

CHAPTER V

MOTOR VEHICLES AND TRAFFIC

Article I. In General

105.0101 DEFINITIONS

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

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

Authorized emergency vehicles:

- a. "Class A authorized emergency vehicles" shall mean:
 - (1) Vehicles of a governmentally owned fire department.
 - (2) Vehicles when operated by or under the control of a police officer having authority to enforce the provisions of this chapter or by a salaried employee of any municipal police department within the municipality or by any sheriff or deputy sheriff not to include special deputy sheriffs, or by the warden of the State Penitentiary and his authorized agents.
 - (3) Ambulances.
 - (4) Vehicles operated by or under the control of the commissioner, and district deputy commissioner, and district deputy game warden of the North Dakota Game and Fish Department.
 - (5) Vehicles owned or leased by the United States Government used for law enforcement purposes.
 - (6) Vehicles designated for the use of the adjutant general and assistant adjutant general cases of emergency.
 - (7) Vehicles operated by or under the control of the director, assistant director, and park superintendents of the North Dakota Parks and Recreation Department.
- b. "Class B authorized emergency vehicles" shall mean wreckers and such other emergency vehicles as are authorized by the local authorities.
- c. "Class C authorized emergency vehicles" means those vehicles authorized by state and local disaster emergency services organizations and those vehicles used by volunteer firemen while performing their assigned disaster and emergency responsibilities.

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

Bus. Every motor vehicle designed for carrying more than ten passengers and used for the transportation of persons, and every motor vehicle, other than a taxicab, designated and used for the transportation of persons for compensation; provided, every motor vehicle designed for carrying not more than fifteen persons and used for a ride-sharing arrangement, as defined in NDCC, Section 8-02-07 is not a "bus".

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

Commissioner. The commissioner of the North Dakota State Highway Department, acting directly or through his authorized agents.

Controlled-access highway. Every highway, street, or roadway in respect to which owners or occupants of abutting lands and other persons have no legal right of access to or from the same except at such points only and in such manner as may be determined by the public authority having jurisdiction over such highway, street, or roadway.

Crosswalk. That part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs, or, in the absence of curbs, from the edges of the traversable roadway; or any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.

Dealer. Every person, partnership or corporation engaged in the business of buying, selling or exchanging motor vehicles, or who advertises, or holds himself out to the public as engaged in the buying, selling or exchanging of motor vehicles, or who engages in the buying of motor vehicles for resale. Any person, partnership, corporation, or association doing business in several cities or in several locations within a city shall be considered a separate dealer in each such location.

Department. The Motor Vehicle Department of this state.

Director. The director of the Division of Public Safety of this state.

Division. The Division of Public Safety of this state.

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

Essential parts. All integral and body parts of a vehicle of a type required to be registered hereunder, the removal, alteration or substitution of which would tend to conceal the identity of the vehicles or substantially alter its appearance, model, type or mode of operation.

Explosives. Any chemical compound or mechanical mixture that is commonly used or intended for the purpose of producing an explosion and which

contains any oxidizing and combustive units or other ingredients in such proportions, quantities, or packing that an ignition by fire, by friction, by concussion, by percussion, or by detonator of any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructive effects on contiguous objects or by destroying life or limb.

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

Farm trailer. Those trailers and semi-trailers towed by a bona fide resident farmer hauling his own agricultural, horticultural, dairy, and other farm products if the gross weight, not including the towing vehicle, does not exceed twenty-four thousand pounds (10,866.22 kilograms).

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

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

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

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

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

Implement of husbandry. Every vehicle designed and adopted exclusively for agricultural, horticultural or livestock raising operations or for lifting or carrying an implement of husbandry and in either case not subject to registration if used upon the highway.

Intersection. The area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadways of two highways which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict. Where a highway includes two roadways thirty feet (9.14 meters) or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection.

Intoxicating liquor. Any beverage containing alcohol.

Judgment. Any judgment which shall have become final by expiration without appeal of the time within which an appeal might have been perfected, or by final affirmation on appeal, rendered by a court of competent

jurisdiction of any state of the United States, upon a cause of action arising out of ownership, maintenance, or use of any motor vehicle, for damages, including damages for care and loss of services, because of bodily injury to or death of any person, or for damages because of injury to or destruction of property, including the loss of use thereof, or upon a cause of action on an agreement of settlement for such damages.

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

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

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

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

Manifest injustice. A specific finding by the court that the imposition of sentence is unreasonably harsh or shocking to the conscience of a reasonable person, with due consideration of the totality of circumstances.

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

Metal tires. All tires the surface of which in contact with the highway is wholly or partly of metal or other hard, nonresilient material; except, that this provision shall not apply to pneumatic tires.

Motor vehicle. Every vehicle, except motorized bicycles, which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.

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

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

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

Nonresident's operating privilege. The privilege conferred upon a nonresident by the laws of this state pertaining to the operation by such

person of a motor vehicle, or the use of a vehicle owned by such person, in this state.

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

Operator. Every person who drives or is in actual physical control of a motor vehicle upon a highway or who is exercising control over or steering a vehicle being towed by a motor vehicle.

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

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

Passenger motor vehicle. Every motor vehicle designed principally for the transportation of persons and includes vehicles which utilize a truck chassis, but have a seating capacity for four or more passengers.

Pedestrian. Any person afoot.

Person. Every natural person, firm, co-partnership, association, or corporation.

Pneumatic tires. All tires inflated with compressed air.

Pole trailer. 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.

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

Private road or driveway. Every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.

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

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

Railroad sign or signal. Any sign, signal or device erected by authority of a public body, or official or by a railroad and intended to give notice of the presence of railroad tracks or the approach of a railroad train.

Reconstructed vehicle. Every vehicle of a type required to be registered hereunder materially altered from its original construction by the removal, addition or substitution of essential parts, new or used.

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

Right of way. The privilege of the immediate use of a roadway.

Road tractor. Every motor vehicle designed and used for drawing other vehicles and not so constructed as to carry any load thereon either independently or any part of the weight of a vehicle or load so drawn.

Roadway. That portion of a highway improved, designed, or ordinarily used for vehicular travel, exclusive of the berm or shoulder. In the event a highway includes two or more separate roadways the term "roadway" as used herein shall refer to any such roadway separately but not to all such roadways collectively.

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

Safety zone. the area or space officially set aside within a highway for the exclusive use of pedestrians and which is so plainly marked or indicated by proper signs as to be plainly visible at all times while set aside as a safety zone.

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

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

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

Sidewalk. That portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines, intended for use of pedestrians.

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

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

Stand or standing. The halting of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in receiving or discharging passengers.

State. A state, territory or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico or a province of the Dominion of Canada.

Stop. When required, complete cessation from movement.

Stop or stopping. When prohibited, any halting, even momentarily, of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control sign or signal.

Street. The entire width between boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

Through highway. Every highway or portion thereof on which vehicular traffic is given preferential right of way, and at the entrances to which vehicular traffic from intersection highways is required by law to yield right of way to vehicles on such through highway and in obedience to either a stop sign or yield sign, when such signs are erected by law.

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

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

Trailer. Every vehicle without motive power designed to carry property or passengers wholly on its own structure and to be drawn by a motor vehicle; except, that it shall not include a "house trailer" or "mobile home", which terms shall mean a vehicle as defined herein which is designed and intended for use as living or sleeping quarters for people and which is not used for commercial hauling of passengers.

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

Truck tractor. Every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.

Urban district. The territory contiguous to and including any street which is built up with structures devoted to business, industry or dwelling houses situated at intervals of less than one hundred feet (30.48 meters) for a distance of a quarter of a mile (402.34 meters) or more.

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

Vehicle. Every device in, upon or by which any person or property may be transported or drawn upon a public highway, except devices moved by human power or used exclusively upon stationary rails or tracks.

Article II. Traffic Administration.

105.0201 POLICE DIVISION--ESTABLISHED

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

105.0202 SAME--DUTIES GENERALLY

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

105.0203 RECORDS OF TRAFFIC VIOLATIONS

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

105.0204 ACCIDENTS--TRAFFIC DIVISION TO INVESTIGATE

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

105.0205 SAME--STUDIES

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

105.0206 SAME--REPORTS

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

105.0207 TRAFFIC DIVISION TO DESIGNATE METHOD OF IDENTIFYING FUNERAL PROCESSIONS

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

Article III. Enforcement of and Obedience to Traffic Regulations.

105.0301 AUTHORITY OF POLICE AND FIRE DEPARTMENT OFFICIALS

- a. It shall be the duty of the officers of the police department or such officers as are assigned by the Chief of Police to enforce all street traffic laws of the city and all of the state vehicle laws.
- b. Officers of the police department or such officers as are assigned by the Chief of Police are hereby authorized to direct all traffic by voice, hand or signal in conformance with traffic laws; provided, that in the event of a fire or other emergency or to expedite traffic or to safeguard pedestrians, officers of the police department may direct traffic as conditions may require notwithstanding the provisions of the traffic laws.
- c. Officers of the fire department, when at the scene of a fire, may direct or assist the police in directing traffic thereat or in the immediate vicinity.

105.0302 OBEDIENCE TO CHAPTER REQUIRED

It shall be unlawful for any person to do any act forbidden or fail to perform any act required by the provisions of this chapter, and upon conviction of a violation of any of the provisions of this chapter, every person shall be punished as provided in section 105.02009.

105.0303 OBEDIENCE TO POLICE OFFICER OR FIREMAN REQUIRED; FLEEING OR ATTEMPTING TO ELUDE POLICE OFFICER

- a. No person shall willfully refuse to comply with any lawful order or direction of any police officer or fireman vested by law with authority to direct, control or regulate traffic. Such violation shall be a class B misdemeanor as required by state law.

- b. Any driver of a motor vehicle who willfully fails or refuses to bring his vehicle to a stop, or who otherwise flees or attempts to elude a pursuing police vehicle when given a visual or audible signal to bring the vehicle to a stop, shall be guilty of a class B misdemeanor. The signal given by the police officer may be by hand, voice, emergency light or siren. The officer giving such signal shall be in uniform, prominently displaying his badge of office, and his vehicle shall be appropriately marked showing it to be an official police vehicle.

105.0304.1 ISSUANCE OF WARRANT

In the event any person fails to comply with a traffic citation given to such person or attached to a vehicle, or fails to make appearance pursuant to a summons directing an appearance in the municipal court or as the case may be, or if any person fails or refuses to deposit bail as required and within the time permitted by ordinance, the clerk of the municipal court shall secure and issue a warrant for his arrest.

105.0304.2 ILLEGALLY PARKED VEHICLES--ISSUANCE AND AFFIXING OF CITATION

Whenever any motor vehicle without driver is found parked or stopped in violation of any of the restrictions imposed by ordinance of the city or by state law, the officer finding such vehicle shall take its registration number and may take any other information displayed on the vehicle which may identify its user and shall conspicuously affix to such vehicle a traffic citation on a form provided by the city auditor for the driver to answer to the charge against him within five days during the hours and at a place specified in the citation.

105.0304.3 SAME--FAILURE TO COMPLY WITH CITATION

If a violator of the restrictions of Article XIV does not appear in response to a traffic citation affixed to such motor vehicle within a period of five days, the municipal court shall send the owner of the motor vehicle to which the traffic citation was affixed a letter informing him of the violation and warning him that in the event such letter is disregarded for a period of five days a warrant of arrest will be issued.

105.0304.4 SAME--PRESUMPTION OF OWNERSHIP AND PARKING OF VEHICLE

- a. In any prosecution charging a violation of any law or regulation governing the standing or parking of a vehicle proof that the particular vehicle described in the complaint was parked in violation of any such law or regulation together with proof that the defendant named in the complaint was at the time of such parking the registered owner of such vehicle shall constitute in evidence a prima facie presumption that the registered owner of such vehicle was the person who parked or placed such vehicle at the point where and for the time during which such violation occurred.
- b. The foregoing stated presumption shall apply only where the procedure as prescribed in Sections 105.0304.2 and 105.0304.3 has been followed.

105.0305 CERTAIN NONMOTORIZED TRAFFIC TO OBEY TRAFFIC REGULATIONS

- a. Every person propelling any pushcart upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the

driver of a vehicle by this chapter and by the rules of the road portion of the State Vehicle Code, except those provisions which by their very nature can have no application.

- b. Every person riding a bicycle or an animal or driving any animal-drawn vehicle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by this chapter except those provisions of this chapter which by their very nature can have no application.

105.0306 USE OF COASTERS, ROLLER SKATES AND SIMILAR DEVICES RESTRICTED

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

105.0307 PUBLIC EMPLOYEES TO OBEY TRAFFIC REGULATIONS

The provisions of this chapter shall apply to the drivers of all vehicles owned or operated by the United States, this state or any county, town, district or any other political subdivision of the state, subject to such specific exceptions as are set forth in this chapter or in the State Vehicle Code.

105.0308 EMERGENCY VEHICLES

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

- a. Class A authorized emergency vehicles.

1. The driver of a class A authorized emergency vehicle may:
 - a. Park or stand, irrespective of the provisions of this chapter;
 - b. Proceed past a red or stop signal or stop sign; but only after slowing down as may be necessary for safe operation;
 - c. Exceed the speed limit so long as he does not endanger life or property; and
 - d. Disregard regulations governing directions of movement or turning in specified directions.
2. The exceptions herein granted to a class A authorized emergency vehicle shall apply only:
 - a. When the authorized emergency vehicle is in pursuit of or apprehension of a violator or a suspected violator requiring the use of these exemptions;

- b. When the class A authorized emergency vehicle is being operated in response to a reported emergency involving a possible personal injury, death or damage to property, and when giving audible signal by siren or when giving adequate warning by use of a flashing red or combination red and white lights which are visible under normal atmospheric conditions for at least five hundred feet (152.4 meters); or
 - c. In any instance when the head of a law-enforcement agency deems advisable within the area of his jurisdiction for the protection of persons and property and when giving audible signal by siren or when giving adequate warning by use of a flashing red or combination red and white lights which are visible under normal atmospheric conditions for at least five hundred feet (152.4 meters).
- 3. No emergency vehicle shall display or permit to be displayed any red lamp except when operated on official business.
- b. Class B authorized emergency vehicles.
 - 1. The driver of a class B authorized emergency vehicle may:
 - a. Park or stand, irrespective of the provisions of this chapter;
 - b. Exceed the speed limit so long as he does not endanger life or property during the time of a local or national disaster; and
 - c. Disregard regulations governing direction of movement or turning in specified directions.
 - 2. The exceptions herein granted to a class B authorized emergency vehicle shall apply only when the authorized emergency vehicle is displaying an amber light visible under normal atmospheric conditions for a distance of five hundred feet in any direction, and;
 - a. When it is necessary for the authorized emergency vehicle to use these exemptions for the immediate protection of life or property;
 - b. When an authorized emergency vehicle is stopped on a highway for the purpose of performing a duty as required by him; or
 - c. When traveling at a speed slower than the normal flow of traffic.
- c. Class C authorized emergency vehicles. All class B specifications apply to class C authorized emergency vehicles; except, that a rotating blue flashing light shall be displayed in place of an amber light as provided in section 39-10-03.1 of the North Dakota Century Code. The division of disaster emergency services shall be responsible for promulgating the rules for the use of flashing blue lights in accordance with chapter 28-32 of the North Dakota Century Code.
- d. Any law-enforcement officer who has stopped another vehicle along a highway and is still involved in that incident, where flashing red or combination

red and white lights were used in making the stop, may switch to the use of amber lights, visible under normal atmospheric conditions for at least five hundred feet (152.4 meters), for the purpose of maintaining traffic flow.

105.0309 OPERATION OF VEHICLES ON APPROACH OF AUTHORIZED EMERGENCY VEHICLE

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

- a. Upon the immediate approach of an authorized emergency vehicle giving an audible signal by bell, siren or exhaust whistle and displaying a visible flashing, revolving or rotating blue, white or red light, the driver of every other vehicle shall yield to the right-of-way and shall immediately drive to a position parallel to, and as close as possible to, the right hand edge or curb of the roadway clear of any intersection and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer.
- b. Whenever an emergency vehicle is parked or stopped at the scene of an emergency and is displaying a flashing, revolving or rotating blue, white or red light, approaching traffic shall move to the right hand edge or curb of the roadway and shall stop, but once having stopped, traffic may proceed past the scene at its own risk when the roadway is clear, except when otherwise directed by a police officer.
- c. This section shall not operate to relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highways.

105.0310 WRITTEN ACCIDENT REPORTS REQUIRED

- a. The driver of a vehicle involved in an accident resulting in injury to or death of any person or property damage to an apparent extent of four hundred dollars or more shall immediately give notice of such accident to the local police department if such accident occurs within a municipality, otherwise to the office of the county sheriff or the state highway patrol. Within ten days after such accident, the driver shall also forward a written report of the accident to the highway commissioner.
- b. When it shall appear to the magistrate that any person has failed to file a written report in compliance with this section, he shall notify the highway commissioner of such failure so that appropriate action may be taken pursuant to North Dakota Century Code, section 39-08-09.
- c.
 1. An accident notice is not required from any person who is physically incapable of making the report during the period of such incapacity.
 2. Whenever the driver of a vehicle is physically incapable of giving an immediate notice of an accident and there was another occupant in the vehicle at the time of the accident capable of

doing so, such occupant shall make or cause to be given the notice by the driver.

3. Whenever the driver is physically incapable of making a written report of an accident and such driver is not the owner of the vehicle, then the owner of the vehicle involved shall, within five days after learning of the accident, make such report not made by the driver.
- d. The person in charge of any garage or repair shop to which is brought any motor vehicle which shows evidence of having been involved in a reportable accident as provided in subsection a of this section or of being struck by any bullet, shall report or cause a report to be made to a police officer within twenty four hours after such motor vehicle is received, and before any repairs are made to such vehicle, giving the registration number and the name and address of the owner, operator or person in control of such vehicle with a description of the location and type of damage to the vehicle, or any missing parts, if the vehicle does not have a sticker on a window thereto issued by a police officer, sheriff or highway patrolman bearing information to show that the accident in which the vehicle was involved had been investigated. The police officer investigating any reportable accident shall attach a sticker to the window of any damaged vehicle showing that the accident in which such vehicle was involved has been investigated. If the vehicle does bear such a sticker the garage or repair shop need not make the report this subsection requires and may begin repairs immediately. After repairs have been made and before the vehicle is released, the sticker provided for herein shall be removed.

Article IV. Traffic-Control Devices.

105.0401 AUTHORITY TO INSTALL

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

105.0402 SPECIFICATIONS

All traffic-control signs, signals and devices shall conform to the specifications approved by the state highway commissioner pursuant to North Dakota Century Code, section 39-13-06. All signs and signals required hereunder for a particular purpose shall, so far as practicable, be uniform as to type and location throughout the city. All traffic-control devices so erected and not inconsistent with the provisions of state law or this article shall be official traffic-control devices.

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

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

a. Green indication.

1. Vehicular traffic facing a circular green signal may proceed straight through or turn right or left unless a sign at such place prohibits either such turn. But vehicular traffic, including vehicles turning right or left, shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersections or an adjacent crosswalk at the time such signals are exhibited.
2. Vehicular traffic facing a green arrow signal, shown alone or in combination with another indication, may cautiously enter the intersection only to make the movement indicated by such arrow or such other movement as is permitted by other indications shown at the same time. Such vehicular traffic shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.
3. Unless otherwise directed by a pedestrian-control signal as provided for in section 105.0405, pedestrians facing any green signals, except when the sole green signal is a turn arrow, may proceed across the roadway within any marked or unmarked crosswalk.

b. Steady yellow indication.

1. Vehicular traffic facing a steady yellow signal is thereby warned that the related green movement is being terminated or that a red indication will be exhibited immediately thereafter when vehicular traffic shall not enter the intersection.
2. Pedestrians facing a steady yellow signal unless otherwise directed by a pedestrian-control signal as provided for in section 105.0405 are thereby advised that there is insufficient time to cross the roadway before a red indication is shown and no pedestrian shall then start to cross the roadway.

c. Steady red indication.

1. Vehicular traffic facing a steady red signal alone shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or if none, then before entering the intersection and shall remain standing until

an indication to proceed is shown, except as provided for in paragraph 2 of this subsection.

2. Except when a sign is in place prohibiting a turn, vehicular traffic facing a steady red signal may cautiously enter the intersection to turn right, or to turn left from a one-way street into a one-way street, after stopping as required by paragraph 1 of this subsection. Such vehicular traffic shall yield the right-of-way to pedestrians lawfully within adjacent crosswalk and to other traffic lawfully using the intersection.
3. Unless otherwise directed by a pedestrian-control signal as provided for in section 105.0405 pedestrians facing a steady red signal alone shall not enter the roadway.

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

105.0404 FLASHING SIGNALS

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

- a. Whenever an illuminated flashing red or yellow light is used in a traffic signal or with a traffic sign, it shall require obedience by vehicular traffic as follows:
 1. Flashing red (stop signal). When a red lens is illuminated with rapid intermittent flashes, drivers of vehicles shall stop at a clearly marked stop line, or, if none, before entering the crosswalk on the near side of the intersection, or, if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering it, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.
 2. Flashing yellow (caution signal). When a yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles may proceed through the intersection or past such signal only with caution.
- b. This section shall not apply at railroad grade crossings. Conduct of drivers of vehicles approaching railroad grade crossings shall be governed by the rules as set forth in section 105.0805.

105.0405 PEDESTRIAN CONTROL SIGNALS

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

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

105.0406 DESIGNATION OF WALKS, LANES, ETC.

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

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

105.0407 OBEDIENCE TO REQUIRE TRAFFIC-CONTROL DEVICES

The provisions of North Dakota Century Code, section 30-10-04, and all subsequent amendments, shall be and are hereby incorporated by reference in this section.

- a. The driver of any vehicle shall obey the instruction of any official traffic-control device applicable thereto placed in accordance with the provisions of this chapter, unless otherwise directed by a traffic or police officer, subject to the exceptions granted the drivers of an authorized emergency vehicle in this chapter.
- b. No provision of this chapter for which traffic-control devices are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official device is not in proper position and sufficiently legible to be seen by an ordinarily observant person.

- c. Whenever official traffic-control devices are placed in positions approximately conforming to the requirements of this chapter, such devices shall be presumed to have been so placed by the official act or direction of lawful authority, unless the contrary shall be established by competent evidence.
- d. Any official traffic-control device placed pursuant to the provisions of this chapter and purporting to conform to the lawful requirements pertaining to such devices shall be presumed to comply with the requirement of this chapter, unless the contrary shall be established by competent evidence.

105.0408 UNAUTHORIZED SIGNS

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

105.0409 INTERFERENCE WITH OFFICIAL TRAFFIC-CONTROL DEVICES OR RAILROAD SIGNS OR SIGNALS

The provisions of North Dakota Century Code, section 39-10-07.3, and all subsequent amendments, shall be and are hereby incorporated by reference in this section.

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

Article V. Speed Regulations.

105.0501 BASIC RULE

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

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

105.0502 SPEED LIMITATIONS GENERALLY

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

Subject to the provisions of section 105.0501 and except in those instances where a lower speed is specified in this chapter, it presumably shall be lawful for the driver of a vehicle to drive the same at a speed not exceeding:

- a. Twenty miles an hour when approaching within fifty feet of a grade crossing of any railway when the driver's view is obstructed. A driver's view shall be deemed to be obstructed when at any time during the last two hundred feet of his approach to such crossing he does not have a clear and uninterrupted view of such railway crossing and of any traffic on such railway for a distance of four hundred feet in each direction from such crossing;
- b. Twenty miles an hour when passing a school during school hours or while children are going to or leaving school during opening or closing hours;
- c. Twenty miles an hour when approaching within fifty feet and is traversing an intersection of highways when the driver's view is obstructed. A driver's view shall be deemed to be obstructed when at any time during the last fifty feet of his approach to such intersection, he does not have a clear and uninterrupted view of such intersection and of the traffic upon all of the highways entering such intersection for a distance of two hundred feet from such intersection;
- d. Twenty miles an hour when the driver's view of the highway ahead is obstructed within a distance of one hundred feet;
- e. Twenty-five miles an hour on any highway in a business district or in a residence district or in a public park, unless a different speed limit is designated and posted by local authorities; and
- f. Fifty-five miles an hour under other circumstances, unless otherwise permitted, restricted or required by conditions.

The highway commissioner may designate and post special areas of state highways where lower speed limits shall apply.

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

In charging a violation of the provisions of this section, the complaint shall specify the speed at which the defendant is alleged to have driven and the speed which this section prescribes shall be prima facie lawful at the time and place of the alleged offense.

105.0503 WHEN LOCAL AUTHORITIES MAY OR SHALL ALTER MAXIMUM SPEED LIMITS:
POSTING OF SIGNS

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

- a. Whenever the city, on the basis of any engineering and traffic investigation, determines that the maximum speed permitted under this chapter is greater or less than is reasonable and safe under the conditions found to exist upon a highway or part of a highway, the city may determine and declare a reasonable and safe maximum limit thereon which:
 1. Decreases the limit at an intersection;
 2. Increases the limit within an urban district but not to more than fifty-five miles per hour; or
 3. Decreases the limit outside an urban district, but not to less than thirty-five miles per hour.
- b. The city shall determine by an engineering and traffic investigation the proper maximum speed for arterial streets and shall declare a reasonable and safe maximum limit thereon which may be greater or less than the minimum speed permitted under this chapter for an urban district.
- c. Any altered limit established as hereinabove authorized shall be effective at all times or during hours of darkness or at other times as may be determined when appropriate signs giving notice thereof are erected upon such street or highway.
- d. Any alteration of maximum limits on state highways or extensions thereof in the municipality shall not be effective until such alteration has been approved by the state highway commissioner.
- e. Not more than six such alterations as hereinabove authorized shall be made per mile along a street or highway except in the case of reduced limits at intersections, and the difference between adjacent limits shall not be more than ten miles (16.09 kilometers) per hour.

105.0504 SPEED LIMITATIONS INAPPLICABLE TO CERTAIN EMERGENCY VEHICLES:
LIABILITY OF EXEMPT DRIVER FOR RECKLESS DRIVING

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

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

105.0505 MINIMUM SPEED LIMITS

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

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

105.0506 REGULATION OF SPEED BY TRAFFIC SIGNALS

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

105.0507 EXHIBITION DRIVING AND DRAG RACING PROHIBITED: PENALTY

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

- a. No person shall engage in exhibition driving of any vehicle on a highway, street, alley, sidewalk or any public or private parking lot or area, nor shall any person engage in a race, a speed competition, drag race or acceleration contest, test of physical endurance, or exhibition of speed or acceleration. Any person who violates this section shall be assessed a fee of forty dollars.
- b. As used in this section:
 1. "Drag race" means the operation of two or more vehicles from a point side-by-side by accelerating rapidly in a competitive attempt to cause one vehicle to outdistance the other; or the operation of one or more vehicles over a common selected course from the same point to the same point for the purpose of comparing the relative speed or powers of acceleration of such vehicle or vehicles within a certain distance or time limit.
 2. "Exhibition driving" means driving a vehicle in a manner which disturbs the peace by creating or causing unnecessary engine noise, tire squeal, skid or slide upon acceleration or braking; or driving and executing or attempting one or a series of unnecessarily abrupt turns.

3. "Race" means the use of one or more vehicles in an attempt to outgain, outdistance or to arrive at a given distance ahead of another vehicle or vehicles; or the use of one or more vehicles to willfully prevent another vehicle from passing the racing vehicle or vehicles, or to test the physical stamina or endurance of the persons driving the vehicles over a long distance driving route.

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

105.0508 RADAR EVIDENCE IN SPEED VIOLATIONS

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

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

105.0509 CARE REQUIRED IN OPERATING VEHICLE

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

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

Article VI. Turning Movements.

105.0601 AUTHORITY TO PLACE DEVICE ALTERING NORMAL COURSE OF TURNS

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

105.0602 AUTHORITY TO PLACE RESTRICTED TURN SIGNS

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

105.0603 OBEDIENCE TO SIGNS REQUIRED

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

105.0604 REQUIRED POSITION AND METHOD OF TURNING AT INTERSECTIONS

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

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

- a. Right turns. Both the approach for a right turn and a right turn shall be made as close as practicable to the right-hand curb or edge of the roadway;
- b. Left turns on two-way roadways. At any intersection where traffic is permitted to move in both directions on each roadway entering the intersection, an approach for a left turn shall be made in that portion of the right half of the roadway nearest the centerline thereof and by passing to the right of such centerline where it enters the intersection and after entering the intersection the left turn shall be made so as to leave the intersection to the right of the centerline of the roadway being entered. Whenever practicable the left turn shall be made in that portion of the intersection to the left of the center of the intersection;
- c. Left turns on other than two-way roadways. At any intersection where traffic is restricted to one direction on one or more of the roadways, the driver of a vehicle intending to turn left at any such intersection shall approach the intersection in the extreme left-hand lane lawfully available to traffic moving in the direction of travel of such vehicle and after entering the intersection the left turn shall be made so as to leave the intersection, as nearly as practicable, in the left-hand lane lawfully available to traffic moving in such direction upon the roadway being entered.

The city may cause markers, buttons or signs to be placed within or adjacent to intersections and thereby require and direct that a different course from that specified in this section be traveled by vehicles turning at an intersection, and when markers, buttons, or signs are so placed no driver of a vehicle shall turn a vehicle at an intersection other than as directed and required by such markers, buttons or signs.