to North Dakota Century Code Section 39-13-06. All signs and signals required hereunder for a particular purpose shall so far as practicable be uniform as to type and location throughout the City. All traffic-control devices so erected and not inconsistent with the provisions of State law or this article shall be official traffic-control devices.

13-0603. OBEDIENCE TO OFFICIAL TRAFFIC-CONTROL DEVICES.

1. The driver of any vehicle shall obey the instructions of any official traffic-control device applicable thereto placed in accordance with the provisions of this chapter, unless otherwise directed by a traffic or police officer, subject to the exceptions granted the driver of an authorized emergency vehicle in this chapter.
2. No provision of this chapter for which traffic control devices are required may be enforced against an alleged violator if at the time and place of the alleged violation an official device is not in proper position and sufficiently legible to be seen by an ordinary observant person. Whenever a state statute does not state that devices are required, such statute is 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 North Dakota Cent. Code Chapter 30-10, such devices must be presumed to have been so placed by the official act or direction of lawful authority, unless the contrary is established by competent evidence.
4. Any official traffic control device placed pursuant to the provision of North Dakota Cent. Code Chapter 39-10 and purporting to conform to the lawful requirements pertaining to such devices must be presumed to comply with the requirements of Chapter 39-10, unless the contrary is established by competent evidence.

(Source: North Dakota Cent. Code § 39-10-04)

13-0604. TRAFFIC-CONTROL SIGNAL LEGEND. Whenever traffic is controlled by traffic-control signals exhibiting different colored lights, or colored lighted arrows, successively one at a time or in combination, only the colors green, red, and yellow may be used, except for special pedestrian signals carrying a word or legend, and said lights must indicate and apply to drivers of vehicles and pedestrians as follows:

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

- b. Vehicular traffic facing a green arrow indication, shown alone or in combination with another indication, may cautiously enter the intersection only to make the movement indicated by such arrow or such other movement as is permitted by other indications shown at the same time. Such vehicular traffic shall yield the right of way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.
  - c. Unless otherwise directed by a pedestrian-control signal as provided for in section 39-10-06, pedestrians facing any green indication, except when the sole green indication 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 circular yellow or yellow arrow indication is thereby warned that the related green movement is being terminated or that a red indication will be exhibited immediately thereafter when vehicular traffic may not enter the intersection.
  - b. Pedestrians facing a steady circular yellow or yellow arrow indication, unless otherwise directed by a pedestrian-control signal as provided for in section 39-10-06, are thereby advised that there is insufficient time to cross the roadway before a red indication is shown and no pedestrian may then start to cross the roadway.
3. Steady red indication:
- a. Vehicular traffic facing a steady circular red indication 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 c.
  - b. Vehicular traffic facing a steady red arrow indication may not enter the intersection to make the movement indicated by the arrow and, unless entering the intersection to make a movement permitted by another indication, must 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 must remain standing until an indication permitting the movement indicated by the red arrow is shown except as provided for in subdivision c.

- c. Except when a sign is in place prohibiting a turn, vehicular traffic facing any steady red indication 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 subdivisions a and b. Such vehicular traffic shall yield the right of way to pedestrians lawfully within adjacent crosswalk and to other traffic lawfully using the intersection.
  - d. Unless otherwise directed by a pedestrian-control signal as provided for in section 39-10-06, pedestrians facing a steady circular red or red arrow indication alone may not enter the 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 are applicable, except as to those provisions which by their nature can have no application. Any stop required must be made at a sign or marking on the pavement indicating where the stop must be made, but in the absence of any such sign or marking the stop must be made at the signal.

(Source: North Dakota Cent. Code § 39-10-05)

13-0605. PEDESTRIAN CONTROL SIGNALS. Whenever special pedestrian control signals exhibiting the words "Walk" or "Don't Walk" or the symbols of a walking person, symbolizing "Walk", or an upraised hand, symbolizing "Don't Walk" are in place, such signals must indicate as follows:

1. "Walk": Pedestrians facing such indication may proceed across the roadway in the direction of the indication and must be given the right of way by the drivers of all vehicles.
2. "Don't Walk" (steadily illuminated): A pedestrian may not start to cross the roadway in the direction of such indication.
3. "Don't Walk" (flashing): A pedestrian may not start to cross the roadway in the direction of the indication, but any pedestrian who has partially completed a crossing during the "Walk" signal must proceed in the direction of the indication to a sidewalk or safety island.

(Source: North Dakota Cent. Code § 39-10-06)

13-0606. FLASHING SIGNALS.

1. Whenever an illuminated flashing red or yellow light is used in a traffic signal or with a traffic sign, it requires obedience by vehicular traffic as follows:
  - a. Flashing red (stop indication). 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 is subject to the rules applicable after making a stop at a stop sign.
  - b. Flashing yellow (caution indication). When a yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles may proceed through the intersection or past such indication only with caution.
  - c. Flashing red arrow and flashing yellow arrow indications have the same meaning as the corresponding flashing circular indications, except that they apply only to drivers of vehicles intending to make the movement indicated by the arrow.
2. This section does not apply at railroad grade crossings. Conduct of drivers of vehicles approaching railroad grade crossings is governed by the requirements set forth in Section 39-10-41.

(Source: North Dakota Cent. Code § 39-10-07)

13-0607. DESIGNATES CROSSWALKS AND ESTABLISHES EVERY SAFETY ZONE AND LANE. The Police Department is hereby authorized:

1. To designate and maintain, by appropriate devices, marks, or lines upon the surface of the roadway, crosswalks at the intersection where in their opinion there is particular danger to pedestrians crossing the roadway, and at such other places as may be necessary;
2. To establish safety zones of such kind and character and at such places as may be necessary for the protection of pedestrians;
3. To designate traffic lanes upon the roadway of any street or highway where a regular alinement of traffic is

necessary. Where such traffic lanes have been marked, it shall be unlawful for the operator of any vehicle to fail or refuse to keep such vehicle within the boundaries of any such lane except when lawfully passing another vehicle or preparatory to making a lawful turning movement.

13-0608. POLICE DEPARTMENT TO ESTABLISH AND DESIGNATE PUBLIC CARRIER STOPS AND STANDS. The Chief of Police is hereby authorized, subject to the approval of the Board of City Commissioners, to establish bus stops, bus stands, taxicab stands and stands for other passenger common-carrier motor vehicles on such public street in such places and in such numbers so as to be of the greatest benefit and convenience to the public. Every such bus stop, bus stand, taxicab or other stand shall be designated by appropriate signs.

13-0609. INTERSECTION WHERE YIELD IS REQUIRED. The Police Department is hereby authorized to determine and designate intersections where particular hazard exists upon other than through streets and to determine:

1. Whether vehicles shall stop at one or more entrances to any such intersection, in which event it shall cause to be erected a stop sign at every such place where stop is required subject to the approval of the Board of City Commissioners;
2. Whether vehicles shall yield right-of-way to vehicles on a different street at such intersection in which event it shall cause to be erected a yield sign at every place where obedience thereto is required.

13-0610. INTERFERENCE WITH OFFICIAL TRAFFIC-CONTROL DEVICES OR RAILROAD SIGNS OR SIGNALS. No person may, without lawful authority, attempt to or in fact alter, deface, inure, knock down, or remove any official traffic control device or any railroad sign or signal or any inscription, shield, or insignia thereon, or any part thereof.

(Source: North Dakota Cent. Code § 39-10-07.3)

13-0611. DISPLAY OF UNAUTHORIZED SIGNS, SIGNALS OR MARKINGS.

1. No person may place, maintain, or display upon or in view of any highway, any unauthorized sign, signal, marking, or device which purports to be or is an imitation of or resembles an official traffic-control device or railroad sign or signal, or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of an official traffic-control device or any railroad sign or signal.

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

(Source: North Dakota Cent. Code § 39-10-07.2)

13-0612. INJURY TO TRAFFIC CONTROL DEVICES. No person may remove, injure, or destroy any mileboard, milestone, or guidepost, traffic-control signals, signs, or markings, or any inscription thereon, erected or placed upon any highway, road, or street by any public authority or by any contractor, subcontractor, or employee engaged in construction activities pursuant to a contract with a public authority therefor.

## CHAPTER 13-07

### STREETS

#### SECTIONS:

- 13-0701. Creation and Extension of Through and One-way Streets.
- 13-0702. Authority to Sign One-way Streets and Alleys.
- 13-0703. One-way Streets and Alleys.
- 13-0704. Authority to Establish Play Streets.
- 13-0705. Play Streets - Driving Restricted.
- 13-0706. Dumping of Snow on City Street Prohibited.

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13-0701. CREATION AND EXTENSION OF THROUGH AND ONE-WAY STREETS. The Chief of Police may create, extend or discontinue through streets and may create one-way streets provided the Board of City Commissioners approve the same by resolution.

13-0702. AUTHORITY TO SIGN ONE-WAY STREETS AND ALLEYS. Whenever any ordinance of the City designates any one-way street or alley, the Street Department shall place and maintain signs giving notice thereof, and no such regulations shall be effective unless such signs are in place. Signs indicating the direction of lawful traffic movement shall be placed at every intersection where movement of traffic in the opposite direction is prohibited.

13-0703. ONE-WAY STREETS AND ALLEYS. Upon one-way streets and alleys, vehicular traffic shall move only in the indicated direction when signs indicating the direction of traffic are erected and maintained.

13-0704. AUTHORITY TO ESTABLISH PLAY STREETS. The Chief of Police shall have authority to declare any street or part thereof a play street and to place appropriate signs or devices in the roadway indicating and helping to protect the same, providing the Board of City Commissioners approves the same by resolution.

13-0705. PLAY STREETS - DRIVING RESTRICTED. Whenever authorized signs are erected indicating any street or part thereof as a play street, no person shall drive a vehicle upon any such street or portion thereof except drivers of vehicles having business or whose residences are within such closed area, and then any said driver shall exercise the greatest care in driving upon any such street or portion thereof.

13-0706. DUMPING OF SNOW ON CITY STREET PROHIBITED. It shall be unlawful for any person, association, partnership, corporation, or other entity to deposit, place or dump, or permit or authorize the depositing, placing or dumping of any snow removed from any private property or City right-of-way, including public sidewalks

and private driveways located upon the street right-of-way upon any City street. It shall further be a violation of this section to deposit, place, or dump, or permit or authorize the depositing, placing or dumping of any snow upon public right-of-ways other than from adjacent sidewalks and driveways.

Source: Ord. 607, Sec. 1 (2001).

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CHAPTER 13-08

VEHICLE REGULATIONS

SECTIONS:

- 13-0801. Operation of Motor Vehicle, Tractor or Other Vehicle Prohibited on Flood Protective Works: Exception.
- 13-0802. Driving on Inclines and Under Viaducts.
- 13-0803. When Permits Required for Street Closing.
- 13-0804. Renting Motor Vehicle: License of Renter.
- 13-0805. Renting Motor Vehicle: License Inspection.
- 13-0806. Renting Motor Vehicle: Records.
- 13-0807. Clinging to Vehicles.
- 13-0808. Persons Propelling Push Carts or Riding Animals to Obey Traffic Regulations.
- 13-0809. Use of Coasters, Roller Skates and Similar Devices Restricted.
- 13-0810. Garbage, Glass, Etc. on Highways Prohibited.
- 13-0811. Abandoned Motor Vehicles.
- 13-0812. Low Speed Vehicles.

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13-0801. OPERATION OF MOTOR VEHICLE, TRACTOR OR OTHER VEHICLE PROHIBITED ON FLOOD PROTECTIVE WORKS: EXCEPTION. 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 dike or flood protective works constructed by a state or federal agency, or by a municipality or local subdivision of the state. Any person violating the provisions of this section shall be liable to the city municipality or political subdivision suffering injury for the full amount sustained thereby and in addition thereto shall be guilty of a misdemeanor.

13-0802. DRIVING ON INCLINES AND UNDER VIADUCTS. The driver of a motor vehicle traversing any incline or curve or proceeding under any viaduct or bridge shall hold such motor vehicle under control and as near the right-hand side of the highway as reasonably possible and upon approaching any curve or point where the view is obstructed along the highway shall give audible warning with a horn or other warning device.

13-0803. WHEN PERMITS REQUIRED FOR STREET CLOSING. No processions, parade, or any event that requires closure of a street, or in the judgment of the Police Department is likely to impede traffic, or does not comply with normal traffic regulations shall occupy, march or proceed along any street except in accordance with a permit issued by the City Commission and other pertinent regulations, statutes and ordinances.

Source: Ord. 932, Sec. 1 (2012)

13-0804. RENTING MOTOR VEHICLE: LICENSE OF RENTER. No person shall rent a motor vehicle to any other person unless the latter person is then duly licensed hereunder or, in the case of a non-resident, then duly licensed under the laws of the state or country of his residence, or unless the renter certifies that the vehicle shall be driven by a duly licensed driver.

13-0805. RENTING MOTOR VEHICLE: LICENSE INSPECTION. No person shall rent a motor vehicle to another unless he has inspected the operator's or chauffeur's license of the person to whom the vehicle is to be rented, or of the person by whom the vehicle shall be driven, and compared and verified the signature thereon with the signature of such person written in his presence.

13-0806. RENTING MOTOR VEHICLE: RECORDS. Every person renting a motor vehicle to another shall keep a record of the registration number of the motor vehicle so rented, the name and address of the person to whom the vehicle is rented, the number of the license of said latter person, or, his certified driver, and the date and place when and where said license was issued. Such record shall be open to inspection by any police officer.

13-0807. CLINGING TO VEHICLES. No person riding upon any vehicle, coaster, skis, roller skates, sled, toboggan or toy vehicle shall attach the same or himself, with or without any of the aforementioned items, to any vehicle upon any roadway.

13-0808. PERSONS PROPELLING PUSH CARTS OR RIDING ANIMALS TO OBEY TRAFFIC REGULATIONS. Every person propelling any push cart or riding an animal upon a roadway, and every person driving any animal-drawn vehicle, shall be subject to the provisions of this title applicable to the driver of any vehicle, except those provisions of this title which by their very nature can have no application.

13-0809. 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.

13-0810. GARBAGE, GLASS, ETC. ON HIGHWAYS PROHIBITED.

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

3. Any person removing a wrecked or damaged vehicle from a highway shall remove any glass or other injurious substance dropped upon the highway from such vehicle.

(Source: North Dakota Cent. Code § 39-10-59)

13-0811. ABANDONED MOTOR VEHICLES.

1. As used in this section, unless the context or subject matter otherwise requires:
  - a. "Abandoned motor vehicle" means a motor vehicle, as defined in section 39-01-01, North Dakota Cent. Code, that has remained for a period of more than forty-eight (48) hours on public property illegally or lacking vital component parts, or has remained for a period of more than forty-eight (48) hours on private property without consent of the person in control of such property or in an inoperable condition such that it has no substantial potential further use consistent with its usual functions unless it is kept in an enclosed garage or storage building. It also means a motor vehicle voluntarily surrendered by its owner to a person duly licensed under section 39-26-10, North Dakota Cent. Code. An antique automobile, as defined in Section 39-04-10.4, North Dakota Cent. Code, and other motor vehicles to include parts car and special interest vehicles, may not be considered an abandoned motor vehicle within the meaning of this chapter.
  - b. "Collector" means the owner of one or more special interest vehicles who collects, purchases, acquires, trades, or disposes of special interest vehicles or parts thereof for the person's own use in order to restore, preserve, and maintain a special interest vehicle or antique vehicle.
  - c. "Department" means the state department of health.
  - d. "Parts car" means a motor vehicle generally in nonoperable condition which is owned by the collector to furnish parts to restore, preserve, and maintain a special interest vehicle or antique vehicle.
  - e. "Special interest vehicle" means a motor vehicle which is at least twenty (20) years old and which has not been altered or modified from original manufacturer's specifications and, because of its historic interest, is being preserved by hobbyists.

- f. "Unit of government" includes a state department or agency, a county, city, township, or other political subdivision.
  - g. "Vital component parts" means those parts of a motor vehicle that are essential to the mechanical functioning of the vehicle, including, but not limited to, the motor, drive train, and wheels.
- 2. Any person who abandons a motor vehicle on any public or private property, without the consent of the person in control of such property is guilty of a class A misdemeanor.
  - 3. The City of West Fargo Police Department may take into custody and impound any abandoned motor vehicle.

13-0812. LOW-SPEED VEHICLES.

- 1. As used in this section, unless the context otherwise requires:
  - a. "Low-speed vehicle" means a four-wheeled vehicle that is able to attain a speed, upon a paved surface, of twenty (20) miles per hour [32 kilometers per hour] in one (1) mile [1.6 kilometers] and not more than twenty-five (25) miles per hour [40 kilometers per hour] in one (1) mile [1.6 kilometers] and may not exceed one thousand five hundred (1,500) pounds [680.39 kilograms] in unloaded weight.
  - b. "Operate" means to ride in or on and control the operation of a low-speed vehicle.
  - c. "Register" means the act of assigning a registration number to a low-speed vehicle.
- 2. A person may not operate a low-speed vehicle on a highway on which the speed limit exceeds thirty-five (35) miles [56.33 kilometers] per hour. The operator of a low-speed vehicle may make a direct crossing of a highway on which the speed limit exceeds thirty-five (35) miles [56.33 kilometers] per hour if the crossing is made so the operator can continue on a highway on which the speed limit does not exceed thirty-five (35) miles [56.33 kilometers] per hour.
- 3. A low-speed vehicle must be equipped with headlamps, front and rear turn signal lamps, tail lamps, signal lamps, reflex reflectors on each side as far to the rear of the vehicle as practicable and one red reflector on the rear, brakes, a parking brake, a windshield, a

vehicle identification number, a safety belt installed at each designated seating position, an exterior mirror mounted on the operator's side of the vehicle, and either an exterior mirror mounted on the passenger's side of the vehicle or an interior rearview mirror

CHAPTER 13-09

GENERAL RULES OF THE ROAD

SECTION:

- 13-0901. Following Too Closely.
- 13-0902. Right of Way.
- 13-0903. Exception to the Right of Way Rule.
- 13-0904. Vehicle Entering Through Street or Stop Intersection.
- 13-0905. Vehicle Entering Yield Intersection.
- 13-0906. Driving on Divided Street or Highway.
- 13-0907. Restricted Access.
- 13-0908. Restrictions on Use of Controlled-Access Roadways.
- 13-0909. Drive on Right Side of Roadway: Exceptions.
- 13-0910. Passing Vehicles Proceeding in Opposite Directions.
- 13-0911. Dimming of Headlights on Meeting Another Vehicle.
- 13-0912. Overtaking a Vehicle on the Left.
- 13-0913. When Overtaking on the Right is Permitted.
- 13-0914. Limitations on Overtaking on the Left.
- 13-0915. Further Limitations of Driving to Left of Center of Roadway.
- 13-0916. No Passing Zones.
- 13-0917. Driving on Roadways Laned for Traffic.
- 13-0918. Stopping on Street.
- 13-0919. Emerging from Alley, Driveway or Building.
- 13-0920. Authorized Emergency Vehicles.
- 13-0921. Operation of Vehicles on approach of Authorized Emergency Vehicles.
- 13-0922. Pedestrian Under Influence of Alcohol or Drugs.

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13-0901. FOLLOWING TOO CLOSELY. 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 vehicle and the traffic upon and the condition of the street, and in no event more closely than would permit the driver of the vehicle following another to stop within the space between the two vehicles in case the first vehicle stops upon the street.

13-0902. RIGHT OF WAY. The following rules shall be applicable to the right of way of vehicles:

1. When two vehicles approach or enter an intersection at approximately the same time and there is a reasonable probability of a collision unless one gives way, the driver of the vehicle on the left has the greater duty to maintain a fair margin of safety and shall yield the right of way to the vehicle on the right except as otherwise provided in this title.

2. The driver of any vehicle traveling at an unlawful speed shall forfeit any right of way which he might otherwise have hereunder.
3. The driver of a vehicle which is backing up shall yield the right of way to other vehicles.

13-0903. EXCEPTION TO THE RIGHT OF WAY RULE. The following shall be exceptions to the right of way rules:

1. The driver of a vehicle entering a public street or highway from a private road or drive shall yield the right of way to all vehicles approaching or on such public street or highway; and
2. The driver of a vehicle upon the streets or highways of this city shall yield the right of way to a Class A authorized emergency vehicle when the driver of any said vehicle sounds audible signal by horn, bell, siren or exhaust whistle as may be reasonably necessary, or when the vehicle is equipped with at least one lighted lamp displaying a red light visible under normal atmospheric conditions from a distance of five hundred feet to the front of such vehicle except that an authorized emergency vehicle operated as a police vehicle need not be equipped with nor display a red light visible from in front of the vehicle, right of way shall be yielded to such authorized emergency vehicle, regardless of traffic signals, lights or signs. This provision shall not operate to relieve the driver of such authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the streets or highways, nor shall it protect the driver of any such vehicle from the consequences of his reckless disregard for the safety of others.

13-0904. VEHICLE ENTERING THROUGH STREET OR STOP INTERSECTION.

1. The driver of a vehicle shall come to a complete stop before entering or crossing any through street or highway and shall use special care and caution in crossing the intersection of or intercepting the lines of traffic on, such through highways or streets, until his way is clear of such through traffic; provided that when the traffic at any intersection of such through street or highway is regulated or controlled by traffic lights, or by a member of the police department on duty, the driver of any vehicle shall be regulated and controlled thereby and shall act in accordance with the directions and regulations of such traffic lights or such traffic policemen, and in accordance with any traffic signs therein placed affecting such traffic;

2. The driver of a vehicle shall likewise come to a complete stop in obedience to a stop sign as required herein at an intersection where a stop sign is erected at one or more entrances thereto although not a part of a through street or highway shall use special care and caution in crossing the intersection of, or intercepting the line of traffic on, such stop intersection, until his way is clear of such traffic; provided that when the traffic at any intersection is regulated or controlled by traffic lights, or by a member of the police department on duty, the driver of any vehicle shall be regulated and controlled thereby, and shall act in accordance with the directions and regulations of such traffic lights or such traffic policeman, and in accordance with any traffic signs there in place affecting such traffic;
3. Every driver approaching a stop sign shall stop before entering the crosswalk on the near side of the intersection, or in the event there is not a crosswalk, shall stop at a clearly marked stop line, but if none, then at the point nearest the intersection roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection except when directed to proceed by police officer or a traffic-control signal.

13-0905. VEHICLE ENTERING YIELD INTERSECTION.

1. The driver of a vehicle approaching a yield right-of-way sign shall in obedience to such sign slow down to a speed reasonable for the existing condition or shall stop, if necessary, and shall yield the right-of-way to any pedestrian legally crossing the roadway on which he is driving and to any vehicle in the intersection or approaching on another street or highway so closely as to constitute an immediate hazard. A driver who enters a yield intersection without stopping or has or causes a collision with a pedestrian in a crosswalk or a vehicle in the intersection shall prima facie be considered not to have yielded as required herein. The foregoing shall not relieve the drivers of other vehicles approaching the intersection at such distance as not to constitute an immediate hazard from the duty to drive with due care to avoid a collision.
2. 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 not, then at a point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway.

13-0906. DRIVING ON DIVIDED STREET OR HIGHWAY. Whenever any street or highway has been divided into two 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 and no vehicle shall be over, across, or within any such dividing space, barrier, or section, except through an opening in such physical barrier or dividing section or space or at a crossover or intersection established by public authority.

13-0907. RESTRICTED ACCESS. 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.

13-0908. RESTRICTIONS ON USE OF CONTROLLED-ACCESS ROADWAYS. The director may by order, and local authorities 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 safe movement of traffic.

The director or local authority adopting any such prohibition shall erect and maintain official traffic control devices on the controlled access roadway on which such prohibitions are applicable, and when in place, no person may disobey the restriction stated on such devices.

(Source: North Dakota Cent. Code § 39-10-21)

13-0909. DRIVE ON RIGHT SIDE OF ROADWAY: EXCEPTIONS.

1. Upon all roadways of sufficient width a vehicle must be driven upon the right half of the roadway, except as follows:
  - a. When overtaking and passing another vehicle proceeding in the same direction under the rules governing such movement;
  - b. When an obstruction exists making it necessary to drive to the left of the center of the highway; provided, any person so doing shall yield the right of way to all vehicles traveling in the proper direction upon the unobstructed portion of the highway within such distance as to constitute an immediate hazard;
  - c. Upon a roadway divided into three marked lanes for traffic under the rules applicable thereon; or
  - d. Upon a roadway restricted to one-way traffic.

2. Upon all roadways any vehicle proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing must be driven in the right-hand lane then available for traffic, or as close as practicable to the right-hand curb or edge of the roadway, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn in an intersection or into a private road or driveway.
3. Upon any roadway having four or more lanes for moving traffic and providing for two-way movement of traffic, no vehicle may be driven to the left of the centerline of the roadway, except when authorized by official traffic-control devices designating certain lanes to the left side of the center of the roadway for use by traffic not otherwise permitted to use such lanes, or except as permitted under subdivision b of subsection 1. However, this subsection may not be construed as prohibiting the crossing of the centerline in making a left turn into or from an alley, private road, or driveway.

(Source: North Dakota Cent. Code § 39-10-08)

13-0910. PASSING VEHICLES PROCEEDING IN OPPOSITE DIRECTIONS. Drivers of vehicles proceeding in opposite directions shall pass each other to the right, and upon roadways having width for not more than one line of traffic in each direction each driver shall give to the other at least one-half of the main-traveled portion of the roadway as nearly as possible.

(Source: North Dakota Cent. Code § 39-10-09)

13-0911. DIMMING OF HEADLIGHTS ON MEETING ANOTHER VEHICLE. Whenever a driver of a vehicle approaches an oncoming vehicle during a time specified in Section 13-1510 of these ordinances, the driver of each vehicle shall dim his headlamps so that under normal atmospheric conditions, such lamps shall throw a beam not more than one hundred feet ahead of such vehicle.

13-0912. OVERTAKING A VEHICLE ON THE LEFT. The following rules govern the overtaking and passing of vehicles proceeding in the same direction, subject to those limitations, exceptions, and special rules hereinafter stated:

1. The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and may 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 may not increase the speed of that driver's vehicle until completely passed by the overtaking vehicle.

(Source: North Dakota Cent. Code § 39-10-11)

13-0913. WHEN OVERTAKING ON THE RIGHT IS PERMITTED.

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

(Source: North Dakota Cent. Code § 39-10-12)

13-0914. LIMITATIONS ON OVERTAKING ON THE LEFT. No vehicle may 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 [60.96 meters] of any approaching vehicle.

(Source: North Dakota Cent. Code § 39-10-13)

13-0915. FURTHER LIMITATIONS ON DRIVING TO LEFT OF CENTER OF ROADWAY.

1. No vehicle may be driven to the left side of the roadway under any of 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 [30.48 meters] of or traversing any intersection or railroad grade crossing.
  - c. When the view is obstructed upon approaching within one hundred feet [30.48 meters] of any bridge, viaduct, or tunnel.
2. The foregoing limitations do not apply upon a one-way roadway, nor under the conditions described in section 39-10-08, nor to the driver of a vehicle turning left into or from an alley, private road, or driveway.

(Source: North Dakota Cent. Code § 39-10-14)

13-0916. NO PASSING ZONES.

1. The director and local authorities are hereby authorized to determine those portions of any highway under their respective jurisdiction where overtaking and passing or driving on the left side of the roadway would be especially hazardous and may by appropriate signs or markings on the roadway indicate the beginning and end of such zones and when such signs or markings are in place and clearly visible to an ordinarily observant person, every driver of a vehicle shall obey the directions thereof.
2. Where signs or markings are in place to define a no-passing zone as set forth in subsection 1, no driver may at any time drive on the left side of the roadway within such no-passing zone or on the left side of any pavement striping designed to mark such no-passing zone throughout its length.
3. This section does not apply under the conditions described in section 39-10-08 nor to the driver of a vehicle turning left into or from an alley, private road, or driveway.

(Source: North Dakota Cent. Code § 39-10-15)

13-0917. DRIVING ON ROADWAYS LANED FOR TRAFFIC. Whenever any roadway has been divided into two or more clearly marked lanes for traffic, the following rules in addition to all others consistent herewith apply:

1. A vehicle must be driven as nearly as practicable entirely within a single lane and may not be moved from

such lane until the driver has first ascertained that such movement can be made with safety.

2. Upon a roadway which is divided into three lanes and provides for two-way traffic, a vehicle may 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.

(Source: North Dakota Cent. Code § 39-10-17)

13-0918. STOPPING ON STREET. The following rules shall be applicable stopping and parking vehicles on streets:

1. No person shall park or leave standing any vehicle, whether attended or unattended, upon the main traveled portion of any street when it is practicable to park or leave such vehicle standing off the main traveled portion of the street; provided in no case shall any person park or leave standing attended or unattended, upon any street, a vehicle unless a clear and unobstructed width of not less than fifteen feet shall be left free for the passage of other vehicles thereon, and unless a clear view of such vehicle may be obtained from a distance of two hundred feet in both directions upon such streets;
2. No driver of any vehicle shall stop the same on any street, avenue, lane or alley of the city in such manner as to prevent or hinder other vehicles or persons from passing at all times, unless in case of absolute necessity, nor shall any driver of any vehicle stop the same at any regular crossing of said street, alley, lane or avenue so as to prevent the free passage of persons traveling or passing on foot.

3. Whenever any police officer shall find a vehicle standing upon a street or highway in violation of the provisions of this section, he is hereby authorized to move such vehicle, or require the driver or person in charge of such vehicle to move such vehicle, to a position permitted under this section, or to impound it at the expense of the owner or driver.
4. Provisions of this section shall not apply to the driver of any vehicle which is disabled while upon the main traveled portion of a street in such manner and to such extent that it is impossible to avoid stopping temporarily leaving such vehicle in such position.

13-0919. EMERGING FROM ALLEY, DRIVEWAY OR BUILDING. The driver of a vehicle emerging from an alley, driveway, private road, or building within a business or resident district shall stop such vehicle immediately prior to driving onto a sidewalk or onto the sidewalk area extending across such alley, building entrance, road, or driveway, or in the event there is no sidewalk area, shall stop at the point nearest the street to be entered where the driver has a view of approaching traffic thereon. Such driver entering the roadway shall yield the right-of-way to all vehicles approaching on said roadway.

13-0920. AUTHORIZED EMERGENCY VEHICLES.

1. The driver of a Class A authorized emergency vehicle may:
  - a. Park or stand, irrespective of the provisions of this chapter;
  - b. Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;
  - c. Exceed the speed limit so long as he does not endanger life or property;
  - d. Disregard regulations governing directions of movement or turning in specified directions.
2. The exceptions herein granted to a Class A authorized emergency vehicle shall apply only:
  - a. When the authorized emergency vehicle is in pursuit of or apprehension of a violator or a suspected violator requiring the use of these exemptions;
  - b. When the Class A authorized emergency vehicle is being operated in response to a reported emergency involving a possible personal injury, death or damage to property, and 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), and, if appropriate, giving audible signal by siren or air horn. A fire truck, ambulance, or law enforcement vehicle that is otherwise a class A authorized emergency vehicle may display a flashing blue light in addition to and under the same conditions as the other colors allowed in this subdivision.

- c. In any instance when the head of the 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). A fire truck, ambulance, or law enforcement vehicle that is otherwise a class A authorized emergency vehicle may display a flashing blue light in addition to and under the same conditions as the other colors allowed in this subdivision.
3. No emergency vehicle shall display or permit to be displayed any red lamp except when operated on official business.
  4. Any law enforcement officer as provided in paragraph 2 of subdivision a of subsection 1 of Section 39-01-01 of the North Dakota Century Code having stopped another vehicle along a highway, and while still involved in that incident, or any other such activity, may use amber lights, visible under normal atmospheric conditions for at least five hundred feet (152.4 meters), for the purpose of maintaining traffic flow.
  5. The driver of Class B authorized emergency vehicles may:
    - a. Park or stand, irrespective of the provisions of this chapter;
    - b. Exceed the speed limit so long as he does not endanger life or property during the time of a local or national disaster;
    - c. Disregard regulations governing direction of movement or turning in specified directions.
  6. The exceptions herein granted to a Class B authorized emergency vehicle shall apply only:

- a. When the authorized emergency vehicle is displaying an amber light visible under normal atmospheric conditions for a distance of five hundred feet (152.4 meters) in any direction;
  - b. When it is necessary for the authorized emergency vehicle to use these exemptions for the immediate protection of life or property;
  - c. When an authorized emergency vehicle is stopped on a highway for the purpose of performing a duty as required of the driver; or
  - d. When traveling at a speed slower than the normal flow of traffic.
7. All Class B specifications apply to Class C authorized emergency vehicles except that a rotating blue flashing light shall be displayed in place of an amber light as provided in section 39-10-03.1 of the North Dakota Century Code. With respect to vehicles used by state and local disaster emergency service personnel, the Division of Homeland Security is responsible for adopting rules for the use of flashing blue lights in accordance with Chapter 28-32 NDCC.

Source: Ord. 961, Sec. 8 (2013)

13-0921. OPERATION OF VEHICLES ON APPROACH OF AUTHORIZED EMERGENCY VEHICLES.

1. Upon the immediate approach of an authorized emergency vehicle displaying a visible flashing, revolving, or rotating blue, white, or red light, the driver of every other vehicle shall yield the right of way and shall immediately drive to a position parallel to, and as close as possible to, the right-hand edge or curb of the roadway clear of any intersection and shall stop and remain in that 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 does not operate to relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway.

(Source: North Dakota Cent. Code § 39-10-26)

13-0922. PEDESTRIAN UNDER INFLUENCE OF ALCOHOL OR DRUGS. A pedestrian who is under the influence of alcohol or any drug to a degree which renders himself a hazard may not walk or be upon a roadway, sidewalk or crosswalk.

CHAPTER 13-10

MISCELLANEOUS DRIVING RULES

SECTIONS:

- 13-1001. Following Fire Apparatus Prohibited, Parking Within Block Where Fire Apparatus Used Prohibited: Driving Over Fire Hose or Through Street Barricade Prohibited.
- 13-1002. Driving Through Parade, Funeral or Procession.
- 13-1003. Drivers in a Procession.
- 13-1004. Vehicle Shall Not Be Driven on a Sidewalk.
- 13-1005. Limitations on Backing.
- 13-1006. Opening and Closing Vehicle Doors.
- 13-1007. Motorcycles - Helmet.
- 13-1008. Starting Parked Vehicles.
- 13-1009. Boarding or Alighting From Vehicles.
- 13-1010. Unlawful Riding.
- 13-1011. Cruising About Streets Forbidden.
- 13-1012. Towing Sleds and Carts.
- 13-1013. Obstruction to Driver's View or Driving Mechanism.
- 13-1014. Coasting Prohibited.
- 13-1015. Child Restraint Devices - Penalty - Evidence.
- 13-1016. Overtaking and Passing of School Bus.
- 13-1016A. Permitting Use of Vehicle to Violate Section 13-1016 Prohibited - Presumption of Permission - Defense - Dual Prosecution Prohibited
- 13-1017. Use of Safety Belts Required in Certain Motor Vehicles.
- 13-1018. Driving on Road Closed Because of Hazardous Conditions Prohibited.
- 13-1019. Use of a Wireless Communications Device Prohibited.
- 13-1020. Use of an Electronic Communication Device by a Minor Prohibited.

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13-1001. FOLLOWING FIRE APPARATUS PROHIBITED, PARKING WITHIN BLOCK WHERE FIRE APPARATUS USED PROHIBITED: DRIVING OVER FIRE HOSE OR THROUGH STREET BARRICADE PROHIBITED. It shall be unlawful for the driver of any vehicle other than one on official business:

1. To follow any fire apparatus traveling in response to a fire alarm closer than five hundred feet;
2. To drive into or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm;
3. To drive over any fire hose without the consent of the fire department official in command;
4. To drive through or around any street barricade.

13-1002. DRIVING THROUGH PARADE, FUNERAL OR PROCESSION. No vehicle except an authorized emergency vehicle as defined in

Section 13-0101(1)(a) may drive through any parade, funeral or procession except with the permission or upon the signal of a police officer.

13-1003. 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. The headlights of all vehicles shall be turned on so that identification of vehicles in such procession is easily established.

13-1004. VEHICLE SHALL NOT BE DRIVEN ON A SIDEWALK. The driver of a vehicle shall not drive on or within any sidewalk area except at a permanent or temporary driveway.

13-1005. LIMITATIONS ON BACKING.

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.

13-1006. OPENING AND CLOSING VEHICLE DOORS. No person shall open a door of a motor vehicle on the side available to moving traffic unless and until it is reasonably safe to do so and can be done without interfering with the movement of other traffic, nor shall any person leave a door open on the side of a vehicle available to moving traffic for a period of time longer than necessary to load or unload passengers.

13-1007. MOTORCYCLES - HELMET.

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

13-1008. STARTING PARKED VEHICLES. No person may start a vehicle which is stopped, standing, or parked unless and until such movement can be made with reasonable safety.

(Source: North Dakota Cent. Code § 39-10-37)

13-1009. BOARDING OR ALIGHTING FROM VEHICLES. No person shall board or alight from any vehicle while such vehicle is in motion.

13-1010. UNLAWFUL RIDING. No person shall ride on any vehicle or any portion thereof not designated or intended for the use of passengers. This provision shall not apply to an employee engaged in the necessary discharge of a duty or to persons riding within truck bodies in space intended for merchandise.

13-1011. CRUISING ABOUT STREETS FORBIDDEN. No common carrier of freight or passengers shall cruise about the streets to solicit business.

13-1012. TOWING SLEDS AND CARTS. No driver or operator shall tow or permit the towing by any vehicle on the streets of the City of West Fargo of any sleigh, wagon, cart, toboggan, skis or any other device which creates a traffic hazard.

13-1013. OBSTRUCTION TO DRIVERS' VIEW OR DRIVING MECHANISM.

1. No person may 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 may ride in such a position as to interfere with the driver's view ahead or to the sides, or to interfere with the driver's control over the driving mechanism of the vehicle.

(Source: North Dakota Cent. Code § 39-10-54)

13-1014. COASTING PROHIBITED.

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

(Source: North Dakota Cent. Code § 39-10-56)

13-1015. CHILD RESTRAINT DEVICES - PENALTY - EVIDENCE.

1. If a child, under four (4) years of age, is present in any motor vehicle, that motor vehicle must be equipped with at least one (1) child restraint system for each such child. The child restraint system must meet the standards adopted by the United States Department of Transportation for those systems (49 CFR 571.213). While the motor vehicle is in motion, each such child must be properly secured in the child restraint system in accordance with the manufacturer's instructions. If a child who is at least four (4) and at most seventeen (17) years of age is present in a motor vehicle, unless properly secured in an approved child restraint system, the child must be buckled in a seatbelt whenever the car is moving. Use of child restraint systems and seatbelts is not required in motor vehicles that were not equipped with seatbelts when manufactured.
2. Violation of this ordinance 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.

(Source: North Dakota Century Code Section 39-21-41.2)

13-1016. OVERTAKING AND PASSING OF SCHOOL BUS.

1. The driver of a vehicle meeting or overtaking from either direction any school bus stopped on the highway shall stop the vehicle before reaching such school bus when there is in operation on said school bus the, flashing red lights specified in Section 39-21-18, North Dakota Cent. Code, 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 word "SCHOOL BUS" in letters not less than eight inches [20.32 centimeters] in height. When a school bus is being operated upon a highway for purposes other than the actual transportation of children either to or from school or for a school sanctioned activity, all markings thereon indicating "SCHOOL BUS" shall be covered or concealed.
3. The operator of a school bus equipped with amber caution lights may activate those lights at a distance of not less than three hundred feet [91.44 meters] nor more than five hundred feet [152.4 meters] from the point where

school children are to be received or discharged from the bus.

4. Every school bus shall be equipped with red visual signals meeting the requirements of Section 39-21-18, North Dakota Cent. Code, which may be actuated by the driver of said school bus whenever, but only whenever, such vehicle is stopped on the highway for the purpose of receiving or discharging school children. A school bus driver shall not actuate said special visual signals:
  - a. On city streets on which the receiving or discharging of school children is prohibited by ordinance;
  - b. At intersections or other places where traffic is controlled by traffic-control signals of police officers; or
  - c. In designated school bus loading areas where the bus is entirely off the roadway.
5. The driver of a vehicle upon a highway with separate roadways need not stop upon meeting or passing a school bus which is on a different roadway or when upon a controlled-access highway and the school bus is stopped in a loading zone which is a part of or adjacent to such highway and where pedestrians are not permitted to cross the roadway.
6. Every school bus must bear on the rear of the bus a plainly visible sign containing the words "THIS SCHOOL BUS STOPS AT ALL RAILROAD CROSSINGS".

(Source: North Dakota Cent. Code § 39-10-46)

13-1016A. PERMITTING USE OF VEHICLE TO VIOLATE SECTION 13-1016 PROHIBITED -- PRESUMPTION OF PERMISSION -- DEFENSE -- DUAL PROSECUTION PROHIBITED. The registered owner of a motor vehicle may not permit that motor vehicle to be operated in violation of Section 13-1016. If a motor vehicle is seen violating Section 13-1016, it is a disputable presumption that the registered owner of the motor vehicle permitted that violation. It is a defense to a charge of violating this section that the registered owner of the vehicle was not operating the vehicle, if that registered owner identifies the person authorized by that owner to operate the motor vehicle at the time of the violation of Section 13-1016, or if that motor vehicle had been taken without the registered owner's permission. A person may not be charged both with violating this section and with violating Section 13-1016. Violation of this section is not a lesser included offense of violation of Section 13-1016.

Source: Ord. 838, Sec. 1 (2008)

13-1017. USE OF SAFETY BELTS REQUIRED IN CERTAIN MOTOR VEHICLES.

1. Subject to the limitations of this section and Section 39-21-41.5 of the North Dakota Century Code, a driver may not operate upon a highway a motor vehicle designed for carrying fewer than eleven passengers, which was originally manufactured with safety belts unless each front seat occupant is wearing a properly adjusted and fastened safety belt. This section does not apply to a child in a child restraint or seatbelt; to drivers of implements of husbandry; to operators of farm vehicles; 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.
2. A peace officer may not issue a citation for a violation of this section unless the officer lawfully stopped or detained the driver of the motor vehicle for another violation.

(Source: North Dakota Cent. Code §§ 39-21-41.4 and -41.5)

13-1018. DRIVING ON ROAD CLOSED BECAUSE OF HAZARDOUS CONDITIONS PROHIBITED.

1. Law enforcement having jurisdiction over a road may close a road temporarily due to hazardous conditions for the protection and safety of the public. If such a closing is made, the authority making the closing shall make every reasonable attempt to notify the public and, when practical, may post appropriate official traffic control devices to advise motorists of the closing.
2. The Chief of Police, or other authorized law enforcement official, may declare a "state of emergency" and order no travel temporarily due to hazardous conditions for the protection and safety of the public.
3. An individual, while operating a motor vehicle, may not knowingly enter a road closed which is posted with an appropriate traffic-control device at the point of entry. The penalty for such violation shall be a fee of two hundred fifty dollars (\$250).

Source: Ord. 906, Sec. 7 (2011)

13-1019. USE OF A WIRELESS COMMUNICATIONS DEVICE PROHIBITED.

1. The operator of a motor vehicle that is part of traffic may not use a wireless communications device to compose, read, or send an electronic message.
2. Under this section:
  - a. "Electronic message" means a self-contained piece of digital communication that is designed or intended to be transmitted between physical devices. The term includes e-mail, a text message, an instant message, a command or request to access a world wide web page, or other data that uses a commonly recognized electronic communications protocol. The term does not include:
    - (1) Reading, selecting, or entering a telephone number, an extension number, or voice mail retrieval codes and commands into an electronic device for the purpose of initiating or receiving a telephone or cellular phone call or using voice commands to initiate or receive a telephone or cellular phone call;
    - (2) Inputting, selecting, or reading information on a global positioning system device or other navigation system device;
    - (3) Using a device capable of performing multiple functions, such as fleet management systems, dispatching devices, smart phones, citizen band radios, music players, or similar devices, for a purpose that is not otherwise prohibited;
    - (4) Voice or other data transmitted as a result of making a telephone or cellular phone call; or
    - (5) Data transmitted automatically by a wireless communication device without direct initiation by an individual.
  - b. "Traffic" means operation of a motor vehicle while in motion or for the purposes of travel on any street or highway and includes a temporary stop or halt of motion, such as at an official traffic-control signal or sign. The term does not include a motor vehicle that is lawfully parked.
3. This section does not apply if a wireless communications device is used for obtaining emergency assistance to

report a traffic accident, medical emergency, or serious traffic hazard or to prevent a crime about to be committed, in the reasonable belief that an individual's life or safety is in immediate danger, or in an authorized emergency vehicle while in the performance of official duties.

Source: Ord. 906, Sec. 10 (2011)

13-1020. USE OF AN ELECTRONIC COMMUNICATION DEVICE BY A MINOR PROHIBITED. An individual at least sixteen and under eighteen years of age who has been issued a class D license may not operate an electronic communication device to talk, compose, read, or send an electronic message while operating a motor vehicle that is in motion unless the sole purpose of operating the device is to obtain emergency assistance, to prevent a crime about to be committed, or in the reasonable belief that an individual's life or safety is in danger.

Source: Ord. 906, Sec. 11 (2011)

CHAPTER 13-11

SPEED

SECTIONS:

- 13-1101. Speed Limitations.
- 13-1102. Speed Limitations Inapplicable to Whom: Liability of Exempt Driver for Reckless Driving.
- 13-1103. Increase or Decrease of Speed Limits.
- 13-1104. Impeding Traffic.
- 13-1105. Radar Evidence in Speed Violations.

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13-1101. SPEED LIMITATIONS. Except in instances where a lower speed is specified in this Title or by the laws of this state, it shall be prima facie lawful for the driver of a vehicle to drive the same at a speed not exceeding:

1. Twenty-five miles per hour on all streets and avenues of this city unless otherwise posted.
2. The posted school zone speed limit when passing a school which is in session and when children are present, including going to or leaving school during opening or closing hours. When children are present shall be defined to mean whenever one or more children are on the roadway, sidewalk, pathway, road shoulder, in front of school buildings, or on adjacent school grounds. This definition applies to children present on the same side of the street as the school building, as well as across the street from the school building in any direction within the marked school zone.
3. Fifteen miles an hour in traversing or going around curves or traversing a grade upon a highway or street when the driver's view is obstructed within a distance of one hundred feet along such street in a direction in which he is proceeding; or at any intersection.

In any case when the speed limitation provided for in the foregoing subsection shall be unsafe, it shall be unlawful to operate a motor vehicle at such speed. It shall be unlawful for any person to exceed any such foregoing speed limitations except as otherwise provided in this Title.

Source: Ord. 847, Sec. 1 (2009); Ord. 856, Sec. 2 (2010).

13-1102. SPEED LIMITATIONS INAPPLICABLE TO WHOM: LIABILITY OF EXEMPT DRIVER FOR RECKLESS DRIVING. The speed limitations provided for in this Title shall not apply to operators of vehicles designated in Section 13-0920 while in the performance of their

duties. The exemption provided for in this section shall not protect the driver of any such vehicle from the consequences of reckless disregard of the safety of others.

13-1103. INCREASE OR DECREASE OF SPEED LIMITS. The Chief of Police, subject to the approval of the Board of City Commissioners, may increase or decrease the speed limits as set by Section 13-1101 above, providing signs giving notice of such changes are properly placed and maintained. In addition, the Public Works Director, in consultation with the Chief of Police, has the authority to post lower speed limits in construction zones without Commission approval. The fee for speeding in a construction zone will be as provided for in Section 39-06.1-06(13), N.D.C.C.. The increased fine in this section does not apply unless individuals engaged in construction are present at the time and place of the violation and the posted speed limit sign states "Minimum Fee \$80".

Source: Ord. 731, Sec. 1 (2004); Ord. 856, Sec. 3 (2010)

13-1104. IMPEDING TRAFFIC. Except when necessary for safe operation or to comply with some other provisions of this Title, no person shall drive a motor vehicle at a rate of speed or in such a manner, so slow as to block or impede the normal and reasonable flow of traffic.

13-1105. RADAR EVIDENCE IN SPEED VIOLATIONS. The speed of any motor may be checked by the use of radio microwaves or other electrical device. The results of such checks shall be accepted as prima facie evidence of the speed of such motor vehicle in any court or legal proceedings where the speed of the motor vehicle is at issue. The driver of any such motor vehicle may be arrested without a warrant under this section, provided the arresting officer is in uniform or displays his badge of authority and provided that such officer has observed the record of the speed of such motor vehicle by the radio microwave 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 microwave or other electrical device.

## CHAPTER 13-12

### TURNING MOVEMENTS

#### SECTIONS:

- 13-1201. Required Position and Method of Turning at Intersections.
- 13-1202. Turning Movements and Required Signals.
- 13-1203. Vehicle Turning Left at Intersection
- 13-1204. Authority to Place Restricted Turn Signs.
- 13-1205. Obedience to No-turn Signs.
- 13-1206. Limitations on Turning Around.
- 13-1207. Authority to Place and Obedience to Turning Markers.

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13-1201. REQUIRED POSITION AND METHOD OF TURNING AT INTERSECTIONS. The driver of a vehicle intending to turn at an intersection shall do as follows:

1. Right turn. Both approach for a right turn and a right turn shall be made as close as practicable to the right-hand curb or edge of the roadway;
2. Left turns on two-way roadways. At any intersection where traffic is permitted to move in both directions on each roadway entering the intersection, an approach for a left turn shall be made in that portion of the right half of the roadway nearest the center line thereof and by passing to the right of such center line where it enters the intersection and after entering the intersection the left turn shall be made so as to leave the intersection to the right of the center line of the roadway being entered. Whenever practicable the left turn shall be made in that portion of the intersection to the left of the center of the intersection;
3. Left turns on other than two-way roadways. At any intersection where traffic is restricted to one direction on one or more of the roadways, the driver of the 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 marker, buttons, or signs to be placed within or adjacent to intersections and thereby require and direct that a different course from that specified in

this section be traveled by vehicles turning at an intersection, and when markers, buttons, or signs are so placed no driver of a vehicle shall turn a vehicle at an intersection other than as directed and required by such markers, buttons or signs.

13-1202. TURNING MOVEMENTS AND REQUIRED SIGNALS.

1. No person shall turn a vehicle or move right or left upon a roadway unless or until such movement can be made with reasonable safety without giving an appropriate signal in the manner hereinafter provided.
2. A signal of intention to turn right or left when required shall be given continuously during not less than the last one hundred feet traveled by the vehicle before turning. Signal either by an approved mechanical or electrical device or by means of hand and arm in the manner hereinafter specified. Whenever the signal is given by means of hand and arm, the driver shall indicate his intention to turn left by extending the hand and arm horizontally; to indicate a right turn by extending the forearm and hand upward and to indicate a stop by extending the arm outward and down; in each case, from and beyond the left side of the vehicle.
3. No person shall stop or suddenly decrease the speed of the 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.

13-1203. VEHICLE TURNING LEFT AT INTERSECTION. The driver of a vehicle intending to turn 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. Said driver shall use special care and caution in entering the intersection and completing the left turn.

13-1204. AUTHORITY TO PLACE RESTRICTED TURN SIGNS. The Police Department is hereby authorized to 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.

13-1205. OBEDIENCE TO NO-TURN SIGNS. Whenever authorized signs are erected indicating that no right or left or "U" turn is permitted, no driver of a vehicle shall disobey a direction of any such sign.

13-1206. LIMITATIONS ON TURNING AROUND.

Source: Ord. 946, Sec. 1 (2013)

1. No "U" turn shall be made at any mid-block location or at any signalized intersection in the City unless permitted by a sign posted by the City. The police department may by means of signs forbid "U" turns.
2. No vehicle shall be turned so as to proceed in the opposite direction upon any curve, whereupon 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.

13-1207. AUTHORITY TO PLACE AND OBEDIENCE TO TURNING MARKERS.

The police department 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 the vehicles turning at an intersection, and when markers, buttons or signs are so placed no driver of a vehicle shall turn a vehicle at an intersection other than as directed and required by such markers, buttons or signs.

## CHAPTER 13-13

### PEDESTRIANS

#### SECTIONS:

- 13-1301. Pedestrians Subject to Traffic-Control Signals.
- 13-1302. Right-of-way of Pedestrians When Intersection is Regulated.
- 13-1303. Right-of-way of Pedestrians When an Intersection is not Regulated.
- 13-1304. Crossing at Other than Crosswalks.
- 13-1305. Pedestrians to Use Right Half of Crosswalk.
- 13-1306. Blind Persons Right-of-Way.
- 13-1307. Obedience of Pedestrians to Bridge and Railroad Signals.
- 13-1308. Pedestrians Walking Along Roadways.
- 13-1309. Pedestrians Soliciting Rides or Business.
- 13-1310. Blocking Traffic of Pedestrians.
- 13-1311. Pedestrians not to Obstruct Traffic.
- 13-1312. Right to Cross Street Safely: Interference with Vehicles.
- 13-1313. Playing on Streets Prohibited.
- 13-1314. Drivers to Exercise Due Care.

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13-1301. PEDESTRIANS SUBJECT TO TRAFFIC-CONTROL SIGNALS. Pedestrians shall be subject to traffic-control signals and heretofore declared in Section 13-0604 and 13-0605 of this title, but at all other places pedestrians shall have those rights and be subject to the restrictions stated in this title.

13-1302. RIGHT-OF-WAY OF PEDESTRIANS WHEN INTERSECTION IS REGULATED. No vehicle shall cross a crosswalk where traffic is regulated by a police officer or a system of traffic control signals until pedestrians who have properly commenced to cross the street have completed their passage across in front of such vehicles, and any vehicle permitted to turn to either right or left shall yield the right-of-way to all pedestrians who are proceeding on crosswalks in a direction authorized by the officer or traffic signal, and failure to yield such right-of-way shall be a violation of this section.

13-1303. RIGHT-OF-WAY OF PEDESTRIANS WHEN AN INTERSECTION IS NOT REGULATED.

1. Where traffic control signals are not in place or in operation, the driver of a vehicle shall yield the right-of-way, slowing down or stopping if need be to yield to a pedestrian crossing a roadway within a crosswalk when the pedestrian is upon the half of the roadway 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 that it is impossible for the driver to yield.
3. Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake or pass such stopped vehicle.

13-1304. CROSSING AT OTHER THAN CROSSWALKS.

1. Every pedestrian crossing a roadway at any point other than within a marked or within an unmarked crosswalk at an intersection shall yield the right-of-way to all vehicles on the roadway.
2. Any pedestrian crossing a roadway at a point where a pedestrian tunnel or overhead crossing has been provided shall yield the right-of-way to all vehicles on 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 pedestrians shall cross a roadway other than on a crosswalk in any business district in the City of West Fargo.
5. 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.

13-1305. PEDESTRIANS TO USE RIGHT HALF OF CROSSWALK. Pedestrians shall move, whenever practicable, upon the right half of crosswalks.

(Source: North Dakota Cent. Code §39-10-32)

13-1306. BLIND PERSONS RIGHT-OF-WAY. The driver of any vehicle shall yield the right-of-way to any blind pedestrian carrying a clearly visible white cane or accompanied by a guide dog.

Blind pedestrians, when carrying a white cane or stick, by holding out horizontally such white cane or stick in the direction they desire to travel over any crosswalks on any street, avenue, alley or other public highway in the City of West Fargo, shall have the right-of-way over all other pedestrians and vehicles, except those vehicles as are defined in Section 13-0101(1) (a), except that all blind persons at intersections governed by traffic control devices shall be subject to the same rules as apply to other pedestrians.

Any driver of a vehicle, operator of a motor-driven vehicle, or pedestrian who is not blind who approaches or comes in contact with a blind person on the streets of the City of West Fargo or any blind person carrying such white cane or stick, shall, if conditions of traffic or safety of any blind person shall require, immediately stop and take such precaution before proceeding, as may be necessary to avoid accident or injury or be necessary to protect the blind person.

The words "blind pedestrian" or "blind person" as used in this section shall mean persons wholly or so partially blind as to require mechanical, human, or other aid in the use of the streets of the City of West Fargo.

13-1307. OBEDIENCE OF PEDESTRIANS TO BRIDGE AND RAILROAD SIGNALS. No pedestrian may 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.

(Source: North Dakota Cent. Code § 39-10-33.5)

13-1308. PEDESTRIANS WALKING ALONG ROADWAYS.

1. Where a sidewalk is provided and its use practicable, it shall be unlawful for any pedestrian to walk along or upon an adjacent roadway.
2. Where a sidewalk is not available, any pedestrian walking along or upon a highway shall walk only on a shoulder facing traffic which may approach from the opposite direction, 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 the outside edge of the roadway, and, if on a two-way roadway, shall walk only 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.

13-1309. PEDESTRIANS SOLICITING RIDES OR BUSINESS.

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

(Source: North Dakota Cent. Code § 39-10-34)

13-1310. BLOCKING TRAFFIC OF PEDESTRIANS. Vehicles shall not stop on cross walk so as to interfere with the passage of pedestrians.

13-1311. PEDESTRIANS NOT TO OBSTRUCT TRAFFIC. No persons shall singly or together stand in any street, or any footwalk, sidewalk, or alley, in the City of West Fargo so as to obstruct the free passage for pedestrians or vehicles; and any person or persons so standing shall move immediately and cease to obstruct said walk or street after being requested to do so by the chief of police or any police officer of the City of West Fargo.

13-1312. RIGHT TO CROSS STREET SAFELY: INTERFERENCE WITH VEHICLES. The roadbeds of streets are primarily intended for vehicles, but pedestrians have the right to cross them in safety, and all drivers of vehicles shall exercise all proper care not to injure pedestrians. The driver of a vehicle shall yield the right-of-way to any pedestrian on a sidewalk. Pedestrians when crossing a street shall not carelessly or maliciously interfere with the passing of vehicles.

13-1313. PLAYING ON STREETS PROHIBITED. No person shall play upon the streets, avenues or alleys or public grounds of the City of West Fargo except on such grounds or streets, as may be provided for such purposes, and this section shall apply to both business and residential areas.

13-1314. DRIVERS TO EXERCISE DUE CARE. 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.

## CHAPTER 13-14

### ACCIDENTS

#### SECTIONS:

- 13-1401. Immediate Notice of Accidents.
- 13-1402. Written Report of Accident to City.
- 13-1403. Written Report of an Accident to State.
- 13-1404. Officer to Report.
- 13-1405. When Driver Unable to Report.
- 13-1406. Garages to Report.
- 13-1407. False Reports.

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13-1401. IMMEDIATE NOTICE OF ACCIDENTS. The driver of a vehicle involved in an accident resulting in injury to or death of any person or damage of at least one thousand dollars shall immediately give notice of the accident to the local Police Department if the accident occurs within a municipality, otherwise to the office of the County Sheriff or the State Highway Patrol. The name of the motor vehicle insurance policy carrier and the policy number of the driver, or if the driver is not the owner of the vehicle, then the motor vehicle insurance policy carrier and the policy number of the owner of the vehicle, must be furnished to the law enforcement officer investigating the accident. If the driver does not have the required information concerning insurance to furnish to the investigating law enforcement officer, then within five (5) days of the accident the driver shall supply that information to the Driver's License Division in the form the division requires.

(Source: North Dakota Century Code Section 39-08-09)

13-1402. WRITTEN REPORT OF ACCIDENT TO CITY. The driver of a vehicle which is in any manner involved in an accident resulting in bodily injury to or death of any person or accident shall forward a written report of such accident to the police department of the City of West Fargo on forms provided by the City of West Fargo. The provisions of this section shall not be applicable when the accident has been investigated at the scene by a police officer while such officer was present thereat.

13-1403. WRITTEN REPORT OF AN ACCIDENT TO STATE. 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 \$1,000, shall immediately give notice of the accident to the local police department if the accident occurs within the municipality, otherwise to the office of the county sheriff or the state highway patrol. Any person who violates this section must be assessed a fine of \$50. The name of the motor vehicle insurance policy carrier and the policy number of the driver, or if the

driver is not the owner of the vehicle, then the motor vehicle insurance policy carrier and the policy number of the owner of the vehicle, must be furnished to the law enforcement officer investigating the accident. If the driver does not have the required information concerning insurance to furnish the investigating law enforcement officer, then within five (5) days of the accident the driver shall supply that information to the Driver's License Division in the form the Division requires. The director may suspend the license or permit to drive and any nonresident operating privileges of any person failing to comply with the duties as provided in Sections 39-08-06 through 39-08-09 of the North Dakota Century Code until those duties have been fulfilled, and the director may extend the suspension not to exceed thirty (30) days.

(Source: North Dakota Cent. Code § 39-08-09)

13-1404. OFFICER TO REPORT. Every law enforcement officer who in the regular course of duty investigates a motor vehicle accident either at the time or at the scene of the accident or thereafter by interviewing the participants, or witnesses, shall promptly make a written report in duplicate to the traffic division of the police department. Said officer upon completion of investigation shall issue and affix to each of the cars involved a "damaged car release sticker".

13-1405. WHEN DRIVER UNABLE TO REPORT.

1. An accident notice is not required from any person who is physically incapable of making the report during the period of such incapacity.
2. Whenever the driver of a vehicle is physically incapable of giving an immediate notice of an accident and there was another occupant in the vehicle at the time of the accident capable of doing so, such occupant shall make or cause to be given the notice not given by the driver.
3. Whenever the driver is physically incapable of giving notice of an accident and such driver is not the owner of the vehicle, then the owner of the vehicle involved shall within five (5) days after learning of the accident give such notice and insurance information not given by the driver.

(Source: North Dakota Cent. Code § 39-08-11)

13-1406. GARAGES TO REPORT. The person in charge of any garage or repair shop located in the City of West Fargo to which is brought any motor vehicle which shows evidence of being involved in a reportable accident as provided in Section 13-0801 of this title or of being struck by any bullet, if said vehicle does not have a "damaged car release sticker" attached thereto or if said vehicle

has a bullet hole therein, shall immediately make a report to the police department. Said report shall include the license plate number and the name and address of owner or operator of such vehicle. If said vehicle does have a "damaged car release sticker" attached thereto no report to the police department is necessary. Stickers on such vehicles are not to be removed until repairs are completed but must be removed before the vehicle is released to the owner or operator.

13-1407. FALSE REPORTS. No person shall give information reports as required in Sections 13-1401, 13-1404, 13-1406, 13-0204 and 13-0205 of this Chapter knowing or having reason to believe that such information is false.

## CHAPTER 13-15

### EQUIPMENT OF VEHICLES - SIZE, WEIGHT, HEIGHT AND LOAD RESTRICTIONS

#### SECTIONS:

- 13-1501. Lamp or Flag on Projecting Load.
- 13-1502. Restrictions as to Tire Equipment.
- 13-1503. Horns and Warning Devices.
- 13-1504. Brakes on Motor Vehicles and Motorcycles:  
Requirements.
- 13-1505. Mirrors.
- 13-1506. Windshields Must Be Unobstructed and Equipped With  
Wipers.
- 13-1507. Mufflers Required.
- 13-1508. Vehicle to be Constructed to Prevent Sifting or  
Leaking Loads.
- 13-1509. Lamps and Lights Must Conform to State Law.
- 13-1510. Front and Rear Lamps to be Lighted at Certain  
Times.
- 13-1511. Arrest for Improperly Adjusted Headlamps  
Certificate of Conformance a Defense.
- 13-1512. Spot Lamps: Limitations on Number and Use.
- 13-1513. Trailers and Towed Vehicles.
- 13-1514. Trailer to be Equipped with Reflectors or Tail  
Lights.
- 13-1515. Flashing Lights, Prohibition.
- 13-1516. Red, Green or Yellow Lights Visible from in Front  
of Vehicle Prohibited: Exceptions.
- 13-1517. Proper Equipment Required on Vehicles.
- 13-1518. General Regulations as to Loading of Motor  
Vehicles.
- 13-1519. Size, Weight and Load Restrictions of Vehicles  
Operated within the City.
- 13-1520. Regulating Movement of Tractors, Heavy Vehicles and  
Long Vehicles on Pavement.
- 13-1521. Permits for Excessive Size and Weight.
- 13-1522. Trucks Prohibited on Certain Streets - Truck Routes  
Established - Maps and Signs Required.
- 13-1523. Restricted Use of Streets and Highways.
- 13-1524. Peace Officer or Other Agent may Weigh Vehicle and  
Require Removal of Excess Load.

#### Subsections:

- 13-1524.1. Impounding Overweight Vehicle
- 13-1524.2. Impounding Receipt - Information
- 13-1524.3. Impounding Notice - Perishables
- 13-1524.4. Civil Complaint
- 13-1524.5. Voluntary Statement of Extraordinary  
Road Use Fee Charges
- 13-1524.6. Mailing Complaint
- 13-1524.7. Cash Bond - Holding
- 13-1524.8. Trial - Charges
- 13-1524.9. Payment of Charges -Confiscation -  
Sale

- 13-1524.10 Payment - Effect
- 13-1524.11 Proceeds of Sale
- 13-1525. Restrictions Upon the Use of Streets by Certain Vehicles.
- 13-1526. Load Restrictions Upon Vehicles Using Certain Highways.
- 13-1527. Modification of Motor Vehicle.
- 13-1528. Law Enforcement Radio Equipment Prohibited on Private Vehicles.

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13-1501. LAMP OR FLAG ON PROJECTING LOAD. Whenever the load upon any vehicle extends to the rear four feet [121.92 centimeters] or more beyond the bed or body of the vehicle there must be displayed at the extreme rear end of the load, at the times specified in section 39-21-01 of the North Dakota Century Code, a red light or lantern plainly visible from a distance of at least six hundred feet [182.88 meters] to the sides and rear. The red light or lantern required under this section must be in addition to the red rear light required upon every vehicle. At any other time there must be displayed at the extreme rear end of a load a red flag or cloth not less than twelve inches [30.48 centimeters] square and so hung that the entire area is visible to the driver of a vehicle approaching from the rear.

(Source: North Dakota Cent. Code § 39-21-13)

13-1502. RESTRICTIONS AS TO TIRE EQUIPMENT. Every tire on a vehicle moved on any street or highway within the City of West Fargo shall have rubber on its entire traction surface.

No tire, wheel, or track on a vehicle moved on a street or highway shall have on its periphery any block, stud, flange, pleat or spike, or any other protuberance of any material other than rubber, or other material approved by the City Engineer, which projects beyond the tread of the traction surface of the tire, wheel or track, except that it shall be permissible to use farm machinery with tires having protuberances which will not injure the street or highway, and except also that it shall be permissible to use tire chains of reasonable proportions upon any vehicle when required for safety because of snow, ice or other conditions. It shall also be permissible to use, from October 15 to April 15, pneumatic tires which have metal studs which do not project more than one-sixteenth of an inch beyond the tread of the traction surface of the tire.

13-1503. HORNS AND WARNING DEVICES. Every motor vehicle when operative upon a street or highway shall be equipped with a horn in good working order capable of emitting sound audible under normal conditions from a distance of not less than two hundred feet; and it shall be unlawful except as otherwise provided in this section, for any vehicle equipped with, or for any person to use upon a vehicle a siren, exhaust, compression or plug whistle or for any person, at any time, to use a horn otherwise and as a reasonable

warning, or to make unnecessary or unreasonable loud or harsh sounds by means of a horn or other warning device.

Every police, or fire department, and fire patrol vehicle and every ambulance used for emergency calls shall be equipped with a bell, siren or an exhaust whistle.

13-1504. BRAKES ON MOTOR VEHICLES AND MOTORCYCLES: REQUIREMENTS. Every motor vehicle, when operated upon a street, shall be equipped with brakes adequate to control the movement and to stop and to hold such vehicle, including two separate means of applying the brakes, each of which means shall be effective to apply the brakes to at least two wheels, and shall be so constructed that no part which is liable to failure shall be common to the two. A motorcycle need be equipped with only one brake. All such brakes shall be maintained in good working order.

13-1505. MIRRORS. On and after January 1, 1964, every motor vehicle, operated singly or when towing any other vehicle, must be equipped with a mirror so located as to reflect to the driver a view of the highway for a distance of at least two hundred feet (60.96 meters) to the rear of such motor vehicle.

(Source: North Dakota Cent. Code § 39-21-38)

13-1506. WINDSHIELDS MUST BE UNOBSTRUCTED AND EQUIPPED WITH WIPERS.

1. No person shall drive a motor vehicle with any sign, poster, frost, condensation, or other nontransparent material upon or in place of the front windshield, sidewings, side or rear windows of such motor vehicle, other than a certificate or other paper required to be so displayed by law.
2. The windshield on every motor vehicle shall be equipped with a device for cleaning rain, snow or other moisture from the windshield, which device shall be so constructed as to be controlled or operated by the driver of the vehicle.
3. Every windshield wiper upon a motor vehicle shall be maintained in good working order.

13-1507. MUFFLERS REQUIRED. PREVENTION OF NOISE.

1. Every motor vehicle must at all times be equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise and annoying smoke, and no person may use a muffler cutout, bypass, or similar device upon a motor vehicle on a highway.

2. The engine and power mechanism of every motor vehicle must be so equipped and adjusted as to prevent the escape of excessive fumes or smoke.

(Source: North Dakota Cent. Code § 39-21-37)

13-1508. VEHICLE TO BE CONSTRUCTED TO PREVENT SIFTING OR LEAKING LOADS. No vehicle may be driven or moved on any highway unless it is so constructed or loaded as to prevent its contents from dropping, sifting, leaking, or otherwise escaping therefrom, except that sand may be dropped for the purpose of securing traction, or water or other substance may be sprinkled on a roadway in cleaning or maintaining the roadway. No person may operate on any highway any vehicle with any load unless the load and any covering thereon is securely fastened so as to prevent said covering or load from becoming loose, detached, or in any manner a hazard to other users of the highway.

(Source: North Dakota Cent. Code § 39-21-44.1)

13-1509. LAMPS AND LIGHTS MUST CONFORM TO STATE LAW. It shall be unlawful for any person to operate any motor vehicle within the City of West Fargo, unless such motor vehicle is properly equipped with lamps and lights as prescribed by the laws of this State.

13-1510. FRONT AND REAR LAMPS TO BE LIGHTED AT CERTAIN TIMES. Subject to exceptions with respect to parked vehicles, every vehicle upon a highway within this state must display lighted headlamps and tail lamps, and illuminating devices as required in this chapter for different classes of vehicles as follows:

1. At any time from sunset to sunrise, and every farm tractor upon a highway within this state at any time from a half hour after sunset to a half hour before sunrise;
2. At any time when it is raining, snowing, sleeting, or hailing or during other adverse driving conditions and these conditions do not render a person or vehicle on the highway clearly discernible at a distance of one thousand feet [304.8 meters] ahead; or
3. At any other time when visibility is impaired by weather, smoke, fog, or other conditions, or when there is insufficient light to render a person or vehicle on the highway clearly discernible at a distance of one thousand feet [304.8 meters] ahead.

Stop lights, turn signals, and other signaling devices must be lighted as prescribed for the use of these devices.

Source: Ord. 906, Sec. 8 (2011)

13-1511. ARREST FOR IMPROPERLY ADJUSTED HEADLAMPS - CERTIFICATE OF CONFORMANCE A DEFENSE. The driver of any motor vehicle equipped with approved headlamps, auxiliary driving lamps, rear lamps, or signal lamps who is arrested upon the charge that such lamps are adjusted improperly or are equipped with bulbs of a candle power not approved for use therewith, must be allowed forty-eight hours within which to bring such lamps into conformance with the requirements of this chapter. It is a defense to any such charge that the person arrested produces in court or submits to the state's attorney a certificate showing that within forty-eight hours after such arrest such lamps have been made to conform with the requirements of this chapter.

(Source: North Dakota Cent. Code § 39-21-24)

13-1512. SPOT LAMPS: LIMITATIONS ON NUMBER AND USE. Any motor vehicle may be equipped with not to exceed two spot lamps. Every lighted spot lamp shall be aimed and used upon approaching another vehicle so that no part of the beam will be directed to the left of the center of the street or highway nor more than one hundred feet ahead of the vehicle.

13-1513. TRAILERS AND TOWED VEHICLES. The drawbar or other connection between any two vehicles, one of which is towing or drawing the other on a street or highway, shall not exceed fifteen feet in length from any vehicle to the other. Whenever such connection consists of a chain, rope, or cable, there shall be displayed upon such connection a red flag or other signal or cloth not less than twelve inches square.

13-1514. TRAILER TO BE EQUIPPED WITH REFLECTORS OR TAIL LIGHTS. No trailer or semi-trailer shall be transported or operated in the City of West Fargo unless it is equipped with approved reflectors not less than three inches in diameter or with tail lights.

13-1515. FLASHING LIGHTS, PROHIBITION. Flashing lights are prohibited except on an authorized emergency vehicle, school bus, snow removal equipment or on any vehicle as a means of indicating a right or left turn, or the presence of a vehicular traffic hazard requiring unusual care in approaching, overtaking or passing.

13-1516. RED, GREEN OR YELLOW LIGHTS VISIBLE FROM IN FRONT OF VEHICLE PROHIBITED: EXCEPTIONS. No person shall drive or move any vehicle upon any street or highway with any red, green or yellow light thereon visible from directly in front thereof. This section shall not apply to vehicles defined in Section 13-0101 and Section 13-0916.

13-1517. PROPER EQUIPMENT REQUIRED ON VEHICLES. It is an infraction, which shall subject the violator to the penalties set forth in Section 1-0211, for any person to drive or move or for the owner to cause or knowingly permit to be driven or moved on any

highway any vehicle or combination of vehicles which is in such unsafe condition as to endanger any person, or which does not contain those parts or is not at all times equipped with such lamps and other equipment in proper condition and adjustment as required in this chapter, or the North Dakota Century Code, or which is equipped in any manner in violation of this chapter, or any provision of the North Dakota Century Code, or for any person to do any act forbidden or fail to perform any act required under this chapter, or under the North Dakota Century Code.

13-1518. GENERAL REGULATIONS AS TO LOADING OF MOTOR VEHICLES.  
No person shall:

1. Ride or stand upon the running board or exterior of any moving vehicle. This provision shall not apply to police officers, firemen or other City employees, while in performance of their duties.
2. Drive a vehicle containing more passengers than the seating capacity of such vehicle.
3. Allow any part of the body to protrude beyond the limits of the vehicle while the vehicle is in motion, except to signal change of direction as provided in this title.
4. Drive a vehicle loaded with iron or other material likely to produce an annoying sound without using proper precautions to minimize such annoying sound.

13-1519. SIZE, WEIGHT AND LOAD RESTRICTIONS OF VEHICLES OPERATED WITHIN THE CITY. Vehicles operated on a highway in this state may not exceed the following width, height, or length limitations:

1. A total outside width, including load thereon, of eight feet six inches [2.59 meters]. This limitation does not apply to:
  - a. Construction and building contractors' equipment and vehicles used to move such equipment which does not exceed ten feet [3.05 meters] in width when being moved by contractors or resident carriers.
  - b. Implements of husbandry being moved by resident farmers, ranchers, dealers, or manufacturers between sunrise and sunset. Furthermore, the limitation does not apply to implements of husbandry being moved between sunset and sunrise by resident farmers, ranchers, dealers, or manufacturers on public state, county, or township highway systems other than interstate highway systems.

- c. Hay in the stack or bale being moved along the extreme right edge of a roadway between sunrise and sunset by someone other than a commercial mover.
- d. Commercial movement of haystacks or hay bales with vehicles designed specifically for hauling hay, commercial movement of self-propelled fertilizer spreaders and self-propelled agricultural chemical applicators, whether operating under their own power or being transported by another vehicle, commercial movement of portable grain cleaners, and the commercial movement of hay grinders, which may be moved on the highway after obtaining a seasonal permit issued by the highway patrol. The highway patrol shall issue seasonal permits that are valid during daylight hours on any day of the week, or that are valid at all times for the movement of self-propelled fertilizer spreaders and self-propelled agricultural chemical applicators, to any commercial entity otherwise qualified under this subdivision. Self-propelled fertilizer spreaders and self-propelled agricultural chemical applicators operating under their own power between sunset and sunrise must display vehicle hazard warning signal lamps as described in subsection 3 of section 39-21-19.1. The seasonal permit is in lieu of registration requirements for the permit period. No seasonal permit may be issued, unless proof of financial responsibility in a minimum of three hundred thousand dollars is filed and the appropriate permit fee is paid. The seasonal permit may also be issued for hauling hay bales with vehicles or vehicle combinations other than those designed specifically for hauling haystacks. This seasonal permit, however, will not be in lieu of registration requirements. All permit fees must be deposited in the state highway distribution fund.
- e. Safety devices that the highway patrol determines are necessary for the safe and efficient operation of motor vehicles may not be included in the calculation of width.
- f. Any nonload carrying safety appurtenance as determined by the highway patrol which extends no more than three inches [7.62 centimeters] from each side of a trailer is excluded from the measurement of trailer width. The width of a trailer is measured across the sidemost load carrying structures, support members, and structural fasteners.

- g. The highway patrol may adopt reasonable rules for those vehicles exempted from the width limitations as provided for in this subsection.
- 2. a. A height of fourteen feet [4.27 meters], whether loaded or unloaded. This height limitation does not affect any present structure such as bridges and underpasses that are not fourteen feet [4.27 meters] in height.
  - b. The limitation in subdivision (a) does not apply to vehicles that are at most fifteen feet six inches [4.72 meters] high when all of the following apply:
    - (1) The vehicle is an implement of husbandry and is being moved by a resident farmer, rancher, dealer, or manufacturer.
    - (2) The trip is at most sixty miles [96.56 kilometers].
    - (3) The trip is between sunrise and sunset.
    - (4) None of the trip is on an interstate highway.
- 3. A length limitation as follows:
    - a. A single unit vehicle with two or more axles including the load thereon may not exceed a length of fifty feet [15.24 meters].
    - b. A combination of two units including the load thereon may not exceed a length of seventy-five feet [22.86 meters].
    - c. A combination of three or four units including the load thereon may not exceed a length of seventy-five feet [22.86 meters], subject to any rules adopted by the director that are consistent with public highway safety. The rules do not apply to a three-unit combination consisting of a truck tractor and semitrailer drawing a trailer or semitrailer.
    - d. A combination of two, three, or four units including the load thereon may be operated on all four-lane divided highways and those highways in the state designated by the director and local authorities as to the highways under their respective jurisdictions and may not exceed a length of one hundred ten feet [33.53 meters], subject to any rules adopted by the director that are consistent with public highway safety.

- e. Length limitations do not apply to:
- (1) Building moving equipment.
  - (2) Emergency tow trucks towing disabled lawful combinations of vehicles to a nearby repair facility.
  - (3) Vehicles and equipment owned and operated by the armed forces of the United States or the national guard of this state.
  - (4) Structural material of telephone, power, and telegraph companies.
  - (5) Truck-mounted haystack moving equipment, provided such equipment does not exceed a length of fifty-six feet [17.07 meters].
  - (6) A truck tractor and semitrailer, or truck tractor, semitrailer and the trailer when operated on the interstate highway system or parts of the federal aid primary system as designated by the director, only when federal law requires the exemption.
  - (7) Safety and energy conservation devices and any additional length exclusive devices as determined by the highway patrol for the safe and efficient operation of commercial motor vehicles. Length exclusive devices are appurtenances at the front or rear of a commercial motor vehicle semitrailer or trailer, whose function is related to the safe and efficient operation of the semitrailer or trailer.
- f. The length of a trailer or semitrailer, including the load thereon, may not exceed fifty-three feet [16.15 meters] except that trailers and semitrailers titled and registered in North Dakota prior to July 1, 1987, and towed vehicles may not exceed a length of sixty feet [18.29 meters].

(Source: North Dakota Cent. Code § 39-12-04)

WEIGHT LIMITATIONS FOR VEHICLES ON HIGHWAYS OTHER THAN THE INTERSTATE SYSTEM: A person may not operate on a highway, which is not part of the interstate system, any vehicle:

1. With a single axle that carries a gross weight in excess of twenty thousand pounds [9071.85 kilograms] or a wheel

load over ten thousand pounds [4535.92 kilograms]. A wheel may not carry a gross weight over five hundred fifty pounds [249.48 kilograms] for each inch [2.54 centimeters] of tire width. Axles spaced forty inches [101.60 centimeters] apart or less are considered as one axle. On axles spaced over forty inches [101.60 centimeters] and under eight feet [2.44 meters] apart, the axle load may not exceed seventeen thousand pounds [7711.07 kilograms] per axle, with a maximum of forty-eight thousand pounds [21772.32 kilograms] gross weight on any grouping of three or more axles. The wheel load, in any instance, may not exceed one-half the allowable axle load. Spacing between axles is measured from axle center to axle center.

2. Subject to the limitations imposed by subsection 1 on tires, wheel, and axle loads, the gross weight of which exceeds that determined by the formula of:

$$W = 500 \left( \frac{L}{N-1} N + 12N + 36 \right)$$

where W equals the maximum gross weight in pounds on any vehicle or combination of vehicles; L equals distance in feet between the two extreme axles of any vehicle or combination of vehicles; and N equals the number of axles of any vehicle or combination of vehicles under consideration. The gross weight on state highways may not exceed one hundred five thousand five hundred pounds [47854.00 kilograms] unless otherwise posted and on all other highways the gross weight may not exceed eighty thousand pounds [36287.39 kilograms] unless designated by local authorities for highways under their jurisdiction for gross weights not to exceed one hundred five thousand five hundred pounds [47854.00 kilograms]. Local authorities are encouraged to assess all roads under their jurisdiction and designate the roads for the appropriate weight limits allowed under this subsection.

3. The gross weight limitations in subsections 1 and 2 do not apply to equipment the director and the state highway patrol approve for exemption. The exemption may not exceed one hundred five thousand five hundred pounds [47854.00 kilograms]. For every vehicle approved for exemption the highway patrol shall issue a nontransferable permit valid for one year. The highway patrol may charge an administrative fee for the permit.
4. The director, and local authorities, as to the highways under their respective jurisdictions, may issue permits authorizing a specific motor vehicle to exceed the weight limitations stated in subsections 1 and 2 by ten percent. The permits may not provide for a gross weight in excess

of one hundred five thousand five hundred pounds [47854.00 kilograms]. The permits must provide only for the movement of agricultural products from the field of harvest to the point of initial storage site, and for the collection and transport of solid wastes, during the period from July fifteenth to December first, and for the general movement of products during the period from December first to March seventh. The appropriate jurisdictional authority shall establish an appropriate fee for the permits and direct how they shall be issued. The highway patrol shall issue the permits authorized by the director.

5. The director, and local authorities, as to highways under their respective jurisdictions, may issue permits authorizing all vehicles carrying potatoes or sugar beets to exceed weight limitations stated in subsections 1 and 2 by ten percent during the period from July fifteenth to December first. The permits may not provide for a gross weight in excess of one hundred five thousand five hundred pounds [47854.00 kilograms]. The appropriate jurisdictional authority shall establish an appropriate fee for the permits and direct how they shall be issued. The highway patrol shall issue the permits authorized by the director.

(Source: North Dakota Cent. Code § 39-12-05.3)

13-1520. REGULATING MOVEMENT OF TRACTORS, HEAVY VEHICLES, AND LONG VEHICLES ON PAVEMENT. No person, firm or corporation shall move, or cause to be moved, over the paved streets, sidewalks, crosswalks, bikepaths, curb and gutters, culverts, bridges and viaducts, within the City of West Fargo, any motor vehicle or object drawn by motor vehicle which is in violation of Sections 13-1502, 13-1519 through 13-1523, or in violation of any restrictions set forth in a resolution passed by the City Commission pursuant to Section 13-1519, except under the direction and written permission of the City Commissioners of the City of West Fargo or the Public Works Director, as provided in Section 13-1521. Any violators shall pay or cause to be paid to said City, upon demand, any and all damages done to the paving, sidewalks, crosswalks, bikepaths, curbs and gutters, culverts, bridges and viaducts.

13-1521. PERMITS FOR EXCESSIVE SIZE AND WEIGHT. The Public Works Director may, under such policies as the City may establish by resolution or ordinance, upon application in writing and good cause being shown therefor, issue a special permit in writing authorizing the applicant to operate or move a vehicle of a size and weight exceeding the maximum specified in this title upon any street or highway under the jurisdiction of and for the maintenance of which the body granting permit is responsible. Every such permit shall be issued for a single trip and may designate the

route to be traversed and contain other restrictions or conditions deemed necessary by the body granting such permit. Every such permit shall be carried in the vehicle to which it refers and shall be opened to inspection by any peace officer, and it shall be unlawful for any person to violate any of the terms and conditions of such special permit. The fees for such special permit shall be established by resolution by the City Commission.

13-1522. TRUCKS PROHIBITED ON CERTAIN STREETS - TRUCK ROUTES ESTABLISHED - MAPS AND SIGNS REQUIRED.

1. No truck or commercial vehicle exceeding in weight of ten thousand pounds per axle or configured with three or more axles, shall be operated in the City of West Fargo, except upon truck routes designated as hereinafter provided in subsection 2 of this section; provided, that this ordinance shall not prohibit:
  - a. Such vehicles from operating upon other City streets when delivering or picking up materials or merchandise, provided entrance or exit to or from such street is made at the nearest intersection; through streets as established elsewhere in the West Fargo City Ordinances shall be considered as secondary truck routes and must be used in preference to other streets whenever possible.
  - b. The operation of trucks owned or operated by the City of West Fargo; trucks owned or operated by power companies and telephone companies franchised in West Fargo or trucks owned and operated by any contractor or material supplier while under contract with the City and engaged in the repair, maintenance or construction of streets, street improvements or street utilities within the City.
  - c. The operation of class A emergency vehicles, as defined in the traffic ordinances of the City of West Fargo, upon any street in the City.
  - d. Trucks making more than one delivery within the City of West Fargo on any one trip may take the most direct route between one delivery and the next.

Source: Ord 811, Sec. 1 (2007).

2. Truck routes shall be established by resolution of the Board of City Commissioners, after notice and hearing. The notice shall be by one publication in the official newspaper of the City at least 10 days prior to the date of the hearing. The truck routes, as established by the Board of City Commissioners, shall be stated in the resolution and on an official map which shall be kept and maintained in the office of the City Auditor and shall be available for public inspection.

3. On each street or avenue designated as a truck route in accordance with subsection 2 above, such street or avenue shall be posted with appropriate signs.

13-1523. RESTRICTED USE OF STREETS AND HIGHWAYS. Notwithstanding Sections 13-1519 through 13-1522, the Public Works Director of the City of West Fargo may prohibit the operation of vehicles upon any street or highway or impose restrictions as to the weight of vehicles when operated upon any street or highway under the jurisdiction of and for the maintenance of which the City is responsible, whenever any said street or highway by reason of deterioration, stage of construction, rain, snow or other conditions could be seriously damaged or destroyed unless the use of vehicles thereon is prohibited or the permissible weights allowed thereon reduced. The Public Works Director shall have the authority to impose such restrictions at any time when in the discretion of the Public Works Director such limitations are needed. The prohibitions or restrictions and the lifting thereof shall be done in a writing which shall be filed with the City Auditor and mailed to all City Commission members. In addition, the Public Works Director, when exercising any such authority, shall erect or cause to be erected and maintained, signs designating the weight restrictions or prohibition of use at each end of that portion of any street or highway affected by the restrictions or prohibitions, and the restrictions or prohibitions shall not be effective until or unless such signs are erected and maintained. Once such restrictions are in place and posted, such restrictions or prohibitions shall remain in effect until lifted by the Public Works Director, or until they are removed or altered by action of the City Commission of the City of West Fargo. The City Commission shall also have the authority, by resolution, to prohibit the use, or place weight restrictions on any street or highway under the jurisdiction of the City, which prohibitions and restrictions shall be designated by appropriate signs placed at each end of that portion of any street or highway affected thereby. In addition, the City, will set weight restrictions by resolution which will automatically apply City-wide when Cass County imposes its spring weight limit road restrictions. These restrictions shall be posted at the main entrances to the City at the discretion of the Public Works Director.

13-1524. PEACE OFFICER OR OTHER AGENT MAY WEIGH VEHICLE AND REQUIRE REMOVAL OF EXCESS LOAD. Any peace officer or designated agent of the City or City-designated personnel having reason to believe that the weight or size of a vehicle and load is unlawful is authorized to weigh or measure the same, either by means of portable or stationary scales, and may require that such vehicle be driven to the nearest scale. The officer or other designated person may then require the driver to unload immediately such portion of the load as may be necessary to decrease the gross weight of such vehicle to the maximum therefor by such authority.

13-1524.1. IMPOUNDING OVERWEIGHT VEHICLE. Any vehicle found to have been moved or used upon any highway, street, alley or other public way within the City at a weight exceeding the limitations as specified in any ordinance or resolution adopted by the City may be impounded by any peace officer, designated agent of City, or City-designated personnel and taken to a warehouse, garage or other facility for storage.

13-1524.2. IMPOUNDING RECEIPT -INFORMATION. A receipt must be given by the peace officer or other person impounding the vehicle, to the driver or person in charge of such vehicle. Such receipt must identify as nearly as possible, the owner of the vehicle and cargo, the driver or person in charge of such vehicle, the cargo, the place vehicle is to be stored during impoundment, the weight of the loaded vehicle and the name and address of the impounding officer. Information as to the owner of the vehicle and cargo must be obtained from the driver or person in charge of the vehicle.

13-1524.3. IMPOUNDING NOTICE - PERISHABLES. The impounding officer shall notify the owner or owners, if they can be found, by wire or telephone, of the impoundment and charges involved. If the cargo consists of perishables, the impounding officer shall use reasonable diligence in assisting the operator or owner in finding suitable storage facilities for such perishables, but all risk of loss or damage to such perishables must be upon the owner, operator, or lessee of such vehicle.

13-1524.4. CIVIL COMPLAINT. The City Attorney of the City shall, if no settlement is made under the next succeeding section, immediately prepare and file a civil complaint on behalf of the City for the purpose of recovering charges for the extraordinary use of the highways, streets, alleys or other public roadways of the City.

13-1524.5. VOLUNTARY SETTLEMENT OF EXTRAORDINARY ROAD USE FEE CHARGES. Before the complaint is issued pursuant to the preceding section, the owner, or the owner's driver or agent, may voluntarily pay the amount of the extraordinary road use fee, or may provide proof of surety coverage to ensure payment of the extraordinary road use fee, provided under Section 13-1524.7, plus any towing or storage costs. Any settlement, whether made by the owner, or the owner's driver or agent, must be presumed to be of a voluntary nature. A peace officer or a peace officer's designee is authorized to receive the settlement payment on behalf of the City. The extraordinary road use fees must be remitted to the City Auditor's office.

13-1524.6. MAILING COMPLAINT. A copy of the complaint must be served upon the driver or person in charge of the vehicle and a copy must be sent by registered or certified mail to the owner of the vehicle, if the address of such owner is known.

13-1524.7. CASH BOND - HOLDING. Unless a cash bond is furnished in an amount sufficient to cover the charge for extraordinary use of highways, streets, alleys or other public roadway, as provided in the next succeeding section, together with the costs which may be collectible under any subsequent settlement made pursuant to this section, said vehicle must be held until a trial of the case can be held before the district court.

13-1524.8. TRIAL - CHARGES. At the trial of the action, the court shall hear testimony concerning the facts, and if it is found that such vehicle or vehicles were moved upon the highways, streets, alleys or other public roadways of the City at a weight in excess of the limitations imposed under the provisions of this section, charges for the extraordinary use of the highways, streets, alleys, or roadways must be assessed as follows:

1. The storage charges and costs of the action must be assessed; and
2. An additional charge for excess weight must be assessed as follows:

1 to 1,000 lbs [.45 to 453.59 kg]	\$20.00
1,001 to 2,000 lbs [454.05 to 907.18 kg]	40.00
2,001 to 3,000 lbs[907.64 to 1,360.78 kg]	60.00
3,001 to 4,000 lbs [1,361.23 to 1,814.37 kg]	140.00
4,001 to 5,000 lbs [1,814.82 to 2,267.96 kg]	220.00
5,001 to 6,000 lbs [2,268.41 to 2,721.55 kg]	305.00
6,001 to 7,000 lbs [2,722.01 to 3,175.14 kg]	380.00
7,001 to 8,000 lbs [3,175.60 to 3,628.74 kg]	495.00
8,001 to 9,000 lbs [3,629.19 to 4,082.33 kg]	575.00
9,001 to 10,000 lbs [4,082.78 to 4,535.92 kg]	655.00
10,001 to 11,000 lbs [4,536.37 to 4,989.51 kg]	1,100.00
11,001 to 12,000 lbs [4,989.97 to 5,443.10 kg]	1,200.00
12,001 to 13,000 lbs [5,443.56 to 5,896.70 kg]	1,300.00
13,001 to 14,000 lbs [5,897.15 to 6,350.29 kg]	1,680.00
14,001 to 15,000 lbs [6,350.74 to 6,803.88 kg]	1,800.00
15,001 to 16,000 lbs [6,804.33 to 7,257.47 kg]	1,920.00
16,001 to 17,000 lbs [7,257.93 to 7,711.06 kg]	2,550.00
17,001 to 18,000 lbs [7,711.52 to 8,164.66 kg]	2,700.00
18,001 to 19,000 lbs [8,165.11 to 8,618.25 kg]	2,850.00

19,001 to 20,000 lbs [8,618.70 to 9,071.84 kg]	3,000.00
20,001 to 21,000 lbs [9,072.29 to 9,525.43 kg]	4,200.00
21,001 to 22,000 lbs [9,525.89 to 9,979.02 kg]	4,400.00
22,001 to 23,000 lbs [9,979.48 to 10,432.62 kg]	4,600.00
23,001 to 24,000 lbs [10,433.07 to 10,886.21 kg]	4,800.00
24,001 to 25,000 lbs [10,886.66 to 11,339.80 kg]	5,000.00
25,001 to 26,000 lbs [11,340.25 to 11,793.40 kg]	5,200.00
26,001 to 27,000 lbs [11,793.86 to 12,246.99 kg]	5,400.00
27,001 to 28,000 lbs [12,247.45 to 12,700.59 kg]	5,600.00
28,001 to 29,000 lbs [12,701.04 to 13,154.18 kg]	5,800.00
29,001 to 30,000 lbs [13,154.63 to 13,607.77 kg]	6,000.00
An additional charge of \$200 for every 1,000-lb [453.59 kg] increase over 30,000 lbs [13,607.77 kg] consistent with the above formula.	

Source: Ord. 701, Sec. 1 (2003); Ord. 731, Sec. 2 (2004)

13-1524.9. PAYMENT OF CHARGES - CONFISCATION - SALE. If the charges and costs as provided in the preceding section are not paid immediately from a cash bond previously posted or other cash payment, the judge shall order the vehicle confiscated and sold by the sheriff of the county at a public sale to the highest bidder and the proceeds applied to the payment of the charges and costs assessed under the provisions of this section.

13-1524.10. PAYMENT - EFFECT. The payment of charges may not be construed as a payment for the future use of highways, streets, alleys and other public roadways of the City by vehicles carrying excess loads.

13-1524.11. PROCEEDS OF SALE. The proceeds of sale must be applied first to the payment of the costs of the proceeding, including any allowable attorney's and witness fees and costs, and next to the payment of the charges assessed. Such charges must be remitted to the City Auditor to be credited to the City general fund. The balance of the proceeds of any sale after the payment of costs and charges must be paid over by the sheriff to the person entitled thereto as determined by the court, or must be deposited with the clerk of the court for such payment.

13-1525. RESTRICTIONS UPON THE USE OF STREETS BY CERTAIN VEHICLES. The police department is hereby authorized, subject to a resolution of approval by the Board of City Commissioners, to determine and designate those heavily traveled streets upon which shall be prohibited the use of the roadway by bicycles, horsedrawn vehicles or other non-motorized traffic and shall erect appropriate signs giving notice thereof. A disobedience of any restriction and any sign so posted shall be a violation of this title.

13-1526. LOAD RESTRICTIONS UPON VEHICLES USING CERTAIN HIGHWAYS. When signs are erected giving notice thereof, no person shall operate any vehicle with a gross weight in excess of the amount specified on said sign at any time upon any of the streets or parts of streets so posted.

13-1527. MODIFICATION OF MOTOR VEHICLE. Except as otherwise provided in this section, a person may not operate upon a public highway a motor vehicle of a type required to be registered under the laws of this state with a weight of seven thousand pounds [3175.14 kilograms] or less with alterations or changes from the manufacturer's original design of the suspension, steering, or braking system of the motor vehicle. The weight must be computed on the basis of the unmodified and unloaded weight of the motor vehicle and without regard to any ballast that may be placed in the vehicle. As to bumpers, motor vehicle height, and permitted modifications, the following requirements also apply:

1. The motor vehicle must be equipped with front and rear bumpers.
2. The maximum body height permitted for the motor vehicle is forty-two inches [106.68 centimeters]. Measurement of body height is made from a level ground surface to the floor of the cargo area.
3. The maximum bumper height permitted is twenty-seven inches [68.58 centimeters]. Measurement of bumper height is made from a level ground surface to the highest point on the bottom of the bumper.
4. The vehicle may be modified in accordance with the following:
  - a. Any modifying equipment must meet specialty equipment marketing association standards.
  - b. If tires placed on a motor vehicle have a diameter greater than that of the tires on the motor vehicle as manufactured, those tires must comply with department of transportation requirements.
  - c. The maximum outside diameter permitted for tires is forty-four inches [111.76 centimeters].
  - d. A horizontal drop bumper may be used to comply with the bumper height requirement of subsection 3. The horizontal bumper must:
    - (1) Be at least three inches [7.62 centimeters] in vertical width;

- (2) Extend the entire horizontal body width; and
  - (3) Be horizontal, load bearing, and attached to the vehicle frame to effectively transfer impact when engaged.
- e. The maximum lift permitted in the suspension system is four inches [10.16 centimeters].
- 5. A person charged with violating this section has the burden of proceeding to show that the modifications are permitted under this section.
  - 6. Vehicles owned by law enforcement agencies, the military, firefighting agencies, and ambulances may be modified without regard to this section.
  - 7. The director may adopt rules to implement this section.

(Source: North Dakota Cent. Code § 39-21-45.1)

13-1528. LAW ENFORCEMENT RADIO EQUIPMENT PROHIBITED ON PRIVATE VEHICLES. It shall be unlawful for any person to equip or use in an automobile or any other motor vehicle, a radio equipped for transmitting and/or receiving on any frequency assigned to the City of West Fargo for law enforcement or police purposes by the Federal Communications Commission without first securing written authorization to do so from the Chief of Police of the City of West Fargo. This section shall not apply to receivers which are part of a two-way radio system, employees of a news media organization, or persons who hold a valid Federal Communications Commission license.

## CHAPTER 13-16

### PARKING

#### SECTIONS:

- 13-1601. Parallel Parking and Diagonal Parking.
- 13-1602. Obedience to Angle Parking Signs or Markings.
- 13-1603. Stopping, Standing or Parking Prohibited in Specified Places.
- 13-1604. Parking of Trucks, Truck Tractor, Semi-Trailer, or Commercial Trailers - Regulated; and Prohibition of Dollying Down of Semi-Trailers.
- 13-1605. Loading and Unloading Regulations for Trucks.
- 13-1606. Parking Limits.
- 13-1607. Chief of Police May Designate Ten Minute Parking Areas.
- 13-1608. Parking of Recreational Vehicles, Recreational Equipment and Recreational Trailers.
- 13-1609. Parking in Area Designated for Mobility Impaired Without Certificate.
- 13-1610. Motor Vehicle Left Unattended, Brakes to be Set.
- 13-1611. Unlawful to Park on Private Property.
- 13-1612. Restricted Parking in Recreation Areas.
- 13-1613. Parking Not to Obstruct Traffic.
- 13-1614. Parking for Certain Purposes Prohibited.
- 13-1615. No Stopping, Standing or Parking Near Hazardous or Congested Places.
- 13-1616. Stopping, Standing and Parking of Buses and Taxi Cabs Regulated.
- 13-1617. Restricted Use of Bus and Taxi Cab Stands.
- 13-1618. RESERVED FOR FUTURE USE.
- 13-1619. Parking Prohibited During Certain Hours on Certain Streets
- 13-1620. Parking Prohibited on Sidewalks or Boulevards.
- 13-1621. Parking Signs Required.
- 13-1622. Application of Chapter.
- 13-1623. Parking Privileges for Mobility Impaired Certificate Revocation.
- 13-1624. Regulations Not Exclusive.
- 13-1625. Penalty.
- 13-1626. Delinquent Tickets -- Impoundment of Vehicle.

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13-1601. PARALLEL PARKING AND DIAGONAL PARKING. The owner, driver or person operating or in charge of any vehicle shall not permit the same to stand or be parked upon any street where there are adjacent curbs unless such vehicle is parallel with the street and the inside wheels not to exceed 18 inches from the right-hand curb or street line. Vehicles must be so parked as to economize parking space for all cases and be so placed as to form, where possible, continuous lines. The police department may, by signs, markers, paint or other devices, limit the parking area, and no

vehicle shall be parked wholly or partly outside the indicated and permitted parking area; provided that all vehicles shall be parked diagonally to the curb or any street or avenue if said street or avenue is posted or marked by the police department for said diagonal parking.

Where parking is permitted on one-way street the above regulations shall apply except that vehicles parking on the left side of the one-way street shall park parallel to the street and with the wheels on the left side of the automobile not to exceed 18 inches from the left curb or street line.

13-1602. OBEDIENCE TO ANGLE PARKING SIGNS OR MARKINGS. On those streets which have been signed or marked by the City for angle parking, no person shall park or stand a vehicle other than at the angle to the curb or edge of roadway indicated by such sign or marking.

13-1603. STOPPING, STANDING OR PARKING PROHIBITED IN SPECIFIED PLACES. No person shall stop, stand or park a vehicle except when necessary to avoid conflict with other traffic and in compliance with the law or the direction of a police officer or traffic-control device, in any of the following places:

1. On a sidewalk;
2. Within an intersection;
3. In front of a public or private driveway;
4. Within ten feet of a fire hydrant;
5. On a crosswalk;
6. Within ten feet of a crosswalk at an intersection, except on through streets where it shall not be within 20 feet of a crosswalk;
7. Within 20 feet upon the approach to any flashing beacon, stop sign or traffic-control signal located at the side of the roadway;
8. Between a safety zone and the adjacent curb or within 15 feet of points immediately opposite the ends of a safety zone, unless the State Highway Department or local authority indicates a different length by signs or markings;
9. Within 15 feet of the nearest rail of a railroad crossing;
10. Within 20 feet of the driveway entrance to any fire station and on the side of a street opposite the entrance

to any fire station within seventy-five feet of said entrance when proper sign posted;

11. Along side 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 street or highway or within a street or highway tunnel;
14. At any place where official signs prohibit stopping.
15. Within 15 feet of a U.S. Postal Service mailbox between the hours of 8:00 a.m. and 5:00 p.m., Monday through Saturday.

13-1604. PARKING OF TRUCKS, TRUCK TRACTOR, SEMI-TRAILER, OR COMMERCIAL TRAILERS - REGULATED; AND PROHIBITION OF DOLLYING DOWN OF SEMI-TRAILERS.

1. No truck, truck tractor, semi-trailer, or commercial trailer shall be parked on any street, boulevard, or alley in any residential district of the City of West Fargo for a longer period than one hour; nor shall any such vehicle be parked overnight on any street, avenue, boulevard, or alley in any residential district of the City, or within 100 feet of any residence, condominium, or apartment building; provided, however, that such vehicles loading or unloading cargo may be parked on the streets or alleys long enough to complete their loading or unloading; and provided further that such restrictions shall not apply to any vehicle in use on any repair, maintenance, or construction project in progress on any such street, boulevard, or alley. "Commercial vehicle" as designated herein shall not include vehicles rated as less than one-ton.
2. No semi-trailer shall be dollied down, or detached from the truck tractor on any street, avenue, boulevard, or alley in any district of the City of West Fargo.
3. Parking of construction vehicles regulated. Notwithstanding the provisions of this chapter, whenever off-street parking is not available or practical, parking of construction vehicles as herein defined is permitted for the term and under the conditions set forth hereinafter. "Construction vehicles" are defined as vehicles or trailers being used in performing construction, remodeling, maintenance, siding or the like. Such vehicles may include pickups, trucks, trailers detached from the towing vehicle provided the trailers do

not exceed 30 feet in length, and vans. Such vehicles do not include, however, truck tractor or semi-trailers, but may include bumper-hitch or fifth-wheel construction-type trailers not exceeding 30 feet in length. The following conditions apply to any parking under this section:

- A. Parking is not allowed in "no parking" zones or any other prohibited area as set forth in city ordinance except as otherwise allowed by permit issued by the public works office.
  - B. Vehicles and/or trailers must be properly licensed as required by the state of North Dakota.
  - C. A trailer disconnected from the towing vehicle must have a properly sized pad placed under the dolly or jack to avoid damage to the street.
  - D. Street parking will be allowed only if appropriate measures are taken to insure public safety. Construction vehicles, equipment, and trailers shall conform to the respective commercial standards as described in Federal Motor Vehicle Safety Standard 108 (FMVSS 108). Additionally, channelization devices (e.g. cones) shall be used in advance of any trailer or equipment when work is in progress. The cones shall conform to section 3F.02 of the *Manual on Uniform Traffic Control Devices* (MUTCD). Taper lengths shall be determined in accordance with the current edition of *A Policy on Geometric Design of Highways and Streets* (green book).
  - E. Parking of a vehicle or trailer shall not be allowed directly across the street from another parked vehicle or trailer.
  - F. There shall be no parking allowed which would be in violation of any other ordinance of the City of West Fargo concerning parking regulations.
  - G. The owner's name, company name (if any), and the phone number shall be legibly indicated on any trailer or construction vehicle.
  - H. Twenty-eight inch cones or barrels with high-intensity sheeting around the entire perimeter of the trailer and/or equipment may be substituted for the measures prescribed in subsection (D) above.
4. Impounding vehicles. The Chief of Police or his designee may impound any truck, trailer, semi-trailer, delivery car, service, or other commercial vehicle parked in violation of this ordinance and may retain possession of the same until all fines and fees have been paid and

until any sentence or order of the court has been completed and/or obeyed.

SOURCE: Ord. 752, Sec. 1 (2005)

13-1605. LOADING AND UNLOADING REGULATIONS FOR TRUCKS. A vehicle may be allowed to double-park for the purpose of loading or discharging passengers, or for unloading freight when there is no alley for such purpose and no other parking space available and the freight to be unloaded is of heavy or bulky nature, but only for such length of time as is absolutely necessary for such loading and unloading, except that no merchandise or freight pick-ups or deliveries whatsoever shall be made from doubleparked vehicles between the hours of 4:00 p.m. and 6:00 p.m. on any day except on Sundays and legal holidays and no vehicle shall double-park for such purposes between such hours.

Any person owning, driving, operating or having under his control any vehicle shall not permit the same to stand or be parked in any alley except while loading or unloading freight or merchandise. If any vehicle is left parked or standing in any alley during such loading or unloading operations it shall be located so that it does not block the alley and as close to the edge of the alley as possible.

If the alley is so narrow that it will be blocked even though the vehicle engaged in the loading or unloading operation is parked so close to the edge of the alley as possible, then, in that event such vehicle shall not be left unattended at any time.

It shall be unlawful to load or unload automobile transport trailers on any residential street, boulevard or public property of the City of West Fargo.

It shall be unlawful to park or permit any vehicle to stand so that it is backed against the curb except when actually loading or unloading freight or merchandise, and if the vehicle is a semi-trailer combination, the motor vehicle or tractor unit thereof must stand parallel to the curb and be headed in the direction of the traffic. No vehicle shall stand so backed up that it interferes with or interrupts the passage of traffic.

It shall be unlawful for any person, firm or corporation to drive or permit to be driven any semi-trailer or truck of more than one ton capacity by backing the same into a curb, unless such person, firm or corporation shall provide a person or arrange with some person, in addition to the driver, to act as flagman during all operations, and said flagman shall station himself in such a position so that he can warn both pedestrians and moving traffic and so that the driver can back the vehicle in a safe manner. It shall be lawful for a police officer to act as such flagman if it does not interfere with his duties as a police officer.

SOURCE: Ord. 752, Sec. 2 (2005)

13-1606. PARKING LIMITS. The owner, driver or any other person having under his control or charge any vehicle of any kind whatsoever, shall not cause, permit or allow such vehicle to stand or remain in any one place for a longer period than seventy-two (72) hours upon any street or alley in the City of West Fargo. The Public Works Director shall place signs on all street entrances to the City to notify the public of this restriction.

SOURCE: Ord. 752, Sec. 3 (2005)

13-1607. CHIEF OF POLICE MAY DESIGNATE TEN MINUTE PARKING AREAS. The Chief of Police may designate ten minute parking areas in the business or residential district of the City, and may also extend, change or adjust any of the present ten minute zone now in existence, all subject to the approval of the Board of City Commissioners. Further, the Chief of Police may extend the time when said ten minute zones shall be in effect to cover any period from 8:00 a.m. to 12:00 midnight. He may make these changes if in his opinion traffic conditions require such specified enforcement periods. Each ten minute period during which any vehicle is parked in such area shall constitute a separate and additional violation provided such areas shall be properly posted or marked.

13-1608. PARKING OF RECREATIONAL VEHICLES, RECREATIONAL EQUIPMENT AND RECREATIONAL TRAILERS. No recreational vehicle, recreational equipment or recreational trailer may be parked upon any street, boulevard or alley within a residentially zoned district for a period exceeding seventy-two (72) hours.

SOURCE: Ord. 752, Sec. 4 (2005)

13-1609. PARKING IN AREA DESIGNATED FOR MOBILITY IMPAIRED WITHOUT CERTIFICATE. No person may stop, stand, or park any vehicle in any designated parking space that is reserved for the mobility impaired unless the vehicle displays a mobility impaired identification certificate or license plate issued by the State to a mobility impaired person. Provided, a vehicle may temporarily use a space reserved for mobility impaired persons without a mobility impaired certificate or license plate for the purpose of loading and unloading mobility impaired persons. Violation of this section is an infraction for which a fine up to the limit set by the State may be imposed by the City.

Source: Ord. 735, Sec. 2 (2005)

13-1610. MOTOR VEHICLE LEFT UNATTENDED, BRAKES TO BE SET. No person having control or charge of a motor vehicle shall allow such vehicle to stand on any street or alley unattended without first effectively setting the brakes thereon, and, when standing upon any grade, shall turn the front wheels of such vehicle to the curb or side of the street or highway.

13-1611. UNLAWFUL TO PARK ON PRIVATE PROPERTY. It shall be unlawful to trespass upon by driving or parking a motor vehicle or

trailer or vehicle of any kind upon private property within the city limits of the City of West Fargo, where there is displayed upon said property a sign containing the words "Private Property" or "Private Parking," without first obtaining permission in writing from the owner or lessee thereof.

13-1612. RESTRICTED PARKING IN RECREATION AREAS. Vehicles shall not be parked upon any public street or alley within any playground, swimming pool, tennis courts or any recreation areas, when said street, alley or area is designated or posted against parking.

13-1613. PARKING NOT TO OBSTRUCT TRAFFIC. No person shall park any vehicle upon a street, other than an alley in such manner or under such conditions as to leave available less than 15 feet of the width of the roadway for free movement of vehicular traffic.

13-1614. PARKING FOR CERTAIN PURPOSES PROHIBITED. No person shall park a vehicle upon a roadway for the principal purpose of:

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

13-1615. NO STOPPING, STANDING OR PARKING NEAR HAZARDOUS OR CONGESTED PLACES. The Chief of Police is hereby authorized to determine and designate, by having signs placed, places not exceeding one hundred feet in length in which the stopping, standing or parking 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.

The Chief of Police is hereby authorized to determine the location of passenger and freight loading zones and shall place and maintain appropriate signs indicating the same.

No person shall stop, stand or park a vehicle for any purpose or period of time other than for the expeditious loading or unloading of passengers in any place marked as a passenger curb loading zone and then only for a period long enough to complete such loading.

No persons shall stop, stand or park a vehicle for any purpose or length of time other than for expeditious loading and delivery or pick-up and loading of materials in any place marked as a freight curb loading zone. In no case shall the stop for unloading and loading of materials be longer than that needed to complete such loading and unloading.

13-1616. STOPPING, STANDING AND PARKING OF BUSES AND TAXI CABS REGULATED. The operator of a bus shall not stand or park such vehicle upon any street at any place other than a bus stand so designated as provided herein. The operator of a bus shall not stop such vehicle upon any street at any place for the purpose of loading or unloading passengers or their baggage other than at a bus stop, bus stand or passenger loading zone so designated as provided herein, except in case of an emergency.

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

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

13-1617. RESTRICTED USE OF BUS AND TAXI CAB STANDS. No person shall stop, stand or park a vehicle other than a bus in a bus stop or other than a taxi cab in a taxi cab stand when any such stop or stand has been officially designated and appropriately assigned except that the driver of a passenger vehicle may temporarily stop therein for the purpose of and while actually engaged in loading or unloading passengers when such stopping does not interfere with any bus.

13-1618. RESERVED FOR FUTURE USE.

13-1619. PARKING PROHIBITED DURING CERTAIN HOURS ON CERTAIN STREETS. When signs are erected in each block giving notice thereof, no person shall park a vehicle between the hours specified on the sign, on any day except Sundays, and public holidays upon any of the streets so posted.

13-1620. PARKING PROHIBITED ON SIDEWALKS OR BOULEVARDS. No person shall stop, stand or park any automobile, truck or other vehicle, whether attended or unattended, on a sidewalk or on any boulevard or berm between the sidewalk and the roadway in the City of West Fargo.

13-1621. PARKING SIGNS REQUIRED. Whenever by this title, or any ordinance of this City any parking time limit is imposed or parking is prohibited on designated streets it shall be the duty of the City to erect appropriate signs giving notice thereof and no

such regulations shall be effective unless such signs are erected and in place at the time of any alleged offense subject to specific exceptions as stated in this title.

13-1622. APPLICATION OF CHAPTER. The provisions of this Chapter prohibiting the standing or parking of a vehicle shall apply at all time or at those times herein specified or as indicated on official signs except when it is necessary to stop a vehicle to avoid conflict with other traffic or in compliance with the directions of a police officer of official traffic-control device.

13-1623. PARKING PRIVILEGES FOR MOBILITY IMPAIRED - CERTIFICATE - REVOCATION.

1. Any mobility-impaired person who displays prominently upon an automobile parked by that person or under that person's direction and for that person's use, the distinguishing certificate specified in subsection 4 or license plates issued under section 39-04-10.2 is entitled to courtesy in the parking of the automobile. Provided, however, that any municipality may, by ordinance, prohibit parking on any street or highway for the purpose of creating a fire lane, or to provide for the accommodation of heavy traffic during morning and afternoon rush hours, and the privileges extended to such impaired persons do not apply on streets or highways where and during such times as parking is prohibited.
2. A mobility-impaired person as used in this section includes any person who uses portable oxygen; requires personal assistance or the use of crutches, a wheelchair, or a walker to walk two hundred feet [60.96 meters] without rest; is restricted by cardiac, pulmonary, or vascular disease from walking two hundred feet [60.96 meters] without rest; has a forced expiratory volume of less than one liter for one second or an arterial oxygen tension of less than sixty millimeters of mercury on room air while at rest and is classified III or IV by standards for cardiac disease set by the American heart association; or has an orthopedic, neurologic, or other medical condition that makes it impossible for the person to walk two hundred feet [60.96 meters] without assistance or rest.
3. Repealed by S.L. 1989, ch. 319, § 6.
4. The director may issue, for a fee of three dollars per year or part of a year, a special identifying certificate to any mobility-impaired applicant upon submission by the applicant of a completed application and a written statement issued by a qualified physician or an advanced practice registered nurse to the director that the

applicant is a mobility-impaired person within the criteria of subsection 2. The director shall waive the requirement for a written statement from a qualified physician or an advanced practice registered nurse if the applicant has previously submitted an application containing a certification from a qualified physician or an advanced practice registered nurse that the applicant's impairment is not reversible. The application must include the information required by the director. The physician's or advanced practice registered nurse's statement must describe how the impairment limits the applicant's mobility and daily life functions of the applicant. The certificate is valid for a period, not to exceed three years, as determined by the director. A physician or an advanced practice registered nurse who provides a false statement that a person is mobility impaired for the purpose of that person obtaining a certificate under this subsection is guilty of an infraction for which a minimum fine of one hundred dollars must be imposed. A certificate issued under this subsection must be nine and one-half inches [24.13 centimeters] in height and three inches [7.62 centimeters] in width and must bear, in white on blue, the internationally accepted symbol of access for the mobility impaired. The certificate must bear the expiration date and registration number assigned by the director. The director shall adopt rules governing the issuance of the certificate. A temporary certificate, valid for an initial period not to exceed three months, may be issued by the director for a fee of three dollars upon application supported by a physician's or an advanced practice registered nurse's statement. The director may issue a maximum of one additional temporary certificate, for a fee of three dollars. The temporary certificate may be extended an additional period, not to exceed three months, upon application supported by a physician's or an advanced practice registered nurse's statement that the extension is warranted. Temporary certificates must be the same size as other certificates issued under this section and must be white on red. The director may issue a maximum of one additional certificate, if the applicant does not have license plates issued under section 39-04-10.2, for a fee of six dollars per certificate, to a mobility-impaired person to whom a certificate has been issued under this subsection. The additional certificates may only be used by or on behalf of the mobility-impaired person.

5. Except as provided in this subsection, two dollars of each fee for issuance of a certificate and one dollar of each fee for issuance of an additional certificate under this section must be deposited in the state highway department fund for purposes of defraying the cost of

issuing the certificate. The rest of the fee, and the five dollar fee received for the issuance of an additional certificate under subsection 4, must be deposited in the state treasury and credited to the employment of people with disabilities fund. The fees deposited in the fund are hereby appropriated on a continuing basis to the committee on employment of people with disabilities of the department of human services for development of job opportunities for disabled individuals in this state. If a certificate is lost, mutilated, or destroyed, the person to whom the certificate was issued is entitled to a replacement. The person shall furnish proof satisfactory to the director that the certificate has been lost, mutilated, or destroyed, and shall pay a replacement fee of three dollars.

6. A certificate issued under this section must be hung from the rearview mirror of the motor vehicle whenever the vehicle is occupying a space reserved for the mobility impaired and is being used by a mobility-impaired person or another person for the purposes of transporting the mobility-impaired person. No part of the certificate may be obscured. A fee of five dollars may be imposed for a violation of this subsection.
7. An applicant may appeal a decision denying issuance of the certificate to the director. Written notice of the appeal must be received within ten business days following receipt by the applicant of notice of denial. The applicant has sixty days to provide additional supportive material to the director for purposes of deciding the appeal. The director shall affirm or reverse the decision to deny issuance of the certificate within thirty days after receipt of the supportive material. Written notice of the decision must be given to the applicant.
8. If a law enforcement officer finds that the certificate is being improperly used, the officer may report to the director any such violation and the director may, in the director's discretion, remove the privilege. Any person who is not mobility impaired and who exercises the privileges granted a mobility-impaired person under subsection 1 is guilty of an infraction for which a fine of one hundred dollars must be imposed.
9. Whenever any public or private entity designates parking spaces for use by motor vehicles operated by mobility-impaired persons, those reserved spaces must comply with the requirements of the Americans with Disabilities Accessibility Guidelines for Buildings and Facilities as contained in the appendix to title 28, Code of Federal Regulations, part 36 [28 CFR 36] and must be

indicated by blue paint on the curb or edge of the paved portion of the street or parking lot adjacent to the space. In addition to blue paint, each reserved space must be indicated by an official sign approved by the director bearing the internationally accepted symbol of access for the mobility impaired. The sign must indicate that unauthorized use of the space is a nonmoving violation for which a fee of one hundred dollars must be imposed. For particular events, a public or a private entity may reserve additional parking spaces for use by motor vehicles operated by mobility-impaired persons. In that case, each temporarily reserved space must be indicated by a sign or other suitable means. A sign indicating that a space is reserved for the mobility impaired and blue paint on the curb or edge of the paved portion of the street or parking lot adjacent to the space, unless the space is a temporary mobility-impaired parking space, is sufficient basis for the enforcement of this section. A law enforcement officer shall enforce this section in any parking lot or parking facility, whether publicly or privately owned.

10. A person may not stop, stand, or park any vehicle in any designated parking space that is reserved for the mobility impaired unless the vehicle displays a mobility-impaired identification certificate issued by the director to a mobility-impaired person. A mobility-impaired person may not permit the use of a certificate issued under this section by a person who is not mobility impaired when that use is not in connection with the transport of the mobility-impaired person. The registered owner of a vehicle may not allow that vehicle to be used in a manner that violates this subsection. Proof of intent is not required to prove a registered owner's violation of this subsection. The registered owner, however, may be excused from a violation if the owner provides the citing authority with the name and address of the person operating the vehicle at the time of the violation. A vehicle may temporarily use a space reserved for mobility-impaired persons without a mobility-impaired certificate for the purpose of loading and unloading mobility-impaired persons. A violation of this subsection is a nonmoving violation for which a fee of one hundred dollars must be imposed. Notwithstanding section 29-27-02.1, fifty percent of the fee imposed and collected under this subsection is appropriated on a continuing basis to the local committee on persons with disabilities, if one exists in the city in which the violation occurred, for the development of job opportunities for disabled individuals in the community.
11. Any motor vehicle licensed in another state which displays a special authorized vehicle designation issued

by the licensing authority of that state for vehicles used in the transportation of mobility-impaired persons must be accorded the same privilege provided in this section for similar vehicles licensed in this state if the laws of the other state provide the same privileges to North Dakota motor vehicles displaying the special identifying certificate authorized in this section.

(Source: North Dakota Cent. Code § 39-01-15)

13-1624. REGULATIONS NOT EXCLUSIVE. The provisions of this Chapter imposing a time limit on parking shall not relieve any person from the duty to observe other and more restrictive provisions prohibiting or limiting the stopping, standing or parking of vehicles in specified places or at specified times.

13-1625. PENALTY. Violations of the provisions of this chapter shall be a fine of Eight Dollars (\$8), unless a specific section provides for another penalty. If the parking violation is not paid within ten (10) days of the issuance of the ticket, the penalty shall be Ten Dollars (\$10).

Source: Ord. 943, Sec. 1 (2013)

13-1626. DELINQUENT TICKETS -- IMPOUNDMENT OF VEHICLE. Any vehicle found unoccupied on any public way, public property or property to which the general public has a right of access, and against the registered owner of which vehicle there are three (3) or more unsettled traffic violation notices, warrants for such violations, or parking tickets, is subject to the following procedure:

1. Notice of Pending Impoundment. The West Fargo Chief of Police, or his designated agent, shall mail written notice to the last known address of the registered owner of the vehicle (as determined by the address on file with the Registrar of Motor Vehicles of the State of North Dakota, or other similarly situated person for vehicles licensed in a state other than North Dakota) of the fact that there are three (3) or more unsettled traffic violation notices, warrants for such violations, or parking tickets outstanding, and of the pending impoundment of the vehicle. Additionally, this written notice must include a description of the right of the registered owner to request a hearing on the propriety of the impoundment, as set forth in subsection 3 below. Notice is hereby deemed effective and complete by being placed in the mail.
2. Impoundment. After five (5) days from mailing the notice of pending impoundment, and unless the owner of the vehicle has complied with subsection 3(A) herein, the vehicle may be towed and impounded. Unless the Clerk of Court, or if the Clerk is unavailable the City Auditor, determines the impoundment to be unwarranted, as provided

in subsection 3(B) herein, all impoundment and storage fees and costs shall be paid prior to the release of the vehicle. Within twenty-four (24) hours after the vehicle is impounded, the Chief of Police, or a person designated by the Chief of Police, shall mail written notice to the last known address of the registered owner of the vehicle (as determined by the address on file with the Registrar of Motor Vehicles of the State of North Dakota, or other similarly situated person for vehicles licensed in a state other than North Dakota) of the fact that the vehicle has been impounded, the reasons why the vehicle has been impounded, the method for releasing the vehicle, and where and when the person may obtain a hearing to contest the propriety of the impoundment of the vehicle. Notice is hereby deemed effective and complete by being placed in the mail.

3. Hearing to Determine Propriety of Impoundment.
  - a. Prior to Impoundment. Any person receiving a notice pursuant to subsection 1 of this section may request a hearing on the propriety of the pending impoundment of his vehicle within five (5) days from the date of the mailing of the notice. The scope of such a hearing shall be limited to whether or not the owner of the vehicle has the minimum number of unsettled traffic violation notices, warrants for such violations, or parking tickets as set forth herein. The hearing shall not be determinative of, nor adjudicate, any citations issued to the vehicle or its owner. The hearing shall be conducted by the Clerk of the Municipal Court of West Fargo, North Dakota, or if the Clerk is unavailable, by the City Auditor for the City of West Fargo, North Dakota.
  - b. Subsequent to Impoundment. Any person whose vehicle has been impounded may request a hearing on the propriety of the impoundment of the vehicle. The hearing shall not be determinative of, nor adjudicate, any citations issued to the vehicle or its owner. The hearing must be requested within fifteen (15) days after the vehicle is impounded. The hearing shall be conducted by the Clerk of Municipal Court of West Fargo, North Dakota, or if the Clerk is unavailable, by the City Auditor for the City of West Fargo, North Dakota.
4. Release of Impounded Vehicle. A vehicle impounded pursuant to this section shall be released to the registered owner, or any other authorized person, only upon the occurrence of one of the following circumstances:

- a. The Clerk of Municipal Court of West Fargo, North Dakota, or, if the Clerk is unavailable, the City Auditor of the City of West Fargo, North Dakota, determines, in a hearing pursuant to subsection 3 above, that the impoundment is not warranted; or
  - b. The registered owner of the vehicle, or other authorized person, pays all outstanding fines, fees, penalties, costs and surcharges for all outstanding or otherwise unsettled traffic violations and parking tickets, and either pays or posts bond pending a hearing as described in subsection 3 above, all fees and costs relating to the impoundment of the vehicle, as set forth in the schedule contained below; or
  - c. The registered owner of the vehicle, or other authorized person, posts bond or deposits collateral to ensure appearance in Municipal Court to answer for each violation, and either pays or posts bond pending a hearing as described in subsection 3 above, all fees and costs relating to the impoundment of the vehicle as set forth in the schedule contained below.
5. Schedule of Fees. The following fees shall be applicable for purposes of this section:
- a. Impoundment Fees. The fee for the impoundment of a vehicle shall be an additional Twenty-five and no/100 Dollars (\$25.00).
  - b. The owner, or any other authorized person of a vehicle shall be responsible for all costs of towing and/or storage of a vehicle.

CHAPTER 13-17

RAILROAD CARS AND CROSSINGS

SECTIONS:

- 13-1701. Crossing Intersections of Railroads.
- 13-1702. Obedience to Signal Indicating Approach of Train.
- 13-1703. All Vehicles Must Stop at Certain Railroad Grade Crossings.
- 13-1704. Certain Vehicles Must Stop at All Railroad Grade Crossings.

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13-1701. CROSSING INTERSECTIONS OF RAILROADS. In crossing an intersection of a street or the intersection of a street by a railroad right-of-way the driver of a vehicle shall at all times cause such vehicle to travel on the right half of the street unless such right half is obstructed or impassable or unless there are two lanes of traffic going in the same direction.

13-1702. OBEDIENCE TO SIGNAL INDICATING APPROACH OF TRAIN.

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 50 feet but not less than 15 feet from the nearest rail of such railroad, and shall not proceed until he can do so safely. The foregoing requirement shall apply when:
  - a. A clearly visible electric or mechanical 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 within approximately 1,320 feet of the highway crossing emits a signal audible from such distance and such railroad train, by reason of its speed or nearness to such crossing, is an immediate hazard; or
  - d. An approaching railroad train is plainly visible and is in hazardous proximity to such crossing.
2. No person shall drive any vehicle through, around, or under any crossing gate or barrier at a railroad crossing while such gate or barrier is closed or is being opened or closed. No person shall drive any vehicle past any

human flagman at a railroad crossing until the flagman signals that the way is clear to proceed.

13-1703. ALL VEHICLES MUST STOP AT CERTAIN RAILROAD GRADE CROSSINGS. The Police Department of the City of West Fargo, with respect to highways under its jurisdiction, is 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.

13-1704. CERTAIN VEHICLES MUST STOP AT ALL RAILROAD GRADE CROSSINGS.

1. The driver of a bus carrying passengers, or of any school bus carrying any school child, or of any vehicle carrying any chlorine, empty or loaded cargo tank vehicles used to transport dangerous articles or any liquid having a flash point below 200 degrees F., cargo tank vehicles transporting a commodity having a temperature above its flash point at the time of loading, certain cargo tank vehicles transporting commodities under special permits issued by the hazardous materials regulations board, and every motor vehicle which must have the following placards: "Explosives," "Poison," "Flammable Oxidizers," "Compressed Gas," "Corrosives," "Flammable Gas," "Radioactive," or "Dangerous," before crossing at grade any track or tracks of a railroad, shall stop such vehicle within fifty feet but not less than fifteen feet from the nearest rail of such railroad and while so stopped shall listen and look in both directions along such track for any approaching train, and for signals indicating the approach of a train shall not proceed until he can do so safely. After stopping as required herein and upon proceeding when it is safe to do so, the driver of any said vehicle shall cross only in such gear of the vehicle that there will be no necessity for manually changing gears while traversing such crossing, and the driver shall not manually shift gears while crossing the track or tracks.
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.

## CHAPTER 13-18

### BICYCLES

#### SECTIONS:

- 13-1801. Effective Regulations.
- 13-1802. License Application.
- 13-1803. Issuance of License.
- 13-1804. Attachment of License Plate.
- 13-1805. Inspection of Bicycles.
- 13-1806. Renewal of License.
- 13-1807. Transfer of Ownership.
- 13-1808. Rental Agencies.
- 13-1809. Bicycle Dealers.
- 13-1810. Traffic Laws Apply to Persons Riding Bicycle or Tricycle.
- 13-1811. Traffic - Control Devices: Obedience to.
- 13-1812. Riding on Bicycles.
- 13-1813. Riding on Roadways and Bicycle Paths.
- 13-1814. Speed.
- 13-1815. Emerging from Alley or Driveway.
- 13-1816. Carrying Articles.
- 13-1817. Parking.
- 13-1818. Riding on Sidewalks.
- 13-1819. Lamps and Other Equipment on Bicycles.
- 13-1820. Bicycles May be Impounded if Operated in Violation of Ordinances: Impound Fee.
- 13-1821. Bicycle Accidents.
- 13-1822. Peace Officer Operating Bicycle.

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#### 13-1801. EFFECTIVE REGULATIONS.

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

Source: Ord. 735, Sec. 3 (2005)

13-1802. LICENSE APPLICATION. Application for bicycle license and license plate shall be made upon a form provided by the City and shall be made to the Police Department. A license fee of one dollar (\$1.00) shall be paid to the City before each license or renewal thereof is granted.

13-1803. ISSUANCE OF LICENSE.

1. The Chief of Police, or his delegated agent, upon receiving proper application therefor is authorized to issue a bicycle license which shall be a permanent license. A renewal of the license is only required if the license plate is lost or becomes illegible. A registration card shall be issued with each license.
2. The Chief of Police, or his delegated agent, shall not issue a license for any bicycle when he knows or has reasonable ground to believe that the applicant is not the owner of or entitled to the possession of such bicycle.
3. The Chief of Police, or his delegated agent, shall keep a record of the number of each license, the date issued, the name and address of the person to whom issued, and the number of the frame of the bicycle for which issued, and a record of all bicycle license fees collected.

13-1804. ATTACHMENT OF LICENSE PLATE.

1. The Chief of Police, or his delegated agent, upon issuing a bicycle license shall also issue a license plate bearing the license number assigned to the bicycle, the name of the city, and the date of issuance;
2. The Chief of Police, or his delegated agent, shall cause such license plate to be firmly attached to the frame of the bicycle for which issued in such position as to be plainly visible; and
3. No person shall remove the license plate from a bicycle during the period for which issued except in the event the bicycle is dismantled and no longer operated upon any street in the city.

13-1805. INSPECTION OF BICYCLES. The chief of police, or his delegated agent, may inspect each bicycle before licensing the same and shall refuse a license for any bicycle which he determines is in an unsafe mechanical condition.

13-1806. RENEWAL OF LICENSE. If the license plate is lost or becomes illegible, the license may be renewed upon application and payment of the same fee as upon an application.

13-1807. TRANSFER OF OWNERSHIP. Upon the sale or other transfer of a licensed bicycle, it shall be the responsibility of the purchaser to make proper application to the police department for change in the ownership registration. Said change in record to be made without payment of any additional fee. In all cases, the

license plate shall remain with the bicycle to which it was originally assigned.

13-1808. RENTAL AGENCIES. A rental agency shall not rent or offer any bicycle for rent unless the bicycle is licensed and a license plate is attached thereto as provided therein. Such bicycle is equipped with the lamps and other equipment required in this chapter.

13-1809. BICYCLE DEALERS. Every person engaged in the business of buying or selling new or second-hand bicycles shall make a report to the police department of every bicycle purchased or sold by such dealer, giving the name and address of the person from whom purchased or to whom sold, a description of such bicycle by name or make, the frame number thereof, and the number of the license plate, if any, found thereon.

13-1810. TRAFFIC LAWS APPLY TO PERSONS RIDING BICYCLE OR TRICYCLE. Every person riding a bicycle or tricycle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by the laws of this state, declaring rules of the road applicable to vehicle or by the traffic ordinances of this city applicable to the driver of a vehicle, except as to special regulations in this chapter and exempt as to those provisions of laws and ordinances which by their nature have no application.

13-1811. TRAFFIC - CONTROL DEVICES: OBEDIENCE TO.

1. Any person operating a bicycle or tricycle shall obey the instructions of the official traffic-control signals, signs and other 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 or tricycle shall disobey the direction of any sign, except where such person dismounts from the bicycle or tricycle to make any such turn, in which event such person shall then obey the regulations applicable to pedestrians.

13-1812. RIDING ON BICYCLES.

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

13-1813. RIDING ON ROADWAYS AND BICYCLE PATHS.

1. Every person operating a bicycle or tricycle 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 or tricycles 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 or tricycles;
3. Wherever a usable path for bicycles or tricycles has been provided adjacent to a roadway, bicycle or tricycle riders shall use such path and shall not use the roadway.

13-1814. SPEED. No person shall operate a bicycle at a speed greater than is reasonable and prudent under the conditions then existing.

13-1815. EMERGING FROM ALLEY OR DRIVEWAY. The operator of a bicycle emerging from an alley, driveway or building, upon approaching a sidewalk or the pedestrians approaching on said sidewalk or sidewalk area, and upon entering the roadway, shall yield right-of-way to all vehicles approaching on said roadway.

13-1816. CARRYING ARTICLES. No person operating a bicycle shall carry a package, bundle or article which prevents the rider from keeping at least one hand upon the handlebars, or carry any package, bundle or article which prevents the forward vision of the operator.

13-1817. 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.

13-1818. RIDING ON SIDEWALKS.

1. No person shall ride a bicycle upon a sidewalk within a business district;
2. No person 12 or more years of age shall ride any bicycle upon any sidewalk in any district, except those persons engaged in delivering newspapers and except those persons who are riding with a child under 12 years of age for the purpose of supervision and guidance may ride their bicycle upon a sidewalk outside the business district during working hours only in order to complete delivery of their newspapers;

3. No person shall ride a bicycle upon a sidewalk which is within or part of an underpass;
4. Whenever any person is riding a bicycle upon a sidewalk, such person shall yield the right-of-way to any pedestrian and shall give audible signal before overtaking and passing such pedestrian.

13-1819. LAMPS AND OTHER EQUIPMENT ON BICYCLES.

1. Every bicycle when in use at night time shall be equipped with a lamp on the front of which shall emit a white light visible from a distance of at least five hundred feet to the front and with a red reflector on the rear of a type approved by the Motor Vehicle Department. A lamp emitting red light visible from a distance of five hundred feet to the rear may be used in addition to the red reflector.
2. Every bicycle shall be equipped with a brake which will enable the operator make the braked wheel skid on dry, level and clean pavement.

13-1820. BICYCLES MAY BE IMPOUNDED IF OPERATED IN VIOLATION OF ORDINANCES: IMPOUND FEE. The Police Department of the City of West Fargo or any of the members thereof, may impound and retain possession of any bicycle not licensed or otherwise operated in violation of any of the ordinances of the City of West Fargo and retain possession of the same until the license provided for herein is obtained by the owner of the said bicycle and until all impound fees and fines have been paid.

An impound fee of twenty-five cents per week is hereby established.

13-1821. BICYCLE ACCIDENTS. A driver of a bicycle involved in an accident with another bicycle, motor vehicle or with a pedestrian shall immediately stop such bicycle, motor vehicle or with a pedestrian shall immediately stop such bicycle at the scene of the accident and shall give his name, age and address to other person or persons involved. He shall also give immediate notice of the accident to the police department and shall file a report with the police department regarding the accident. In the event said accident is investigated at the scene by the police, then it is not necessary for the driver to file an individual report.

13-1822. PEACE OFFICER OPERATING BICYCLE. The provisions of this section governing the operation of bicycles do not apply to bicycles operated by peace officers while performing their duties.

CHAPTER 13-19  
TRANSPORTATION BY MOTOR VEHICLES OF EXPLOSIVES WITHIN CITY

SECTIONS:

- 13-1901. Application.
- 13-1902. Declared a Hazard.
- 13-1903. Permit Required
- 13-1904. Conditions of Permit.
- 13-1905. Type of Escorts Permitted.
- 13-1906. Charge for Escort Vehicles or Drivers.

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13-1901. APPLICATION. This chapter shall apply to all owners and operators of motor vehicles transporting any explosives, munitions, dynamite, ammunition (except small arms ammunition and shot-gun shells), gunpowder, TNT, dynamite caps or detonating caps in the City of West Fargo.

13-1902. DECLARED A HAZARD. The transportation by motor vehicle in the City of West Fargo of any of the commodities or things mentioned in Section 13-1901 of this chapter, is hereby declared to be a menace and a hazard to the safety of the people of the City of West Fargo and their property.

13-1903. PERMIT REQUIRED. It shall be unlawful for any person, partnership, association or corporation who owns, leases or operates any motor vehicle hauling any of the commodities or things mentioned in Section 13-1901 of this chapter to use or operate the same for the transportation of such commodities or things upon the streets of the City of West Fargo without first having obtained a permit to do so from the City Auditor of the City of West Fargo. A violation of any of the conditions or provisions of the permit shall be a violation of this chapter.

13-1904. CONDITIONS OF PERMIT. A permit shall be required for each vehicle but not for each separate movement through the City and all permits issued shall contain the following conditions and provisions:

1. The route through the City of West Fargo which will be followed;
2. The time of the movement of hauling and the type of escort to be provided;
3. The name of the driver of the vehicle, a description of the vehicle, and the name of the owner or lessor of the vehicle.

13-1905. TYPE OF ESCORTS PERMITTED. Each and every motor vehicle transporting any of the things or commodities mentioned in Section 13-1901 of this chapter on the streets of the City of West Fargo must, after obtaining a permit as above required be escorted and protected both front and rear by an official highway department, sheriff's, police or fire department vehicle driven by:

1. A North Dakota State Highway Patrolman; or
2. A police officer of the City of West Fargo, North Dakota; or
3. A police officer of the City of Fargo, North Dakota; or
4. A fireman from the City of West Fargo, North Dakota; or
5. A sheriff or authorized deputy from Cass County, North Dakota.

13-1906. CHARGE FOR ESCORT VEHICLES OR DRIVERS. If West Fargo Police Department or Fire Department vehicles or drivers are to be used as escorts, a fee of \$5.00 for each vehicle, or each escort driver, or each vehicle and escort driver furnished shall first be paid, provided that in no case shall any one truck, or semi-trailer be required to pay more than a total of \$10.00 per trip through the City for escort vehicles and escort drivers.

CHAPTER 13-20

SNOWMOBILES, ALL-TERRAIN VEHICLES AND OFF-ROAD MOTORCYCLES

(Source: Ord. 735, Sec. 1 (2005))

SECTIONS:

- 13-2001. Definitions.
- 13-2002. Severability.
- 13-2003. Prohibited Operation.
- 13-2004. Reckless or Careless Operation.
- 13-2005. Operation Prohibited by Persons Under the Influence of Intoxicating Liquor or Narcotic Drugs.
- 13-2006. Operation of Motorized Scooters.
- 13-2007. Operation of Toy Vehicles.
- 13-2008. Exemption from Certain Requirements.
- 13-2009. Responsibility of Parent, Guardian or Person Having Custody of a Minor.

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13-2001. DEFINITIONS.

- 1. Snowmobile. For purposes of this Chapter "snowmobile" shall mean a self-propelled vehicle designed for travel on snow or ice or natural terrains steered by wheels, skis or runners.
- 2. All-Terrain Vehicle. For purposes of this Chapter "all-terrain vehicle" shall mean any motorized off-highway vehicle 50 inches or less in width, having a dry weight of 1,000 pounds or less, traveling on three or more low-pressure tires, designed for operator use only with no passengers, having a seat or saddle designed to be straddled by the operator, and handlebars for steering control.
- 3. Off-Road Motorcycle. For purposes of this Chapter, "off-road motorcycle" shall mean every motor vehicle having a seat or saddle for the use of rider and designed to travel on not more than three wheels in contact with the ground, and which does not meet State requirements for on-road motor vehicles, but is designed for primary use upon undeveloped land or trails. It does not include motorized scooters or toy vehicles.
- 4. Motorized Scooter. For purposes of this chapter, "motorized scooter" shall mean a self propelled vehicle with at least two wheels on the ground during operation having a braking system capable of stopping the vehicle under typical operating conditions with a gas or electric motor less than or equal to 40 cc and capable of

propelling the vehicle to a speed no greater than 20 mph. It shall also have a seat or deck designed to allow a person to sit or stand.

5. Toy Vehicle. For purposes of this chapter, "toy vehicle" shall mean a vehicle which is self propelled, or capable of being propelled by human power, manufactured for use by a child and capable of speeds no greater than 10 mph.

13-2002. SEVERABILITY. Invalidity of any section clause, sentence or any provision of this chapter shall not affect the validity of any part of this ordinance which can be given effect without such invalid part or parts.

13-2003. PROHIBITED OPERATION. It shall be unlawful for any person to drive or operate any snowmobile, all-terrain vehicle, or off-road motorcycle within the city limits of the City of West Fargo, North Dakota, except under the following circumstances:

1. When loading or unloading such vehicle onto another vehicle or transporting the vehicle from one place of storage to another. When loading, unloading or transporting any such vehicle as authorized by this subsection, the motor shall be operated at the lowest rate which will allow movement of the vehicle at walking speed; or
2. When such vehicle is being used as a utility vehicle for purposes which include but are not limited to the maintenance of lawns and gardens, snow removal, agriculture, participating in a sanctioned parade, or inspection of public works in remote areas; or
3. When such vehicles are used by law enforcement officers for law enforcement purposes; or
4. In case of an emergency.
5. In an area south of Interstate 94 which is zoned agricultural, as long as the vehicle is not on a street right of way, other than a road ditch.

13-2004. RECKLESS OR CARELESS OPERATION. It is unlawful for any person to drive or operate any snowmobile, all-terrain vehicle, off-road motorcycle, or motorized scooter in the following ways which are declared to be unsafe and a public nuisance:

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

13-2005. OPERATION PROHIBITED BY PERSONS UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR NARCOTIC DRUGS. It is unlawful for any person to drive or operate any snowmobile, all-terrain vehicle, off-road motorcycle or motorized scooter in the following ways which are declared to be unsafe and a public nuisance:

1. While under the influence of intoxicating liquor or drug as defined in Section 39-24.1-01 of the North Dakota Century Code, or a combination thereof.

13-2006. OPERATION OF MOTORIZED SCOOTERS. A person may operate a motorized scooter within the City limits of West Fargo, subject to the following conditions.

- A. A motorized scooter may not be operated upon any sidewalk, bikepath, pedestrian walkway or pedestrian trail.
- B. No person shall operate a motorized scooter upon a roadway on which the posted speed limit is greater than 30 mph, a four lane roadway or upon any road that is designated as a snow emergency route.

A motorized scooter may cross a roadway prohibited above, but may do so only at a perpendicular angle, and only after coming to a full and complete stop.

- C. A motorized scooter operated upon any street must be equipped with reflectors and shall have a florescent orange flag, measuring a minimum of 100 square inches mounted 3 feet above the highest point of the scooter.
- D. No motorized scooter may be operated prior to sunrise or after sunset.
- E. No motorized scooter may be operated unless equipped with factory supplied stock exhaust muffler, exhaust systems and braking systems.
- F. An operator under the age of 18 years of age must wear a protective helmet.
- G. No passengers are allowed on a motorized scooter, unless the scooter is specifically designed to carry passengers.
- H. Every person riding a motorized scooter upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by the laws of this state, declaring rules of the road applicable to a vehicle or by the traffic ordinances of this city applicable to the driver of a motorized scooter, except as to special regulations in this chapter

and exempt as to those provisions of laws and ordinances which by their nature have no application.

A person who has a mobility impairment certificate issued by a licensed physician shall be exempt from subsections A. and B. above. If a person is operating a motor scooter on a sidewalk, bikepath, or pedestrian path or trail as a result of this exception, they must yield right of way to pedestrians in all situations.

13-2007. OPERATION OF TOY VEHICLES. No person shall operate a toy vehicle upon a roadway or other area open to the public for motor vehicle traffic, or anywhere within the City limits before sunrise or after sunset.

13-2008. EXEMPTION FROM CERTAIN REQUIREMENTS. Notwithstanding other provisions of the West Fargo Ordinances, operators of motor scooters and toy vehicles shall be exempt from the requirements for possessing an operator's license, liability insurance, registration, and license plates as set by ordinance for other vehicles.

13-2009. RESPONSIBILITY OF PARENT, GUARDIAN OR PERSON HAVING CUSTODY OF A MINOR. No parent, guardian or person having actual custody of a person under 18 years of age shall allow a person under 18 to operate any vehicle defined in this Chapter in violation of any of the provisions of this Chapter within the City. It is a rebuttable presumption that the person having charge of the person under 18 years of age allowed that person to operate the vehicle in violation of this Chapter.

CHAPTER 13-21

ARREST PROCEDURE

SECTIONS:

- 13-2101. Halting Person for Violating Traffic Regulations: Duty of Officer Halting.
- 13-2102. Hearing - Time - Promise of Defendant to Appear Failure to Appear Penalty.
- 13-2103. Offenses Under Which Person Halted May Not be Entitled to Release Upon Promise to Appear.
- 13-2104. Arrest of Non-resident Traffic Violator.
- 13-2105. Fines and Forfeitures, Disposition of.
- 13-2106. Tagging Motor Vehicles.
- 13-2107. Reports Kept by Municipal Judge.
- 13-2108. When Copy of Citation Shall be Deemed a Lawful Complaint.
- 13-2109. Failure to Comply with Traffic Citation Attached to Parked Vehicle.
- 13-2110. Presumption in Reference to Illegal Parking.
- 13-2111. When Warrant to be Issued.

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13-2101. HALTING PERSON FOR VIOLATING TRAFFIC REGULATIONS:  
DUTY OF OFFICER HALTING.

1. Whenever any person is halted for the violation of any of the provisions of North Dakota Century Code Chapters 39-01 through 39-13, 39-18, 39-21 and 39-24, or of equivalent City ordinances, the officer halting that person, except as otherwise provided in Section 39-07-09 and Section 39-20-03.1 or 39-02-03.2 of the North Dakota Century Code may:
  - a. Take the name and address of the person;
  - b. Take the license number of the person's motor vehicle; and
  - c. Issue a summons or otherwise notify that person in writing to appear at a time and place to be specified in the summons or notice.
2. 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 non-criminal offense under

Section 39-06.1-02 of the North Dakota Century Code or equivalent city ordinance. The officer shall provide the person with an envelope for use in mailing the bond.

(Source: North Dakota Cent. Code § 39-07-07)

13-2102. HEARING - TIME - PROMISE OF DEFENDANT TO APPEAR FAILURE TO APPEAR - PENALTY. The time to be specified in the summons or notice provided for in section 13-2101 must be within thirty-five (35) days after the issuance of the summons or notice or earlier if so ordered by the municipal judge or if the person halted demands an earlier hearing. If the person halted desires, the person may have the right, at a convenient hour, to an immediate hearing or to a hearing within twenty-four (24) hours. The hearing must be before the municipal court. 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 the person from custody. Any person refusing to give a written promise to appear must be taken immediately by the halting officer before the nearest or most accessible magistrate, or to such other place or before such other person as may be provided by a statute or ordinance authorizing the giving of bail. Any person willfully violating the person's written promise to appear is guilty of an offense, regarding of the disposition of the charge upon which the person originally was halted. The time limitations for a hearing as provided by this section do not preclude a recharging of the alleged violation if the person being charged receives a new summons or notice subject to the provisions of this section.

(Source: North Dakota Cent. Code § 39-07-08)

13-2103. OFFENSES UNDER WHICH PERSON HALTED MAY NOT BE ENTITLED TO RELEASE UPON PROMISE TO APPEAR. The provisions of Section 13-2101 do not apply to a person if:

1. The halting officer has good reason to believe the person guilty of any felony or if the person is halted and charged with any of the offenses listed in Section 39-06.1-05 of the North Dakota Century Code, but not listed in subsection 2; or
2. The halting officer, acting within the officer's discretion, determines that it is inadvisable to release that person upon a promise to appear and if the person has been halted and charged with any of the following offenses:
  - a. Reckless driving.
  - b. Driving in excess of speed limitations established by the state or by local authorities in their respective jurisdictions.

- c. Driving while license or driving privilege is suspended or revoked for violation of North Dakota Century Code Section 39-06-42, or an equivalent ordinance.
- d. Operating a modified vehicle.
- e. Driving without liability insurance in violation of North Dakota Century Code Section 39-08-20.
- f. Failing to display a placard or flag, in violation of any rule implementing North Dakota Century Code Section 39-21-22, while transporting explosive or hazardous materials.
- g. Operating an unsafe vehicle in violation of subsection 1 of North Dakota Century Code Section 39-21-45.

(Source: North Dakota Cent. Code § 39-07-09)

13-2104. ARREST OF NON-RESIDENT TRAFFIC VIOLATOR. A police officer at the scene of a traffic accident may arrest without a warrant any driver of a vehicle who is a non-resident of this State and who is involved in the accident when based upon personal investigation, the officer has reasonable and probable grounds to believe that the person has committed any offense under the provisions of this title in connection with the accident, and if the officer has reasonable and probable grounds to believe the person will disregard a written promise to appear in Court. Whenever any person is arrested under the provisions of this section, he shall be taken without unnecessary delay before the proper magistrate.

13-2105. FINES AND FORFEITURES, DISPOSITION OF. All fines or forfeitures collected upon conviction, or upon forfeiture of bail of any person charged with the violation of any provision of this title shall be disposed of as provided by law. The municipal judge shall file with police chief a schedule in writing, subscribed by the municipal judge, indicating the amount of bail fixed by such municipal judge for the release of persons arrested or charged with any violation of this title and based on the offense charged, which schedule shall be applicable for the bail to be furnished in his absence from the municipal court, and any person who pays or delivers such bail to the Chief of Police or any other person in charge of the police department at the time, but during the absence of the municipal judge in municipal court, shall be immediately released from custody. Provided, that the payment of delivery of such bail shall be immediately released from custody. Provided, that the payment of delivery of such bail shall be a waiver of any defect or irregularity or any previous defect or irregularity in

such proceedings, including the arrest of such person; and provided further, that the municipal judge may in all cases where he is present in municipal court fix bail in such amount whereupon such conditions as may be provided by law, and within his discretion and without regard to the bail schedule provided and applicable in his absence from municipal court.

13-2106. TAGGING MOTOR VEHICLES. Any officer or representative of the police department who finds any motor vehicle located within the City in a place or in a condition which is at the time in violation of this title, may affix a tag to any prominent portion of such motor vehicle giving notice in writing requiring the owner or person in possession thereof to appear before the municipal judge at a time as provided in Section 13-2101 of this chapter. This shall constitute legal and sufficient notice requiring the owner or person in possession of said motor vehicle to appear before the municipal judge at the time or within the time specified on said tag. In the event the owner or person in possession of said motor vehicle shall fail to respond to said notice to appear before the municipal judge, at the time or within the time specified on such tag, and he may be arrested at any subsequent time and prosecuted for violation of this section.

13-2107. REPORTS KEPT BY MUNICIPAL JUDGE. The municipal judge shall keep and file a report of every case in which a person is charged with violation of any provision of this title.

13-2108. WHEN COPY OF CITATION SHALL BE DEEMED A LAWFUL COMPLAINT. In the event the form of citation includes information and is sworn to as required under the general laws of this State in respect to a complaint charging commission of the offense alleged in said citation to have been committed, then such citation when filed with a Court having jurisdiction shall be deemed to be a lawful complaint for the purpose of prosecution under this title.

13-2109. FAILURE TO COMPLY WITH TRAFFIC CITATION ATTACHED TO PARKED VEHICLE. If a violator on the restrictions of stopping, standing or parking under the traffic laws or ordinances does not appear in response to a traffic citation affixed to such motor vehicle within a period of five days, the police department shall send to the owner of the motor vehicle to which the traffic citation was fixed, a letter informing him of the violation and warning him in the event such letter is disregarded for a period of five days, a warrant of arrest will be issued.

13-2110. PRESUMPTION IN REFERENCE TO ILLEGAL PARKING. In any prosecution charging a violation of any law or regulation governing the standing or parking of a vehicle, proof that the particular vehicle described in the complaint was parked in violation of any such law or regulation, together with proof that the defendant named in the complaint was at the time of such parking, the registered owner of such vehicle, shall constitute in evidence a prima facie presumption that the registered owner of such vehicle,

was the person who parked or placed such vehicle at the point where, and for the time during which, such violation occurred.

13-2111. WHEN WARRANT TO BE ISSUED. In the event any person fails to comply with a traffic citation given to such person or attached to a vehicle or fails to make appearance pursuant to a summons directing an appearance in the municipal court, or if any person fails to or refuses to deposit bail as required and within the time permitted by this article, the police department shall secure from the municipal judge, a warrant for his arrest.

CHAPTER 13-22

PENALTIES, FEES AND FINES

SECTIONS:

- 13-2201. Definitions.
- 13-2202. Judicial Procedure - Criminal.
- 13-2203. Classification of Traffic Offenses.
- 13-2204. Traffic Violations Non-Criminal - Exceptions - Procedures.
- 13-2205. Notification of Parent or Guardian of Juvenile Traffic Offenders.
- 13-2206. Administrative Hearing - Procedures - Appeals - State Orders.
- 13-2207. Failure to Appear, Pay Statutory Fee, Post Bond - Procedure.
- 13-2208. Offenses Excepted.
- 13-2209. Amount of Statutory Fee.

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13-2201. DEFINITIONS. As used in this title:

1. "Adjudication" and "admission" means an official determination, in the manner provided by law, that a traffic violation has been committed by a named driver.
2. "Equivalent ordinance" or "equivalent ordinances" means city, state, or other jurisdiction ordinances which are comparable to the cited statute, and define essentially the same offense, despite the fact that the language of the ordinance may differ, or differing procedural points or methods of proof may be provided.
3. "Halting officer" means a law enforcement officer charged with and acting under the officer's authority to halt and, if appropriate, arrest persons suspected or known to be violating statutes or ordinances regulating the operation or equipment of vehicles, or the regulation of traffic.
4. "Licensing authority" means the state agency authorized to issue operators' licenses.
5. "Point" or "points" refers to the number of demerits assigned to particular types of traffic violations, the accumulation of which will, at a stated level, result in suspension of the offender's operator's license.

(Source: North Dakota Cent. Code § 39-06.1-01)

13-2202. JUDICIAL PROCEDURE - CRIMINAL. Disposition of traffic offenses designated as criminal, herein Section 13-2203, shall be in accordance with Title 29 North Dakota Century Code,

JUDICIAL PROCEDURE, CRIMINAL, with appeals therefrom to the District Court or County Courts of Increased Jurisdiction in accordance with the statute providing therefore.

13-2203. CLASSIFICATION OF TRAFFIC OFFENSES. Violation of any city ordinance regulating traffic and providing penalties for Violation thereof are classified as criminal if contained in Chapter 13-02 or which are listed as criminal traffic offenses in Section 39-06.1-10 of the North Dakota Century Code. If there is a conflict between Chapter 13-07 and Section 39-06.1-10 of the North Dakota Century Code, the Century Code provision shall prevail. All other traffic violations for which the municipal court has jurisdiction shall be deemed to be non-criminal offenses unless a separate penalty clause providing criminal penalties is provided in the ordinance establishing the offense.

Source: Ord. 856, Sec. 4 (2010).

13-2204. TRAFFIC VIOLATIONS NON-CRIMINAL - EXCEPTIONS PROCEDURES. Any person cited, in accordance with the provisions of Sections 39-07-07 and 39-07-08 of the North Dakota Century Code, for a traffic violation under state law or municipal ordinance, other than an offense listed in Section 39-06.1-05 of the North Dakota Century Code, is deemed to be charged with a non-criminal offense. The person may appear before the designated official and pay the statutory fee for the violation charged at or before the time scheduled for a hearing. If the person has posted bond in person or by mail, the person may forfeit bond by not appearing at the designated time. If the person appears at the time scheduled in the citation, the person may make a statement in explanation of the person's action, and the official may at that time waive, reduce or suspend the statutory fee or bond, or both. If the person cited follows the foregoing procedures, the person is 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 must be identical to the statutory fee established by Section 39-06.1-06 of the North Dakota Century Code. Within ten (10) days after forfeiture of bond or payment of the statutory fee, the official having jurisdiction over the violation shall certify to the licensing authority:

1. Admission of the violation; and
2. In speeding violations, whether the speed charged was in excess of the lawful speed limit by more than nine (9) miles (14.8 kilometers) per hour and the miles (kilometers) 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.

(Source: North Dakota Century Code Section 30-06.1-02)

13-2205. NOTIFICATION OF PARENT OR GUARDIAN OF JUVENILE TRAFFIC OFFENDERS. A municipal judge or municipal court 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.

(Source: North Dakota Cent. Code § 39-06.1-02.1)

13-2206. ADMINISTRATIVE HEARING - PROCEDURES - APPEALS STATE ORDERS.

1. A person cited for a traffic violation, other than an offense listed in Section 39-06.1-05 of the North Dakota Century Code, who does not follow one of the procedures set forth in Section 39-06.1-02 of the North Dakota Century Code, may request a hearing on the issue of commission of the violation charged. The hearing must be held at the time scheduled in the citation, or at the time scheduled in response to the person's request or at some future time, not to exceed ninety (90) 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 an offense listed in Section 39-06.1-05 of the North Dakota Century Code, has requested a hearing on the issue of the commission of the violation charged and 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, the official shall notify the licensing authority of that fact, and whether the person was driving more than nine (9) 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 (10) days of the date of the hearing. The fact that a person has admitted a violation, or has, in any proceeding, been found to have committed a violation, may 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, the person may, without payment of a filing fee, appeal that finding to the district court for trial anew. If, after trial in the appellate court, the person is again found to have committed the violation, there shall be no further appeal. Notice of appeal under this subsection must be given within thirty (30) days after a finding of commission of a violation is entered by the official. Oral notice of appeal may be given to the official at the time that the official adjudges that a violation has been committed. Otherwise, notice of appeal shall be in writing and filed with the official, and a copy of the notice must be served upon the prosecuting attorney. An appeal taken under this subsection may not operate to stay the reporting requirement of subsection 4, nor to stay appropriate action by the licensing authority upon receipt of that report.
- b. The appellate court upon application by the appellant may:
  - (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 (120) 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 (120) days; or
  - (3) Deny the application.

An application for a stay or temporary certificate under this subdivision must be accompanied by a certified copy of the appellant's driving record, for the furnishing of which the licensing authority may charge a fee of two dollars (\$2.00). Any order granting a stay or a temporary certificate must be forwarded forthwith by the Clerk of Court to the licensing authority, which shall issue a temporary certificate in accordance with the order in the manner provided by law. A court may not make a determination on an application under this 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 is guilty of a traffic violation and must be assessed a fee of twenty dollars (\$20.00).

- c. If the person charged is found not to have committed the violation by the appellate court, the Clerk of Court shall report that fact to the licensing authority immediately. If an appeal under this subsection is from a violation of a City ordinance, the city attorney shall prosecute the appeal. In all other cases, the appropriate state's attorney shall prosecute the appeal.
6. The state or the city, as the case may be, must prove the commission of a charged violation at the hearing or appeal under this section by a fair preponderances of the evidence. Upon an appeal under subsection 5, the court and parties shall follow, to the extent applicable, the North Dakota Rules of Civil Procedure. If on the appeal from the finding of the official the finding is affirmed, costs may be assessed at the discretion of the trial judge.
7. As used in Sections 39-06.1-02, 39-06.1-03 and 39.06.1-04 of the North Dakota Century Code, the word "official" means a municipal judge or a magistrate or other qualified person appointed by the presiding judge of the judicial district to serve as such official for all or a specified part of the judicial district.

(Source: North Dakota Cent. Code § 39-06.1-03)

13-2207. FAILURE TO APPEAR, PAY STATUTORY FEE, POST BOND PROCEDURE. If a person fails to choose one of the methods of proceeding set forth in Sections 13-2204 or 13-2206, the person must be deemed to have admitted to commission of the violation charged, and the official having jurisdiction shall report such fact to the licensing authority within ten (10) days after the date set for the hearing. Failure to appear at the time designated, after signing a promise to appear, without paying the statutory fee or posting and forfeiting bond is a class B misdemeanor. Failure to appear without just cause at the hearing must also be deemed an admission of commission of the violation charged.

(Source: North Dakota Cent. Code § 36-01.1-04)

13-2208. OFFENSES EXCEPTED. The procedures authorized under Sections 39-06.1-02 and 39.06.1-03 of the North Dakota Century Code may not be utilized by a person charged with one of the following offenses:

- a. Driving or being in actual physical control of a vehicle in violation of Section 13-0203.

- b. Reckless driving or aggravated reckless driving in violation of Section 13-0201.
- c. A violation of Chapter 12.1-16 of the North Dakota Century Code resulting from the operation of a motor vehicle.
- d. Leaving the scene of an accident in violation of Sections 39-08-04, 39-08-05, 39-08-07, 39-08-08 of the North Dakota Century Code, or equivalent ordinances.
- e. Driving while license or driving privilege is suspended or revoked in violation of Section 39-06-42 of the North Dakota Century Code, or an equivalent ordinance.
- f. Violating subdivisions b or c of subsection 5 of Section 39-24-09 of the North Dakota Century Code.
- g. Operating a modified motor vehicle in violation of Section 39-21-45.1 of the North Dakota Century Code.
- h. Driving without liability insurance in violation of Section 39-08-20 of the North Dakota Century Code.
- i. Failing to display a placard or flag, in violation of any rule implementing Section 39-21-44 of the North Dakota Century Code, while transporting explosive or hazardous materials.
- j. Operating an unsafe vehicle in violation of subsection 1 of Section 39-21-46 of the North Dakota Century Code.

(Source: North Dakota Cent. Code § 39-06.1-05)

13-2209. AMOUNT OF STATUTORY FEE. The fees required for a disposition pursuant to either Section 13-2204 or Section 13-2206 shall be as follows:

- 1. The amount set by the State Legislature in Section 39-06.1-06 of the North Dakota Century Code, or elsewhere in the North Dakota Century Code for the same offense.
- 2. For violations not covered by subsection 1 which constitute a class B misdemeanor, a fine of any amount not to exceed \$1,500 or 30 days imprisonment, or both.

3. For violations not covered by subsection 1 which constitute an infraction, a penalty not to exceed \$1,000, as determined by the discretion of the Municipal Judge.

Source: Ord. 826, Sec. 2 (2008); Ord. 961, Sec. 9 (2013)