

CHAPTER 8

TRAFFIC CODE

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ARTICLE 8-01

GENERAL PROVISIONS

Section

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8-0101. Definitions.--In this chapter, unless the context or subject matter otherwise requires:

1. "Authorized emergency vehicles":
 - A. "Class A authorized emergency vehicles" shall mean:
 - i. Vehicles of a governmental-owned fire department;
 - ii. Vehicles when operated by or under the control of a police officer having authority to enforce the provisions of this title pertaining to all motor vehicles 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;
 - iii. Ambulances;
 - iv. 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;
 - v. Vehicles owned or leased by the United States Government used for law enforcement purposes;
 - vi. Vehicles designated for the use of the adjutant general and assistant adjutant general in cases of emergency;
 - B. "Class B authorized emergency vehicles" shall mean wrecker and such other emergency vehicles as are authorized by the local authorities;
 - C. Class C vehicles used by civil defense directors while used in the performance of emergency duties.
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 20 inches in diameter.

3. "Bus" shall mean every motor vehicle designed for carrying more than 10 passengers and used for the transportation of persons, and every motor vehicle, other than a taxicab, designed and used for transportation of persons for compensation.

4. "Business district" shall mean the territory contiguous to a highway when 50% or more of the frontage thereon for a distance of 300 feet or more is occupied by buildings in use for business; and the term "business district" shall in all cases include also that portion of the city lying within the fire limits now established or to be hereafter established in the city, together with all streets or alleys constituting the boundaries thereof.

5. "Central business district" shall mean all streets and portions of streets within the area described as follows: All that area bounded by Fourth Street on the east, Seventh Avenue North on the north, First Avenue South on the south, and Eighth Street on the west.

6. "Coaster" shall mean a small vehicle (sled, wagon or similar apparatus) used in coasting, which is propelled by human power or gravity.

7. "Commercial vehicle" shall mean a vehicle designed, maintained, or used primarily for the transportation of property provided, however, that such definition shall not include vehicles designated or titled as three-quarter ton or less.

8. "Controlled-access highway" shall mean 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.

9. "Crosswalk" shall mean that part of a roadway at an intersection included within the connections of the lateral lines of the sidewalk 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.

10. "Curb" shall mean the boundary of that portion of the street open to the use of the public for the use of vehicles.

11. "Curb loading zone" shall mean a space adjacent to a curb reserved for the exclusive use of vehicles during the loading and unloading of passengers or materials.

12. "Driver" shall mean every person who drives or is in actual physical control of a vehicle.

13. "Explosives" shall mean any chemical compound or mechanical mixture that is commonly used or intended for the purpose of producing an explosion and which contains any oxidizing and combustive units 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.

14. "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.

15. "Freight curb loading zone" shall mean a space adjacent to a curb for the exclusive use of vehicles during the loading or unloading of freight.

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

17. "Intersection" shall mean the area embraced within the prolongation of the lateral curb lines, or, if none, then the lateral boundary lines of two or more streets which join one another at an angle, whether or not one such street crosses the other.

18. "Intoxicating liquor" shall mean and include any beverage containing alcohol.
19. "Laned roadway" shall mean a roadway which is divided into two or more clearly marked lanes for vehicular traffic.
20. "Legal owner" shall mean a person who holds the legal title to a vehicle.
21. "Mail" shall mean to deposit mail properly addressed and with postage prepaid with the United States postal service.
22. "Metal tires" shall include all tires the surface of which in contact with the highway is wholly or partly of metal or other hard, non-resilient material, except that this provision shall not apply to pneumatic tires.
23. "Motorcycle" shall mean 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, including "motorized bicycles" as defined in § 39-01-01, N.D.C.C., but excluding implements of husbandry.
24. "Motor vehicle" shall include every vehicle which is self-propelled, including motorcycles.
25. "Official time standard" shall mean the standard time or daylight-saving time as may be in current use in this city.
26. "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.
27. "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.
28. "Owner" shall mean a person who holds the legal title of 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 conditions stated in the agreement, and with an immediate right of possession vested in the conditional vendee or lessee, or if a 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 chapter.
29. "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.
30. "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.
31. "Pedestrian" shall mean any person afoot or otherwise moving or traveling about by means of any human-powered device, including a human-powered or motorized wheelchair. For purposes of this definition, persons operating a motorized scooter meet the definition of "pedestrian," but persons riding a bicycle do not.
32. "Person" shall include every natural person, firm, co-partnership, association or corporation.
33. "Pneumatic tires" shall include all tires inflated with compressed air.
34. "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.
35. "Police officer" shall mean every officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

36. "Private property" shall mean and include any and all real property or land within the city of Fargo which has not been opened or dedicated for public use or as a public thoroughfare.

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

38. "Public building" shall mean any theater, moving-picture house, hospital, church, school, city building, county building, state building, federal building, public library or courthouse.

39. "Railroad" shall mean a carrier of persons or property upon cars, other than streetcars, operated upon stationary rails.

40. "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.

41. "Railroad train" shall mean any steam engine, diesel or electric or other powered locomotive, with or without cars coupled thereto, operated upon rails except streetcars.

42. "Residence district" shall mean all of that territory within the limits of the city outside of the district known and designated as the fire limits, and not comprising a business district.

43. "Revocation" shall mean that the driver's license and 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 the proper authorities after the expiration of the period of revocation, which period shall not be less than 30 days.

44. "Right-of-way" shall mean the privilege of the immediate use of a street.

45. "Roadway" shall mean that portion of a street improved, designed, or ordinarily used for vehicular travel, exclusive of the berm or shoulder. In the event a street 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.

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

47. "School bus" shall mean every motor vehicle owned by a public or 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.

48. "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, wherein any children of the age of 16 years or less receive educational training and shall include public playgrounds.

49. "Scooter" shall mean a foot-operated vehicle consisting of a narrow footboard mounted between two wheels in tandem, with an upright steering handle attached to the front wheel.

50. "Semitrailer" shall include every 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, except that it shall not include a "house trailer" or "mobile home" as defined in subsection 59 of this section.

51. "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.

52. "Skateboard" shall mean a narrow board with approximately 1.5 feet to 3 feet in length mounted on lower-type wheels or tracks.

53. "Skyway" shall mean an enclosed aerial walkway connecting two buildings or adjoining skyways.

54. "Snowmobile" shall mean and include without limitation any vehicle or sled which is propelled and driven by pneumatic tires, continuous metal or rubber belting, or similar or other means, and used primarily upon snow or ice covered areas.

55. "Solid tire" shall include every tire made of rubber or other material other than a pneumatic tire.

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

57. "Stop", when required, shall mean complete cessation from movement.

58. "Stop" or "stopping", when prohibited, 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 traffic-control sign or signal.

59. "Street" or "highway" shall mean the entire width between the legal boundary lines of every way publicly maintained when any part thereof is open to the use of the public for the purposes of vehicular travel; including, but not limited to, fire lanes as designated in accordance with subsection (F) of § 9-0704 of the Fargo Municipal Code, all drives and parking lots on that portion of the campus of North Dakota State University which is located within the corporate limits of the city of Fargo, and all drives and parking lots located on property owned by the city of Fargo, the Fargo Public School District and the Fargo Park District.

60. "Suspension" shall mean 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.

61. "Through highway" shall mean every highway or portion thereof at the entrances to which vehicular traffic from intersecting highways is required by law to stop before entering or crossing the same when stop signs are erected, or to yield right-of-way when yield right-of-way signs are erected as provided in this chapter.

62. "Traffic" shall mean pedestrians, ridden or herded animals, vehicles, streetcars, and other conveyances, either singly or together, while using any street for purposes of travel.

63. "Traffic-control signal" shall mean any device, whether manually, electrically, or mechanically operated, by which traffic is alternately directed to stop and to proceed.

64. "Traffic division" shall mean the traffic division of the police department of this city.

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

66. "Truck" shall include every motor vehicle designed, used or maintained primarily for transportation of property.

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

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

69. "Alley" shall mean a public way less than 30 feet in width which affords only a secondary means of access to abutting property.

70. "Motorized scooter" shall mean a motorized scooter as defined in Fargo Municipal Code section 8-2001.

Source: 1119 (1962), 1965 Rev. Ord. 8-0101, 1750 (1976), 1780 (1977), 1824 (1977), 2102 (1983), 2283 (1986), 2371 (1987), 2519 (1990), 4457 (2005).

8-0102. 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 this city and all of the state vehicle laws applicable to street traffic in the city.
- 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.

Source: 1952 Rev. Ord. 1119 (1962).

8-0103. Creation and extension of through and one-way streets.--The board of city commissioners may, by resolution, create, extend, or discontinue through streets and one-way streets.

Source: 1952 Rev. Ord. 1119 (1962), 2340 (1987), 2421 (1988).

8-0104. Authority to place and maintain signs on one-way streets and alleys.--Whenever any one-way street or alley has been created by resolution of the board of city commissioners, appropriate signs shall be placed and maintained 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.

Source: 1952 Rev. Ord. 1119 (1962), 2340 (1987), 2421 (1988).

8-0105. One-way streets and alleys.--Upon those streets and alleys so marked and/or posted, vehicular traffic shall move only in the indicated direction when signs indicating the direction of traffic are erected and maintained at every intersection where movement in the opposite direction is prohibited. Within a trailer court, park or campground, vehicular traffic shall move only in the indicated direction as posted by the operator of said establishment.

Source: 1952 Rev. Ord. 1119 (1962), 1965 Rev. Ord. 8-0105, 1917 (1979), 2340 (1987).

8-0106. Authority to restrict direction of movement on streets during certain periods.--

- A. The traffic engineer is hereby authorized to determine and designate streets or parts of streets or specific lanes thereon upon which vehicular traffic shall proceed in one direction during one period and the opposite direction during another period of the day and shall place and maintain appropriate markings, signs, barriers, or other devices to give notice thereof. The traffic engineer may erect signs temporarily designating lanes to be used by traffic moving in a particular direction, regardless of the center line of the roadway.
- B. It shall be unlawful for any person to operate any vehicle in violation of such markings, signs, barriers, or other devices so placed in accordance with this

section.

Source: 1952 Rev. Ord. 1119 (1962), 2340 (1987).

8-0107. Through streets designated.--Repealed by Ord. No. 2340, effective June 1, 1987.

8-0108. Play streets--Authority to establish.--The traffic engineer 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 action by resolution.

Source: 1952 Rev. Ord. 1119 (1962), 2340 (1987).

8-0109. 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 said drivers shall exercise the greatest care in driving upon any such street or portion thereof.

Source: 1952 Rev. Ord. 1119 (1962).

8-0110. Required obedience to chapter and traffic ordinances.--It is a misdemeanor or infraction for any person to do any act forbidden or fail to perform any act required in this chapter and the traffic ordinances of the city.

Source: 1952 Rev. Ord. 1119 (1962), 2340 (1987), 2380 (1987).

8-0111. 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.

Source: 1952 Rev. Ord. 1119 (1962).

8-0112. Persons propelling pushcarts or riding animals to obey traffic regulations.--Every person propelling any pushcart or riding an animal upon a roadway, and every person driving any animal-drawn vehicle shall be subject to the provisions of this chapter applicable to the driver of any vehicle, except those provisions of this chapter which by their very nature can have no application.

Source: 1952 Rev. Ord. 1119 (1962).

8-0113. Use of coasters, roller skates, and similar devices restricted.--No person upon roller skates or in-line skates (sometimes called "roller blades"), or riding in or by means of any coaster, scooter, skateboard, toy vehicle, or similar device shall go upon any roadway, city-owned parking ramp, or any parking lot owned, managed or operated by the city of Fargo, or skyway within the city, upon any sidewalk in the central business district, or upon any other sidewalk or any other parking ramp in the city which is posted with signs prohibiting such devices. Provided, that any person may ride such devices on a roadway for purposes of crossing a roadway on a crosswalk, and when so crossing, such person shall be granted all of the rights and shall be subject to all the duties applicable to pedestrians.

Source: 1952 Rev. Ord. 1119 (1962), 2370 (1987), 2554 (1990), 2764 (1995), 4327 (2003).

8-0114. Public employees subject to provisions of chapter--Exceptions.--The provisions of this chapter shall apply to the driver of any vehicle owned by or used in the service of the United States Government, this state, 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 chapter subject to such exceptions as are set forth in this article. The provisions of this chapter shall not apply to persons, teams, motor vehicles or other equipment while actually engaged in work upon the surface of the highway but shall apply to such persons and vehicles while traveling to or from work.

Source: 1952 Rev. Ord. 1119 (1962).

8-0115. Class A authorized emergency vehicles.--

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

- B. The exceptions herein granted to a Class A authorized emergency vehicle shall apply only:
 - 1. When the authorized emergency vehicle is in pursuit of or apprehension of a violator or a suspected violator requiring the use of these exemptions;
 - 2. When the Class A authorized emergency vehicle is being operated in response to a reported emergency involving a possible personal injury, death, or damage to property, and when giving audible signal by siren or when giving adequate warning by use of a revolving or flashing red light or a revolving or flashing red light in combination with a revolving or flashing white and/or blue light, which is visible under normal atmospheric conditions for at least 500 feet;
 - 3. In any instance when the head of a law enforcement agency deems advisable within the area of his jurisdiction for the protection of person and property and when giving audible signal by siren or when giving adequate warning by use of a revolving or flashing red light or a revolving or flashing red light in combination which a revolving or flashing white and/or blue light, which is visible under normal atmospheric conditions for at least 500 feet.

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

- D. Vehicles operated as emergency fire apparatus owned or operated by a duly organized fire department while responding to an emergency may use revolving white or red lights.

Source: 1952 Rev. Ord. 1119 (1962), 2340 (1987), 3044 (1999).

8-0115.1. Class B authorized emergency vehicles.--

- A. The driver of Class B authorized emergency vehicles may:
 - 1. Park or stand, irrespective of the provisions of this chapter;

2. Exceed the speed limit so long as he does not endanger life or property during the time of a local or national disaster;
 3. Disregard regulations governing direction of movement or turning in specified directions.
- B. The exceptions herein granted to a Class B authorized emergency vehicle shall apply only when the authorized emergency vehicle is displaying an amber light visible under normal atmospheric conditions for a distance of 500 feet in any direction, and;
1. When it is necessary for the authorized emergency vehicle to use these exemptions for the immediate protection of life or property;
 2. When an authorized emergency vehicle is stopped on a highway for the purpose of performing a duty as required of him; or
 3. When traveling at a speed slower than the normal flow or traffic.

Source: 1952 Rev. Ord. 1119 (1962).

8-0115.2. Class C authorized emergency vehicles.--All Class B specifications shall apply except that a rotating blue flashing light shall be displayed.

Source: 1952 Rev. Ord. 1119 (1962).

8-0116. Duty of drivers on approach of authorized emergency vehicles.--

- A. Upon approach of an authorized emergency vehicle giving an audible signal by bell, siren, or exhaust whistle, or displaying a visible flashing red or white 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 street, 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. Any driver on a one-way street upon the approach of an authorized emergency vehicle giving a signal as described above shall immediately drive his vehicle to a position as near as possible and parallel to the left-hand or right-hand edge or curb of the street depending on which curb is nearest to him at the time he first observes said emergency vehicle. Center lanes on one-way streets shall be left clear and the driver should be clear of any intersection. The driver shall stop and remain in such position unless otherwise directed by a police or traffic officer until the emergency vehicle shall have passed.
- C. Whenever an emergency vehicle is parked or stopped at the scene of an emergency and is displaying a flashing red light, approaching traffic shall move to the right-hand edge or curb of the street and shall stop, but once having stopped, traffic may proceed past the scene at its own risk when the street is clear, except when otherwise directed by a police officer.
- D. 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 street.

Source: 1952 Rev. Ord. 1119 (1962), 2340 (1987).

8-0117. Tampering with or injuring motor vehicles.--No person shall tamper with or drive or operate a motor vehicle without the permission of the owner; and no person shall, without authority of the person in charge, climb upon or in any motor vehicle, whether the same is in motion or at rest; or shall hurl stones or other missiles at any motor vehicle or occupants thereof; or shall, while such motor vehicle is at rest and unattended, sound the horn or other signaling device; or attempt to manipulate any of the levers, starting crank, brakes, or machinery thereof; or set such motor vehicle in motion; or shall otherwise damage or interfere with any motor vehicle.

Source: 1952 Rev. Ord. 1119 (1962).

8-0118. Taking or removing motor vehicles without consent of owner.--Repealed by Ord. No. 2340, effective June 1, 1987.

8-0119. Renting motor vehicles--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 nonresident, 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 operator.

Source: 1952 Rev. Ord. 1119 (1962).

8-0120. Renting motor vehicles--License required of operator.--No person shall rent a motor vehicle to another until 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.

Source: 1952 Rev. Ord. 1119 (1962).

8-0121. Renting motor vehicles--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 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.

Source: 1952 Rev. Ord. 1119 (1962).

8-0122. Rights of owners of real property used for roadway to make provisions for use of property.--Nothing in this chapter shall be construed to prevent the owner of real property which is used by the public for the purposes of vehicular travel by permission of the owner and not as a matter right from prohibiting such use or from requiring other or different or additional conditions than those specified in this chapter or otherwise regulating such use as may seem best to such owner.

Source: 1952 Rev. Ord. 1119 (1962).

8-0123. Operation of motor vehicle, tractor, or other vehicle prohibited on flood protective works--Exception--Penalty.--Unless authorized by the authority in charge thereof, no person shall operate a motor vehicle, tractor, or other vehicle upon or across any flood protective works including, but not limited to, any dike or flood protective works constructed by a state or federal agency or by any municipality or local subdivision of the state. Any person violating the provisions of this section shall be liable to the city, municipality, or political subdivision suffering injury for the full amount of the damage sustained thereby and in addition shall be guilty of a misdemeanor.

Source: 1952 Rev. Ord. 1119 (1962).

8-0124. Driving on inclines or curves and under viaducts or bridges.--Repealed by Ord. No. 2340, effective June 1, 1987.

8-0125. Penalties for violation of chapter.—Repealed in its entirety.
Source: 4563 (2006).

8-0126. Removal of vehicles.--Motor vehicles found in violation of this chapter or in violation of any resolution passed pursuant thereto 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 cost and expenses of such removal and storage, together with any and all fines or penalties imposed for violation of this chapter, are paid; provided, however, that in the event the owner or person in possession of said motor vehicle disputes the validity of the impoundment, such person shall be entitled to a review if the person submits a written request to the Fargo police department within 15 days after the impoundment. The review shall be conducted by a person designated by the chief of police within five days of the request. The post-impoundment review shall not adjudicate or determine the validity of any citation or criminal charge which may have been issued with respect to the impounded vehicle.

Source: 1952 Rev. Ord. 1965, 2748 (1995).

8-0127. Application to fire lanes, North Dakota State University and property owned by local governmental units.--The provisions of this chapter shall apply with full force and effect in all fire lanes as designated in accordance with subsection (D) of § 9-0707 of the Revised Ordinances of 1965 of the city of Fargo, all drives and parking lots located on that portion of the campus of North Dakota State University which is located within the corporate limits of the city of Fargo, and all drives and parking lots owned by the city of Fargo, the Fargo Public School District and the Fargo Park District.

Source: 1965 Rev. Ord. 8-0127, 1750 (1976), 1780 (1977).

ARTICLE 8-02

TRAFFIC ADMINISTRATION

Section	
8-0201	Records of traffic violations.
8-0202	Traffic accident studies.
8-0203	Traffic accident reports.
8-0204	Drivers' files to be maintained.
8-0205	City traffic engineer.
8-0206	Emergency and experimental regulations.

8-0201. Records of traffic violations.--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 the total of each. Said record shall accumulate during at least a five-year period and from that time on, the record shall be maintained complete for at least the most recent five-year period.

Source: 1952 Rev. Ord. 1119 (1962), 2515 (1990).

8-0202. Traffic accident studies.--Whenever the accidents at any particular location become numerous, the traffic engineer shall conduct studies of such accidents and determine remedial measures.

Source: 1952 Rev. Ord. 1119 (1962), 2515 (1990).

8-0203. Traffic accident reports.--The police department shall maintain a suitable system of filing traffic accident reports. Accident reports or cards referring to them shall be filed numerically.

Source: 1952 Rev. Ord. 1119 (1962), 2381 (1987), 2515 (1990).

8-0204. Drivers' files to be maintained.--

- A. The police department shall maintain a suitable record of all traffic accidents, warnings, arrests, convictions, and complaints reported for each driver, which shall be filed alphabetically under the name of the driver concerned.
- B. The police department shall study the cases of all the drivers charged with frequent or serious violations of the traffic laws or involved in frequent or serious traffic accidents, and shall attempt to discover the reasons therefore, and shall take whatever steps are lawful and reasonable to prevent the same or to have the licenses of such persons suspended or revoked.
- C. Such records shall accumulate during at least a five-year period and from that time on, such records shall be maintained complete for at least the most recent five-year period.

Source: 1952 Rev. Ord. 1119 (1962), 2515 (1990).

8-0205. City traffic engineer.--

- A. The office of city traffic engineer is hereby established. The head of the traffic division shall serve as city traffic engineer in addition to his other functions and shall exercise the powers and duties with respect to traffic as

provided in this chapter and the traffic ordinances of this city.

- B. It shall be the general duty of the traffic engineer to determine the installation and proper timing and maintenance of traffic-control devices, to conduct engineering analyses of traffic accidents and to devise remedial measures, to conduct engineering investigation of traffic conditions, to plan the operation of traffic on the streets and highways of this city, to cooperate with other city officials in the development of ways and means to improve traffic conditions, and to carry out the additional powers and duties imposed by ordinances of this city.

Source: 1952 Rev. Ord. 1119 (1962), 2515 (1990).

8-0206. Emergency and experimental regulations.--

- A. The chief of police and/or the traffic engineer are hereby empowered to make regulations necessary to make effective the 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 90 days.
- B. The police department and/or traffic engineer may test traffic-control devices under actual conditions of traffic.

Source: 1952 Rev. Ord. 1119 (1962), 2515 (1990).

ARTICLE 8-03

REGULATIONS GOVERNING OPERATORS

Section	
8-0301	Control of vehicle--Careful driving.
8-0302	School zones--Designation--Driving with care.
8-0303	Operation of motor vehicles by certain minors forbidden.
8-0304	Registration card to be carried in the driver's compartment--Inspection of card.
8-0305	Current license and registration required--Impoundment for violation.
8-0306	Restrictions imposed on license--Violation prohibited.
8-0307	Unlawful use of license.
8-0308	Reproducing operator's or driver's license or permit.
8-0309	Driving while license suspended or revoked--Impoundment of license plates.
8-0310	Persons under the influence of intoxicating liquor or controlled substances not to operate vehicle--Declaring what constitutes being under the influence of intoxicating liquor--Impoundment of license plates.
8-0311	Unlawful to have opened receptacle containing beer, alcohol, or alcoholic beverages in motor vehicles, truck, or bus.
8-0312	Person conveying passengers not to engage drivers addicted to intoxicants.
8-0313	Careless driving.
8-0314	Reckless driving.
8-0315	Registration number as prima facie evidence of operation of vehicle.
8-0316	Unlawful to permit unauthorized persons to drive.

- 8-0317 Racing and exhibition driving on streets, alleys and public ways.
- 8-0318 Operation of motor vehicles on bicycle trails prohibited.
- 8-0319 Operation of motor vehicles in park or playground.
- 8-0320 Driving without liability insurance prohibited.

8-0301. Control of vehicle--Careful driving.--The driver or person in charge of a vehicle shall at all times have the vehicle under control. All vehicles shall be driven in a careful manner and with due regard to the safety and convenience of pedestrians and all other vehicles.

Source: 1952 Rev. Ord. 1119 (1962).

8-0302. School zones--Designation--Driving with care.--The traffic engineer shall designate and sign school zones. Any person who drives any vehicle upon any public street or alley shall, before entering any school zone and while traversing the same, have such vehicle under perfect control and shall operate such vehicle with due caution and circumspection and at a speed and in a manner so as not to endanger or be likely to endanger any person or property and in accordance with any speed restriction sign which is posted.

Source: 1952 Rev. Ord. 1119 (1962), 2341 (1987), 2515 (1990).

8-0303. Operation of motor vehicles by certain minors forbidden.--

- A. The driving or operation of motor vehicles, including automobiles, motorcycles, motor-driven cycles, taxicabs, trucks or other commercial vehicles and delivery cars, within the city limits of the city of Fargo by any person under the age of 16 years is prohibited, except that persons under the age of 16 years shall be permitted to operate an automobile upon compliance with North Dakota Century Code 39-06-17.
- B. A parent or guardian who allows or permits a minor under the age of 16 years to drive or operate a motor vehicle within the city limits of Fargo unless said minor shall be qualified under North Dakota law as aforesaid, shall be guilty of an infraction.
- C. Any owner or other person having charge of, or having within his control or supervision, a motor vehicle who knowingly allows or permits such motor vehicle to be driven or operated within the city by a minor under the age of 16 shall be guilty of an infraction and shall be deemed to have violated the provisions of this section.
- D. Upon compliance with North Dakota law, a minor 14 years of age and less than 16 years of age may operate an automobile when said minor is in a dual-control car with a licensed driver instructor seated alongside during driver instruction lessons, as part of a driver-education program; also such a minor may operate a motor vehicle while, and only during the time, he is being given a state driver's examination and while the examiner is seated alongside the said minor.

Source: 1952 Rev Ord. 1119 (1962), 1965 Rev. Ord. 8-0303, 1546 (1973), 2374 (1987).

8-0304. Registration card to be carried in the driver's compartment--Inspection of card.--The registration card issued for a vehicle shall be carried in the driver's compartment of 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.

Source: 1952 Rev. Ord. 1119 (1962).

8-0305. Current license and registration required-- Impoundment for violation. --

- A. It shall be unlawful for any person to commit any of the following acts:
1. To operate, drive or park or the owner thereof knowingly to permit anyone to operate, drive or park, upon the streets of the city of Fargo, any motor vehicle which is required to be registered pursuant to chapter 39-04, N.D.C.C., and which registration has been cancelled or revoked, or which is not registered.
 2. To display or permit to be displayed, or to have in possession, any registration card or registration number plate knowing the same to be fictitious or to have been cancelled, revoked, suspended, or altered.
 3. To lend any registration number plate or registration card 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. A vehicle not displaying the current license as required herein may be impounded in accordance with § 8-0126 of this chapter.
 4. To operate, drive or park or the owner thereof knowingly to permit anyone to operate, drive or park, upon the streets of the city of Fargo, any motor vehicle which does not have attached thereto and displayed thereon a number plate, plates or validation tags assigned thereto by the North Dakota registrar for the current registration year, subject to the exemptions permitted in chapter 39-04, N.D.C.C.
- B. It shall be unlawful to operate or drive a vehicle upon the streets of the city of Fargo unless the operator thereof has a valid operator's license or permit as required by law; and unless such operator shall have his operator's license or permit in the immediate possession at all times when operating a motor vehicle and shall display the same, upon demand of any peace officer or the municipal court. However, no person charged with violating this section shall be convicted or assessed any court costs if he produces in court, to the chief of police or in the office of the arresting officer an operator's license or permit theretofore issued to him and valid and not under suspension, revocation, or cancellation at the time of his arrest.

Source: 1952 Rev. Ord. 1119 (1962), 1965 Rev. Ord. 8-0305, 1660 (1975), 2048 (1982), 2341 (1987), 2690 (1994).

8-0306. Restrictions imposed on license--Violation prohibited.--No person shall operate a vehicle in any manner in violation of the restrictions imposed in a restricted license issued to him.

Source: 1952 Rev. Ord. 1119 (1962), 2515 (1990).

8-0307. Unlawful use of license.--It shall be unlawful for any person:

- A. To display or cause or permit to be displayed or have in his possession any cancelled, revoked, suspended, fictitious, or fraudulently altered operator's or chauffeur's license;
- B. To lend his operator's or chauffeur's license to any other person or knowingly permit the use thereof by another;
- C. To display or represent as one's own any operator's or chauffeur's license not issued to him;
- D. 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 cancelled;
- E. To permit any unlawful use of an operator's or chauffeur's license issued to him.

Source: 1952 Rev. Ord. 1119 (1962), 2515 (1990).

8-0308. Reproducing operator's or driver's license or permit.--

- A. It shall be unlawful for any person to print, photograph, photostat, duplicate or in any way reproduce any operator's or driver's license or permit or facsimile thereof in such a manner that it would be mistaken for a valid license, or to display or have in his possession any such printed, photograph, photostat, duplicate, reproduction or facsimile unless authorized by the provisions of the North Dakota law.
- B. It shall also be unlawful for any person to alter in any manner any operator's or driver's license or permit, or to display or have in his possession any altered operator's or driver's license or permit.
- C. Every person, firm or corporation violating this section shall, upon conviction thereof, be punished by a fine not to exceed \$1,000, or by imprisonment not to exceed 30 days, or by both such fine and imprisonment, in the discretion of the court; the court to have power to suspend said sentence and to revoke the suspension thereof.

Source: 1965 Rev. Ord. 8-0308.1, 1378 (1970), 2515 (1990), 3010 (1999), 3045 (1999).

8-0309. Driving while license suspended or revoked--Impoundment of license plates.--It shall be unlawful for any person to drive a vehicle on any public way, street, alley or other public way within the city, at a time when his privilege to do so is suspended or revoked in any jurisdiction.

If the suspension or revocation was imposed for violation of § 39-08-01 of the North Dakota Century Code or equivalent statute or ordinance or was governed by § 39-06-31 or chapter 39-20 of the North Dakota Century Code, the sentence must be at least four consecutive days' imprisonment and such fine as the court deems proper. Upon conviction for violation of this ordinance, the court may, in addition to the imposition of the penalty, order the motor vehicle number plates of the motor vehicle owned by the offender at the time of the offense to be impounded by the chief law enforcement officer of the city for the duration of the period of suspension of the offender's driver's license or driving privileges by the licensing authority. The impounded motor vehicle number plates may be released, upon the order of the court, to a bona fide purchaser of the offender's motor vehicle, if that purchaser produces a new certificate of title issued by the registrar of motor vehicles.

Source: 1952 Rev. Ord. 1119 (1962), 1965 Rev. Ord. 8-0309, 1379 (1970), 1651 (1975), 2049 (1982), 2606 (1992), 2820 (1997).

8-0310. Persons under the influence of intoxicating liquor or controlled substances not to operate vehicle--Declaring what constitutes being under the influence of intoxicating liquor--

Impoundment of license plates.--No person shall drive, or be in actual physical control of, any vehicle upon any street, highway, public or private parking lot, or other public or private property in this city if said person is under the influence of intoxicating liquor or controlled substances. Being under the influence of intoxicating liquor or controlled substances shall be as defined by chapter 39-08 of the North Dakota Century Code including any amendments hereafter adopted. All other relevant and applicable statutes of the state of North Dakota relating to driving under the influence of intoxicating liquor or controlled substances are also incorporated herein by reference and made a part hereof.

Source: 1952 Rev. Ord. 1119 (1962), 1198 (1965), 1965 Rev. Ord. 8-0310, 1855 (1978), 2050 (1982), 2103 (1983), 2341 (1987).

8-0311. Unlawful to have opened receptacle containing beer, alcohol, or alcoholic beverages in motor vehicles, truck, or bus.--Except as provided in § 39-0818 of the North Dakota Century Code, no person shall drink or consume beer, alcohol, or alcoholic beverages, as defined by state law, in a motor vehicle, truck or other commercial vehicle, or bus or keep in a motor vehicle, truck or other commercial vehicle, or bus any bottle or receptacle containing beer, alcohol, or alcoholic beverages, as defined by state law, which has been opened or the contents of which have been partially consumed.

Source: 1952 Rev. Ord. 1119 (1962), 2515 (1990), 2637 (1993).

8-0312. Person conveying passengers not to engage drivers addicted to intoxicants.--No person owning or having the direction or control of any vehicle for the conveyance of passengers in this city shall employ or continue in his employment as a driver of such vehicle any person who is addicted to drunkenness or to the excessive use of intoxicating liquors.

Source: 1952 Rev. Ord. 1119 (1962).

8-0313. 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.

Source: 1952 Rev. Ord. 1119 (1962), 1198 (1965), 4552 (2006).

8-0314. Reckless driving.--Any person who drives any vehicle upon a street, highway, public or private parking lot, or other public or private property in this city carelessly and heedlessly in willful or wanton disregard of the rights or safety of any person or property, or 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 property shall be guilty of reckless driving.

Source: 1952 Rev. Ord. 1119 (1962), 1198 (1965).

8-0315. Registration number as prima facie evidence of operation of vehicle.--In any proceeding for a violation of the provisions of this chapter or any local ordinance, rule, or regulation,

the registration plate displayed on the vehicle shall be prima facie evidence that the owner of such vehicle was then operating the same. If in any hearing or proceeding the owner shall testify under oath or affirmation that he was not operating the vehicle at the time of the alleged violation of this chapter or any local ordinance, rule, or regulation, and shall submit himself to an examination as to who at that time was operating such vehicle, 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.

Source: 1952 Rev. Ord. 1119 (1962).

8-0316. Unlawful to permit unauthorized persons to drive.--No person shall authorize or knowingly permit a vehicle owned by him or under his control to be driven upon any property, parking lot, street, or highway by any person who is not authorized under this chapter or any other city ordinance, or to be driven in violation of any provision of this chapter or of any city ordinance.

Source: 1952 Rev. Ord. 1185 (1964).

8-0317. Racing and exhibition driving on streets, alleys and public ways.--

- A. No person shall engage in exhibition driving of any vehicle on a highway, street, alley, sidewalk, public way, or any public or private parking lot or area within the city of Fargo, nor shall any person engage in a speed competition, race, drag race, acceleration contest, test of physical endurance, or exhibition of speed or acceleration on any highway, street, alley, sidewalk, public way, or any public or private parking lot or area within the city of Fargo, nor shall any person in any manner participate in any such race, drag race, competition, contest, or exhibition.
- B. The following definitions shall apply to the interpretation and enforcement of this ordinance:
 - 1. "Drag race" means the operation of two or more vehicles from a point side by side at accelerating speeds in a competitive attempt to outdistance each other; or the operation of one or more vehicles over a common selected course, from the same to the same point, for the purpose of comparing the relative speeds or powers of acceleration of such vehicle or vehicles within a certain distance or time limit.
 - 2. "Exhibition driving" means driving a vehicle in such a manner that it creates or causes unnecessary engine noise, tire squeal, skid or slide upon acceleration, braking or stopping; or that causes the vehicle to unnecessarily turn abruptly or sway; 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 person or persons driving the vehicles over a

long distance driving route.

- C. Nothing in this ordinance shall be construed as prohibiting drag racing, exhibition driving, racing 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: 1965 Rev. Ord. 8-0317, 1653 (1975).

8-0318. Operation of motor vehicles on bicycle trails prohibited.--No person shall operate any motor vehicle on any of the bicycle trails which are so designated and marked by the Park District of the city of Fargo. This ordinance shall not apply to police vehicles or maintenance vehicles while on official duties.

Source: 1965 Rev. Ord. 8-0319, 1640 (1975), 2515 (1990).

8-0319. Operation of motor vehicles in park or playground.--No person shall operate any motor vehicle in any area of a park or playground except a maintained and designated street or parking area. This ordinance shall not apply to police vehicles or maintenance vehicles while on official duties.

Source: 1965 Rev. Ord. 8-0320, 1640 (1975), 2515 (1990).

8-0320. Driving without liability insurance prohibited.--No person shall drive, or the owner may not cause or knowingly permit to be driven, a motor vehicle in this city 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 such motor vehicle in the amount required by chapter 39-16.1, N.D.C.C. Upon being stopped by a law enforcement officer for the purpose of enforcing or investigating the possible violation of an ordinance or state law or during the investigation of an accident, the person driving the motor vehicle shall provide to the officer upon request satisfactory evidence of the policy required under this section. If unable to comply with the request, that person may be charged with a violation of this section. If that person produces a valid policy of liability insurance in effect at the time of violation of this section to the officer, officer's agency, or a court, that person may not be convicted or assessed any court costs for violation of this section. Violation of this section is a Class B misdemeanor and the sentence imposed must include a fine of at least \$150 which may not be suspended. A person convicted for a second or subsequent violation of driving without liability insurance within a three-year period must be fined at least \$300 which may not be suspended. For a second or subsequent conviction for a violation of driving without liability insurance, the court shall impound the motor vehicle number plates of the motor vehicle owned and operated by the person at the time of the violation until that person provides proof of insurance and a twenty dollar fee to the department. 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 department. A person who does not provide the number plates to the court at the appropriate time is guilty of a class B misdemeanor.

Source: 2047 (1982), 2515 (1990), 2742 (1995), 2815 (1997), 4635 (2008).

ARTICLE 8-04

TRAFFIC-CONTROL DEVICES

Section	
8-0401	Authority to install traffic-control devices.
8-0402	Manual and specifications for traffic-control devices.
8-0403	Obedience to official traffic-control devices.
8-0404	When traffic signs required for enforcement purposes.
8-0405	Traffic-control signals legend.
8-0406	Pedestrian-control signals.
8-0407	Flashing signals.
8-0408	Traffic engineer designates crosswalks and establishes every safety zone and traffic lane.
8-0409	Traffic engineer to establish and designate public carrier stops and stands.
8-0410	Intersections where stop or yield is required.
8-0411	Interference with official traffic-control signs or devices or railroad signs or signals.
8-0412	Display of unauthorized signs, signals, or markings.

8-0401. Authority to install traffic-control devices.--

- A. The traffic engineer and/or police department shall place and maintain traffic-control signs, signals, and devices when and as required under the traffic ordinances of this city to make effective the provisions of said ordinances, and may place and maintain such additional traffic-control devices as may be necessary to regulate traffic or to guide or warn traffic under the traffic ordinances of this city or under state law.
- B. The traffic engineer and/or police department is 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.

Source: 1952 Rev. Ord. 1119 (1962), 2515 (1990).

8-0402. Manual and specifications for traffic-control devices.--All traffic-control signs, signals, and devices shall conform to the manual and specifications approved by resolution of the board of city commissioners. All signs and signals required hereunder for 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 chapter shall be official traffic-control devices. Notwithstanding the foregoing provisions or any other provisions of state law or city ordinance governing traffic-control signs, signals or devices, the use within the city of Fargo of such fold-down school stop signs as have been utilized heretofore, shall be lawful and such stop signs shall be deemed official traffic-control devices.

Sources: 1965 Rev. Ord. 8-0402, 1451 (1972).

8-0403. Obedience to official traffic-control devices.--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 or unless subject to

the exceptions granted the driver of an authorized emergency vehicle in this chapter.

Source: 1952 Rev. Ord. 1119 (1962).

8-0404. When traffic signs required for enforcement purposes.--No provision of this chapter or other city ordinance requiring the installation of traffic signs shall be enforced against an alleged violator if at the time and place of the alleged violation an official sign is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular section does not state that signs are required, such section shall be effective even though no signs are erected or in place.

Source: 1952 Rev. Ord. 1119 (1962).

8-0405. Traffic-control signals 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:

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 intersection or an adjacent crosswalk at the time such signal is 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 N.D.C.C. § 39-10-06, pedestrians facing any green signal, except when the sole green signal is a turn arrow, may proceed across the roadway within any marked or unmarked crosswalk.

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 may not enter the intersection.
2. Pedestrians facing a steady yellow signal, unless otherwise directed by a pedestrian-control signal as provided for in N.D.C.C. § 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.

- 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 subdivision 2.
 - 2. Except when a sign is in a place prohibiting a turn, vehicular traffic facing a steady red signal may cautiously enter the intersection to turn right, or to turn left from a one-way street into a one-way street, after stopping as required by subdivision 1. 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 N.D.C.C. § 39-10-06, pedestrians facing a steady red signal alone may not enter the roadway.
- D. 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: 1952 Rev. Ord. 1119 (1962), 1965 Rev. Ord. 8-0405, 1315 (1969), 1498 (1973), 2739 (1995).

8-0406. Pedestrian-control signals.--Whenever special pedestrian-control signals exhibiting the words "Walk" or "Don't Walk" are in place, such signals shall indicate as follows:

- 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. "Wait" or "Don't Walk". No pedestrian shall start to cross the roadway in the direction of such signal, but any pedestrian who has partially completed his crossing on the walk signal shall proceed to a sidewalk or safety zone while the wait signal is showing.

Source: 1952 Rev. Ord. 1119 (1962).

8-0407. Flashing signals.--

- A. Whenever an illuminated flashing red or yellow signal is used in a traffic sign or signal 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 before entering the nearest crosswalk at an intersection or at a limit line when marked, or if none, then before entering the intersection, and the right to proceed shall be subject to the

rules applicable after making a stop at a stop sign.

2. Flashing yellow (caution). 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 as stated elsewhere in this chapter.

Source: 1952 Rev. Ord. 1119 (1962).

8-0408. Traffic engineer designates crosswalks and establishes every safety zone and traffic lane.--The traffic engineer is hereby authorized:

- A. To designate and maintain, by appropriate devices, marks, or lines upon the surface of the roadway, crosswalks at the intersections where in their opinion there is particular danger to pedestrians crossing the roadway, and at such other places as may be necessary;
- B. To establish safety zones of such kind and character and at such places as may be necessary for the protection of pedestrians;
- C. To 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.

Source: 1952 Rev. Ord. 1119 (1962), 2515 (1990).

8-0409. Traffic engineer to establish and designate public carrier stops and stands.--The traffic engineer 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 streets in such places and in such number so as to be of the greatest benefit and convenience to the public, and every such bus stop, bus stand, taxicab stand, or other stand shall be designated by appropriate signs.

Source: 1952 Rev. Ord. 1119 (1962), 2515 (1990).

8-0410. Intersections where stop or yield is required.--The traffic engineer is hereby authorized to determine and designate intersections at other than through streets where particular hazard exists and to determine:

- A. Whether vehicles shall stop at one or more entrances to any such intersections, in which event it shall cause a stop sign to be erected at every such place where a stop is required subject to the approval of the board of city commissioners.
- B. Whether vehicles shall yield the 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.

Source: 1952 Rev. Ord. 1119 (1962), 2515 (1990).

8-0411. Interference with official traffic-control signs or devices or railroad signs or signals.--No person shall, without lawful authority, alter or attempt to alter, paste stickers on, deface, injure, knock down, or remove any official traffic-control sign or device or any railroad sign or signal, or any inscription, shield, or insignia thereon, or any other part thereof.

Source: 1952 Rev. Ord. 1119 (1962).

8-0412. Display of unauthorized signs, signals, or markings.--

- A. No person shall place, maintain, or display upon or in view of any highway an 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 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.
- B. No person shall place or maintain, nor shall any public authority permit, upon any street or highway any sign or signal bearing thereon any commercial or political advertising.
- C. This section shall not be deemed to prohibit the erection upon private property adjacent to highways of signs giving useful directional information and of a type that cannot be mistaken for official signs; provided, that said signs and installations are approved by the police department.
- D. All signs other than official signs, signals, and markings are hereby declared to be a public nuisance and the police department is hereby empowered to remove such signs or cause them to be removed without notice. Subject to the following exceptions, those signs already in place at the time of passage of this ordinance shall be permitted to remain, but there shall be no maintenance or repair of these signs on the part of the persons originally given permission for said installation. When, in the opinion of the police department, the general appearance of any such sign has deteriorated sufficiently or any safety factor makes it necessary to remove said sign, then the police department is empowered to declare the sign a public nuisance and order its removal.

Source: 1952 Rev. Ord. 1119 (1962).

ARTICLE 8-05

SPEED REGULATIONS

Section	
8-0501	Speed--Care required.
8-0502	Speed limitations.
8-0503	Speed limitations--Emergency vehicles exempt--Liability of exempt driver for reckless driving.
8-0504	Increase or decrease of speed limits.
8-0505	Special speed limitation on bridge.

- 8-0506 Impeding traffic.
- 8-0507 Radar evidence in speed violations.

8-0501. Speed--Care required.--Any person driving a vehicle on a highway shall drive the same at a careful and prudent speed not greater than is reasonable and proper, having due regard to the traffic, surface, and width of the highway and of any other conditions that exist. No persons shall drive any vehicle upon a highway at a speed to endanger life, limb, or property of any person.

Source: 1952 Rev. Ord. 1119 (1962).

8-0502. Speed limitations.--Subject to the provisions of § 8-0501 and except in instances where a lower speed is specified in this chapter 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:

- A. Twenty-five miles per hour on all streets and avenues of this city except that on through streets and avenues, on the basis of engineering and traffic investigations and where signs are in place giving notice thereof, it shall be prima facie lawful to drive at the speed therein posted;
- B. Twenty miles an hour when passing a school; regular school hours when children are present, or when traveling through a designated school zone when a flashing beacon or other device indicates that reduced speed is required.
- C. Twenty 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 100 feet along such street in the direction in which he is proceeding;
- D. Fifteen miles per hour in all park areas including River Drive when properly posted with 15 miles per hour signs;
- E. Twenty miles per hour when passing any public playground, swimming pool, or other similar recreational area during the hours when said facility is in use;
- F. Speeds within trailer courts, mobile home parks, or campgrounds, shall be as posted by the operators of such establishments.
- G. Fifteen miles per hour in all alleys of this city except as may be otherwise posted.
- H. Twenty-five miles per hour in any road construction zone within the city when road construction workers are present, unless otherwise directed by the placement and/or posting of appropriate signs.

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

Source: 1952 Rev. Ord. 1119 (1962), 1965 Rev. Ord. 8-0502, 1639 (1975), 1917 (1979), 4076 (2000), 4455 (2005).

8-0503. Speed limitations--Emergency vehicles exempt--Liability of exempt driver for reckless driving.--The speed limitations provided for in this ordinance shall not apply to:

- A. Vehicles when operated with due regard for safety under the direction of the police in the chase or apprehension of violators of the law or of persons charged with or suspected of any such violation;
- B. Fire department or fire patrol vehicles when traveling in response to a fire

alarm; or

- C. Public or private ambulances when traveling in emergencies. The exemptions 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.

Source: 1952 Rev. Ord. 1119 (1962).

8-0504. Increase or decrease of speed limits.--The traffic engineer, subject to the approval of the board of city commissioners, may increase or decrease the speed limits as set by § 8-0502 above, providing signs giving notice of such changes are properly placed and maintained.

Source: 1952 Rev. Ord. 1119 (1962), 2515 (1990).

8-0505. Special speed limitation on bridge.--No person shall drive upon any public bridge, causeway, or viaduct at a speed which is greater than the maximum speed which can with safety to such structure be maintained thereon, when such structure is properly sign-posted.

Source: 1952 Rev. Ord. 1119 (1962).

8-0506. Impeding traffic.--Except when necessary for safe operation or to comply with some other provision of this ordinance, no person shall drive a motor vehicle at a rate of speed so slow or in such a manner as to block or impede the normal and reasonable flow of traffic.

Source: 1952 Rev. Ord. 1119 (1962).

8-0507. Radar evidence in speed violations.--The speed of any motor vehicle may be checked by the use of radio microwaves or other electrical device. The results of such checks shall be accepted as prima facie evidence of the speed of such motor vehicle in any court or legal proceeding 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 that 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 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.

Source: 1952 Rev. Ord. 1119 (1962).

ARTICLE 8-06

TURNING MOVEMENTS

Section

- 8-0601 Required position and method of turning at intersection.
- 8-0602 Starting, stopping, or turning movements and required signals.
- 8-0603 Vehicle turning left at intersection.
- 8-0604 Authority to place restricted turn signs.
- 8-0605 Obedience to no-turn signs.
- 8-0606 Limitations on turning around.
- 8-0607 Turning on curve or crest of grade prohibited.

8-0608 Emerging from alley, driveway, or building--Right-of-way.
8-0609 Authority to place, and obedience to, turning markers.

8-0601. Required position and method of turning at intersection.--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 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.
- 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 shall make the left turn 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.

Source: 1952 Rev. Ord. 1119 (1962).

8-0602. Starting, stopping, or turning movements and required signals.--

- A. Before starting, stopping, or turning a vehicle from a direct line, the driver shall first see that such movement can be made in safety, and if any pedestrian is affected by such movement, the driver shall be governed by provisions of article 8-07 of this chapter; and whenever the operation of any other vehicle is affected by such movement, he shall give a signal plainly visible to the driver of such other vehicle of his intention to make such movement.
- B. A signal of intention to turn right or left when required shall be given continuously during not less than the last 100 feet traveled by the vehicle before turning. The signal may be given either by an approved mechanical or electrical signal device or by means of hand and arm as follows: Whenever the signal is given by means of hand and arm, the driver shall indicate his intention to make a left turn by extending the hand and arm horizontally, a right turn by extending the forearm and hand upward, and a stop by extending the arm outward and down; in each case the signal shall be made from and beyond the left side of the vehicle.
- C. No person shall stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal in the manner provided herein to the driver of any vehicle immediately to the rear when there is opportunity to give such signal.

Source: 1952 Rev. Ord. 1119 (1962).

8-0603. Vehicle turning left at intersection.--The driver of a vehicle within an intersection who intends to turn to the left shall yield the right-of-way to any vehicle which is approaching from the opposite direction and 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.

Source: 1952 Rev. Ord. 1119 (1962).

8-0604. Authority to place restricted turn.--The traffic engineer is hereby authorized to determine those intersections at which drivers of vehicles shall not make right, left, or U-turns and 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 the prohibiting signs may be removed when such turns are permitted.

Source: 1952 Rev. Ord. 1119 (1962), 2515 (1990).

8-0605. 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 the direction of any such sign.

Source: 1952 Rev. Ord. 1119 (1962).

8-0606. Limitations on turning around.--

- A. Unless otherwise allowed or directed by signs placed by the traffic engineer allowing such movement, no vehicle shall be turned around or the direction thereof reversed upon any street or intersection in the business district and the driver shall not at any other intersection so turn a vehicle unless such movement can be made in safety and without interfering with other traffic.
- B. Unless otherwise allowed or directed by signs placed by the traffic engineer allowing such movement, no U-turn shall be made at any mid-block location or at any signalized intersection in the city. The police department may, by means of signs, forbid U turns at any street intersection in the city.

Source: 1952 Rev. Ord. 1119 (1962), 2736 (1995).

8-0607. Turning on curve or crest of grade prohibited.--No vehicle shall be turned so as to proceed in the opposite direction upon any curve or upon the approach to, or near the crest of, a grade where such vehicle cannot be seen by the driver of any other vehicle approaching from either direction within 500 feet.

Source: 1952 Rev. Ord. 1119 (1962).

8-0608. Emerging from or entering alley, driveway, or building--Right-of-way. --

- A. The driver of a vehicle emerging from an alley, driveway, or building shall stop such vehicle immediately prior to driving onto a sidewalk or onto the sidewalk area extending across any alleyway or driveway, and shall yield the right-of-way to any pedestrian as may be necessary to avoid collision, and upon entering the roadway shall yield the right-of-way to all vehicles approaching on said roadway.
- B. The driver of a vehicle who intends to turn into or emerge from any driveway

shall yield the right-of-way to any pedestrian on the sidewalk area extending across the driveway and the pedestrian shall immediately vacate said area and allow the motor vehicle to pass; provided, that no pedestrian shall enter said sidewalk area extending across any alleyway or driveway if a motor vehicle is turning into or approaching said alleyway or driveway.

Source: 1952 Rev. Ord. 1119 (1962), 2170 (1984), 3009 (1999).

8-0609. Authority to place, and obedience to, turning markers.--The traffic engineer may cause markers, buttons, or signs to be placed within or adjacent to intersections and thereby require and direct that a different course from that specified in this article be traveled by vehicles turning at an intersection, and when markers, buttons, or signs are so placed, no driver shall turn a vehicle at an intersection other than as directed and required by such markers, buttons, or signs.

Source: 1952 Rev. Ord. 1119 (1962), 2515 (1990).

ARTICLE 8-07

PEDESTRIANS' RIGHTS AND DUTIES

Section

8-0701	Pedestrians subject to traffic-control signals.
8-0702	Right-of-way of pedestrians at regulated intersection.
8-0703	Right-of-way of pedestrians when intersection is not regulated.
8-0704	Pedestrians to use right half of crosswalks.
8-0705	Blind person's right-of-way.
8-0706	When pedestrian shall yield right-of-way.
8-0707	Prohibited crossing.
8-0708	Obedience of pedestrians to railroad signals.
8-0709	Pedestrians traveling along roadways.
8-0710	Pedestrians soliciting rides or business.
8-0711	Blocking passage of pedestrians.
8-0712	Pedestrians not to obstruct traffic.
8-0713	Right to cross streets safely--Interference with vehicles.
8-0714	Playing on streets prohibited.
8-0715	Drivers to exercise due care.

8-0701. Pedestrians subject to traffic-control signals.--Pedestrians shall be subject to traffic-control signals as heretofore declared in §§ 8-0405 and 8-0406 of this chapter, but at all other places pedestrians shall have the rights and be subject to the restrictions stated in this article.

Source: 1952 Rev. Ord. 1119 (1962).

8-0702. Right-of-way of pedestrians at regulated intersection.--No vehicle shall enter a crosswalk where traffic is regulated by a traffic 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 vehicle, 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.

Source: 1952 Rev. Ord. 1119 (1962).

8-0703. Right-of-way of pedestrians when intersection is not regulated.--

- A. 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 the 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.
- B. 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.
- C. 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.

Source: 1952 Rev. Ord. 1119 (1962).

8-0704. Pedestrians to use right half of crosswalks.--Pedestrians shall move, whenever practicable, upon the right half of crosswalks.

Source: 1952 Rev. Ord. 1119 (1962).

8-0705. Blind person's right-of-way.--Blind pedestrians, when carrying a white cane or stick held out horizontally in the direction they desire to travel over any crosswalks on any street, avenue, alley, or other public highway in the city, shall have the right-of-way over all other pedestrians and vehicles except police and fire apparatus, 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 or operator of a motor-driven vehicle or a pedestrian who is not blind who approaches or comes in contact with a blind person upon the streets of the city or with any blind person carrying a white cane or stick shall, if conditions of traffic or safety of the blind person shall require, immediately stop and take such precaution, before proceeding, as may be necessary to avoid accident or injury to 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 partially blind so as to require mechanical, human, or other aid in the use of the streets of the city.

Source: 1952 Rev. Ord. 1119 (1962).

8-0706. When pedestrian shall yield right-of-way.--Every pedestrian crossing a roadway at any point other than within a marked crosswalk at an intersection shall yield the right-of-way to all vehicles upon the roadway.

Source: 1952 Rev. Ord. 1119 (1962).

8-0707. Prohibited crossing.--

- A. Between adjacent intersections at which traffic-control signals are in operation, pedestrians shall not cross at any place except on a crosswalk.

- B. No pedestrian shall cross a roadway other than on a crosswalk in any business district in the city.

Source: 1952 Rev. Ord. 1119 (1962).

8-0708. Obedience of pedestrians to railroad signals.--No pedestrians shall pass through, around, over, or under any gate or barrier at a railroad grade crossing or bridge while such gate or barrier is closed or being opened or closed.

Source: 1952 Rev. Ord. 1119 (1962).

8-0709. Pedestrians traveling along roadways.--

- A. Where sidewalks are provided it shall be unlawful for any pedestrian to walk, or otherwise travel, along and upon an adjacent roadway.
- B. Where sidewalks are not provided, any pedestrian walking or otherwise traveling along and upon a highway shall, when practicable, walk only on the left side of the roadway or its shoulder facing traffic which may approach from the opposite direction.

Source: 1952 Rev. Ord. 1119 (1962), 4456 (2005).

8-0710. Pedestrians soliciting rides or business.--

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

Source: 1952 Rev. Ord. 1119 (1962).

8-0711. Blocking passage of pedestrians.--Vehicles shall not stop on a crosswalk so as to interfere with the passage of pedestrians.

Source: 1952 Rev. Ord. 1119 (1962).

8-0712. Pedestrians not to obstruct traffic.--Three or more persons shall not stand together or near each other in any street or any footpath, sidewalk, or alley in the city, so as to obstruct the free passage of pedestrians or vehicles; and any person or persons so standing shall move on immediately and cease to obstruct said places after being requested so to do by the chief of police or any police officer of the city.

Source: 1952 Rev. Ord. 1119 (1962).

8-0713. Right to cross streets safely--Interference with vehicles.--The roadbeds of streets are intended primarily 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. Pedestrians when crossing a street shall not carelessly or maliciously interfere with the passing of vehicles.

Source: 1952 Rev. Ord. 1119 (1962).

8-0714. Playing on streets prohibited.--No person shall play upon the streets, avenues, alleys, or public grounds of the city except upon such grounds or streets as may be provided for such purposes, and this section shall apply to both business and residential areas.

Source: 1952 Rev. Ord. 1119 (1962).

8-0715. Drivers to exercise due care.--Notwithstanding the foregoing provisions of this article, 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.

Source: 1952 Rev. Ord. 1119 (1962).

ARTICLE 8-08

ACCIDENTS

Section

8-0801	Immediate notice of accident.
8-0802	Written report of accident to city.
8-0803	Accidents involving damage to vehicles.
8-0804	Duty to give information and render aid.
8-0805	Duty upon striking fixtures or other property.
8-0806	Officer to report.
8-0807	Driver unable to report--Report by occupant or owner.
8-0808	Garages to report.
8-0809	False reports.

8-0801. Immediate notice of accident.--The driver of a vehicle involved in an accident in the city resulting in injury to or death of any person or in property damage to the extent set forth in North Dakota state law shall immediately give notice of such accident to the police department.

Source: 1965 Rev. Ord. 8-0801, 1652 (1975), 2175 (1984), 2382 (1987).

8-0802. Written report of accident to city.--The driver of a vehicle which is involved in any manner in an accident resulting in bodily injury to or death of any person or total property damage to an apparent extent of the amount as established by North Dakota state law shall forward a written report of such accident to the police department of this city on forms provided by the city. The provisions of this section shall not be applicable if the accident was investigated at the scene by a police officer while such driver was present.

Source: 1652 (1975), 2175 (1984), 2315 (1987).

8-0803. Accidents involving damage to vehicles.--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 his vehicle at the scene of such accident or as close thereto as possible and in every event shall remain at or return to and remain at the scene of such accident until he has fulfilled all of the requirements of § 8-0804. Every such stop shall be made without obstructing traffic more than is necessary.

Source: 1952 Rev. Ord. 1119 (1962), 2515 (1990), 2558 (1991).

8-0804. Duty to give information and render aid.--The driver of any vehicle involved in an accident resulting in injury to or death of any person or damage to any vehicle which is driven or attended by any person shall give his name, address, and the registration number of the vehicle he is driving and shall, upon request and if available, exhibit his operator's or chauffeur's license to the

person struck or to the driver or occupant or any person attending any vehicle collided with and shall render to any person injured in such accident reasonable assistance including the carrying or the making of arrangements for the carrying of such person to a physician, surgeon, or hospital for medical or surgical treatment if it is apparent that such treatment is necessary or if such carrying is requested by the injured person.

Source: 1952 Rev. Ord. 1119 (1962), 2515 (1990).

8-0805. Duty upon striking fixtures or other property.--The driver of any vehicle involved in an accident resulting only in damage to fixtures or other property shall take reasonable steps to locate the owner or person in charge of such property and notify him of such fact and of his name, 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 give immediate notice as required by § 8-0801 and make reports of such accident as required by § 8-0802.

Source: 1952 Rev. Ord. 1119 (1962), 2515 (1990), 2558 (1991), 2664 (1993).

8-0806. Officer to report.--Every law enforcement officer who, in the regular course of duty, investigates a motor vehicle accident either at the time and at the scene of the accident or thereafter by interviewing the participants or witnesses shall forward promptly a written report in duplicate to the traffic division. Said officer upon completion of investigation shall issue and affix to each of the cars involved a "damaged-car release sticker".

Source: 1952 Rev. Ord. 1119 (1962), 2515 (1990).

8-0807. Driver unable to report--Report by occupant or owner.--

- A. An accident report is not required under this chapter from any person who is physically incapable of making the report during the period of such incapacity.
- B. Wherever the driver of a vehicle is physically incapable of giving an immediate report of any accident as required herein, 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 report normally required of the driver.
- C. Whenever the driver of a vehicle is physically incapable of making a written report of an accident as required herein and such driver is not the owner of the vehicle, then the owner of the vehicle, within five days after learning of the accident, shall make the report normally required of the driver.

Source: 1952 Rev. Ord. 1119 (1962), 2515 (1990).

8-0808. Garages to report.--The person in charge of any garage or repair shop located in the city to which it is brought any motor vehicle which shows evidence of having been involved in an accident or struck by any bullet, if said vehicle does not have a damaged-car release sticker attached thereto or if said vehicle has bullet holes therein, shall immediately make a report to the police department. Said report shall include the license plate number and 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.

Source: 1952 Rev. Ord. 1119 (1962), 2515 (1990).

8-0809. False reports.--No person shall give information in reports required in §§ 8-0801, 8-0802, and 8-0808 of this article knowing or having reason to believe that such information is false; nor shall any person provide information to another person or persons, as required in §§ 8-0803, 8-0804, 8-0805 and 8-0807 of this article knowing or having reason to believe that such information is false.

Source: 1952 Rev. Ord. 1119 (1962), 2515 (1990), 2558 (1991), 2634 (1992).

ARTICLE 8-09

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

Section	
8-0901	Flag or light at end of load.
8-0902	Restrictions as to tire equipment.
8-0903	Horns and warning devices.
8-0904	Brakes on motor vehicles and motorcycles--Requirements.
8-0905	Mirrors.
8-0906	Windshields and windows must be unobstructed--Tinted windows.
8-0907	Windshield wipers required.
8-0908	Mufflers required--Cutouts prohibited.
8-0909	Vehicle to be constructed to prevent sifting or leaking loads.
8-0910	Lamps and lights must conform to state law.
8-0911	When lighted lamps are required.
8-0912	Correction on improperly adjusted lamps.
8-0913	Spot lamps--Limitations on number and use.
8-0914	Drawbar or connections between vehicles--Trailers and towed vehicles.
8-0915	Trailer to be equipped with reflectors or taillights.
8-0916	Flashing lights, prohibition.
8-0917	Red or green light visible from in front of vehicle prohibited--Exception.
8-0918	Misdemeanor to violate provisions governing equipment of vehicles.--Repealed.
8-0919	General regulations as to loading of motor vehicles.
8-0920	Size, weight, and load restrictions of vehicles operated within the city.
8-0921	Regulating movement of engines, tractors, and heavy vehicles on pavement.
8-0922	Permits for excessive size and weight.
8-0923	Trucks prohibited on certain streets--Truck routes established--Maps and signs required.
8-0923.1	Trucks not to be operated except upon designated truck routes.--Repealed.
8-0923.2	Truck routes established.--Repealed.
8-0923.3	Truck route maps and signs.--Repealed.
8-0924	Restricted use of streets and highways.
8-0925	Peace officers may weigh vehicle and require removal of excess load.
8-0926	Motor-driven cycles and non-motorized traffic-- Restrictions upon use of streets.
8-0927	Load restrictions upon vehicles using certain highways.
8-0928	Modification of motor vehicle suspension systems and steering mechanisms prohibited.
8-0929	Driving of vehicle in unsafe condition unlawful.
8-0930	Law enforcement radio equipment on private automobiles prohibited without permit.
8-0931	Child restraint devices required.

8-0901. Flag or light at end of load.--Whenever the load upon any vehicle extends to the rear four feet or more beyond the bed or body of such vehicle, there shall be displayed at the extreme rear end of the load, at the time specified in § 8-0911, a red light or lantern plainly visible from a distance of at least 600 feet to the sides and rear. The red light or lantern required under this section

shall be in addition to the red rear light required upon every vehicle. At any other time there shall be displayed at the extreme rear end of such load a red flag or cloth not less than 12 inches square and so hung that the entire area is visible to the driver of a vehicle approaching from the rear.

Source: 1952 Rev. Ord. 1119 (1962).

8-0902. Restrictions as to tire equipment--All tire equipment moved on any street or highway within the city shall conform to the restrictions established by North Dakota state law.

Source: 1952 Rev. Ord. 1119 (1962), 2339 (1987).

8-0903. Horns and warning devices--Every motor vehicle when operated 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 200 feet; and it shall be unlawful, except as otherwise provided in this section, for any vehicle to be equipped with, or for any person to use upon a vehicle, any siren or exhaust, compression, or plug whistle or for any person, at any time, to use a horn otherwise than 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 exhaust whistle.

Source: 1952 Rev. Ord. 1119 (1962).

8-0904. 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 of, 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 be so constructed that no part which is liable to failure shall be common to the two means. A motorcycle need be equipped with only one brake. All such brakes shall be maintained in good working order.

Source: 1952 Rev. Ord. 1119 (1962).

8-0905. Mirrors--No person shall drive on a street or highway a motor vehicle which is so constructed or loaded as to prevent the driver from obtaining a view of the street or highway to the rear by looking backward from the driver's position unless such vehicle is equipped with a mirror so located as to reflect to the driver a view of the street for a distance of at least 200 feet to the rear of such vehicle.

Source: 1952 Rev. Ord. 1119 (1962).

8-0906. Windshields and windows must be unobstructed--Tinted windows--

A. No individual shall drive upon a street or highway any vehicle with any frost, condensation, sign, poster, lumber, cardboard, metal, or other nontransparent material upon, or in place of, the front windshield, side wings, or side or rear windows of such motor vehicle, other than a certificate or other paper required to be so displayed by law.

B. An individual may not operate a motor vehicle with any object or any material or tinting displayed, affixed, or applied on the front windshield or on any window unless the object, material, or tinting in conjunction with the windshield upon which it is displayed, affixed or applied has a light transmittance of at least seventy percent (70%) or the object, material, or tinting in conjunction with a window other than the windshield upon which it

is displayed, affixed, or applied has a light transmittance of at least fifty percent (50%). This subsection does not apply to windows behind the operator if the motor vehicle is equipped with outside mirrors on both sides that meet the requirements of section 39-21-38, N.D.C.C.

Source: 1952 Rev. Ord. 1119 (1962), 2431 (1989), 4038 (2000), 4351 (2003).

8-0907. Windshield wipers required.--Every windshield on motor vehicles shall be equipped with a device in good working order for cleaning rain, snow, or other moisture from the windshield which shall be so constructed as to be controlled or operated by the driver of the vehicle.

Source: 1952 Rev. Ord. 1119 (1962).

8-0908. Mufflers required--Cutouts prohibited.--No person shall drive a motor vehicle on any street or highway unless such motor vehicle is equipped with a muffler, together with any necessary extensions, pipes or resonators, in good working order and in constant operation to prevent excessive and unusual noise and annoying smoke. Such exhaust system shall operate to blend the exhaust noise into the over-all vehicle noise. No person shall use a "muffler cutout", "bypass" or similar device on any motor vehicle upon the streets or highways in the city. The exhaust system shall not emit or produce a sharp, popping or cracking sound, nor shall it emit or produce loud or explosive noises.

Source: 1965 Rev. Ord. 8-0908, 1553 (1973).

8-0909. Vehicle to be constructed to prevent sifting or leaking loads.--No vehicle shall be driven or moved on any street or 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 shall operate on any street or 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 street or highway.

Source: 1952 Rev. Ord. 1119 (1962).

8-0910. Lamps and lights must conform to state law.--It shall be unlawful for any person to operate any motor vehicle within the city, unless such motor vehicle is properly equipped with lamps and lights as prescribed by the laws of this state.

Source: 1952 Rev. Ord. 1119 (1962).

8-0911. When lighted lamps are required.--Every vehicle upon a street or highway at any time from sunset to sunrise and at any other time when, due to insufficient light or unfavorable atmospheric conditions, persons and vehicles on the street or highway are not clearly discernible at a distance of 500 feet ahead shall display lighted lamps and illuminating devices as hereinafter respectively required for different classes of vehicles, subject to exceptions with respect to parked vehicles.

Source: 1952 Rev. Ord. 1119 (1962), 2339 (1987).

8-0912. Correction on improperly adjusted lamps.--The driver of any motor vehicle equipped with approved head lamps, auxiliary driving lamps, rear lamps, or signal lamps, who is

arrested upon the charge that such lamps are improperly adjusted or are equipped with bulbs of a candle power not approved for use therewith, shall be allowed 48 hours within which to bring such lamps into conformance with the requirements of this chapter. It shall be a defense to any such charge that the person arrested produce in court or submit to the police department traffic bureau a certificate showing that within 48 hours after such arrest, such lamps have been made to conform with the requirements of this chapter.

Source: 1952 Rev. Ord. 1119 (1962).

8-0913. 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 100 feet ahead of the vehicle.

Source: 1952 Rev. Ord. 1119 (1962).

8-0914. Drawbar or connections between vehicles--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 15 feet in length from one 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 12 inches both in length and width.

Source: 1952 Rev. Ord. 1119 (1962).

8-0915. Trailer to be equipped with reflectors or taillights.--No trailer or semi-trailer shall be transported or operated in the city unless it is equipped with approved reflectors not less than three inches in diameter or with taillights.

Source: 1952 Rev. Ord. 1119 (1962).

8-0916. 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 as a means of indicating the presence of a vehicular traffic hazard requiring unusual care in approaching, overtaking, or passing.

Source: 1952 Rev. Ord. 1119 (1962).

8-0917. Red or green light visible from in front of vehicle prohibited--Exception.--No person shall drive or move upon any street or highway any vehicle with any red or green light thereon visible from directly in front thereof. This section shall not apply to police, fire department, ambulance, other authorized emergency vehicles or school buses equipped as provided by North Dakota state law.

Source: 1952 Rev. Ord. 1119 (1962), 2725 (1995).

8-0918. Misdemeanor to violate provisions governing equipment of vehicles. - Repealed by Ord. No. 2374 (1987).

8-0919. General regulations as to loading of motor vehicles.--No person shall:

- A. Ride or stand upon the running board or exterior of any moving vehicle. This provision shall not apply to police officers or firemen or other city employees while in the performance of their duties.
- B. Drive a vehicle containing more passengers than the seating capacity of such vehicle.
- C. 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 chapter.
- D. Drive a vehicle loaded with iron or other material likely to produce an annoying sound without using proper precautions to minimize such annoying sound.

Source: 1952 Rev. Ord. 1119 (1962).

8-0920. Size, weight, and load restrictions of vehicles operated within the city.--No person, partnership, or corporation shall drive or permit to be driven through any agent or employee on any street or alley within the city any vehicle in violation of the restrictions on size, weight, and load established by North Dakota state law.

Source: 1952 Rev. Ord. 1119 (1962), 2339 (1987).

8-0921. Regulating movement of engines, tractors, and heavy vehicles on pavement.--No person, firm, or corporation shall move, or cause to be moved, over the paved streets, sidewalks, crosswalks, culverts, bridges, and viaducts within the city any motor vehicle, tractor, wagon, truck or other commercial vehicle, or other vehicle, object, or thing which will tend to injure the paving, sidewalks, crosswalks, culverts, bridges, or viaducts over which the same are transported or which exceeds the weight or weights as established pursuant to the preceding § 8-0920, or any vehicle to the wheels of which are attached spurs, bars, angle irons, or cleats which will tend to mar or deface the paving, sidewalk, crosswalks, culverts, bridges, or viaducts, except as authorized by a permit granted under § 8-0922. Any person, firm, or corporation moving, or causing to be moved, any such engines, tractors, or vehicles shall pay or cause to be paid to said city, upon demand, any and all damages done to the paving, sidewalks, crosswalks, culverts, bridges, and viaducts.

Source: 1952 Rev. Ord. 1119 (1962), 2788 (1996).

8-0922. Permits for excessive size and weight.--The city engineer may, under such policies as the city may establish, upon application in writing and good cause being shown therefore, 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 chapter upon any street or highway under the jurisdiction of and for the maintenance of which the city 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 city engineer. Every such permit shall be carried in the vehicle to which it refers and shall be open to inspection by any peace officer or other agent of the city, and it shall be unlawful for any person to violate any of the terms and conditions of such special permit. The fee for such special permit shall be established by resolution of the board of city commissioners.

Source: 1952 Rev. Ord. 1119 (1962), 2789 (1996).

8-0923. Trucks prohibited on certain streets--Truck routes established--Maps and signs required.--

- A. No truck or commercial vehicle exceeding five tons registered gross weight shall be operated in the city of Fargo except upon truck routes designated as hereinafter provided in subsection (B) of this section; provided, that this ordinance shall not prohibit:
 - 1. 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 Fargo city ordinances shall be considered as secondary truck routes and must be used in preference to other streets whenever possible.
 - 2. The operation of trucks owned or operated by the city of Fargo.
 - 3. The operation of Class A emergency vehicles, as defined in the traffic ordinances of the city of Fargo, upon any street in the city.
 - 4. Trucks making more than one delivery on any one trip may take the most direct route between one delivery and the next.
- B. 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 15 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.
- C. On each street or avenue designated as a truck route in accordance with subsection (B) above, such street or avenue may, but need not be, posted with appropriate signs.

Source: 2683 (1994), 2790 (1996).

8-0923.1. Trucks not to be operated except upon designated truck routes.

Source: 1226 (1966), repealed by Ord. No. 2683 (1994).

8-0923.2. Truck routes.

Source: 1226 (1966), 1275 (1968), 2339 (1987), repealed by Ord. No. 2683 (1994).

8-0923.3. Truck route maps and signs.

Source: 1226 (1966), 2339 (1987), repealed by Ord. No. 2683 (1994).

8-0924. Restricted use of streets and highways.--The board of city commissioners, by resolution, may prohibit the operation of vehicles or impose restrictions as to the weight of vehicles upon any street or highway under their jurisdiction or for the maintenance of which they are responsible whenever any of said streets or highways, by reason of deterioration, rain, snow, or other climatic conditions, will be seriously damaged or destroyed unless the use of vehicles thereon is prohibited or the permissible weights thereof reduced. The board when enacting any such resolution

shall erect, or cause to be erected and maintained, signs designating the provisions of the resolution at each end of that portion of any street or highway affected thereby, and the resolution shall not be effective until or unless such signs are erected and maintained. The board may also, by resolution, prohibit the operation of trucks or other commercial vehicles, or impose limitations as to the weight thereof, on designated streets and highways, which prohibitions and limitations shall be designated by appropriate signs placed on such streets or highways.

Source: 1952 Rev. Ord. 1119 (1962), 2791 (1996).

8-0925. Peace officers or other agents may weigh vehicle and require removal of excess load.--Any peace officer, designated agent of city, or city-designated personnel, having reason to believe that the weight of a vehicle and load is unlawful is authorized to weigh the same, either by means of portable or stationary scales, and may require that such vehicle be driven to the nearest scales. The peace officer, or other designated individual as aforesaid, 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 allowed therefor.

Source: 1952 Rev. Ord. 1119 (1962), 2792 (1996).

8-0925.1. 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 established under § 8-0924, or as limited by § 8-0920, 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.

Source: 2793 (1996).

8-0925.2. 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.

Source: 2793 (1996).

8-0925.3. 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 the 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.

Source: 2793 (1996).

8-0925.4. 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.

Source: 2793 (1996).

8-0925.5. 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 § 8-0925.7, 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.

Source: 2793 (1996).

8-0925.6 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.

Source: 2793 (1996).

8-0925.7 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 article, said vehicle must be held until a trial of the case can be held before the district court.

Source: 2793 (1996).

8-0925.8 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 article, 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 must be assessed as follows:
 - a. One cent per pound [453.59 grams] for each pound [453.59 grams] of weight in excess of the legal limit, up to 3,000 pounds [1360.77 kilograms] of excess weight;
 - b. Four cents per pound [453.59 grams] for each pound [453.59 grams] which exceeds the legal limit by over 3,000 pounds [1360.77 kilograms] but is less than 5,000 pounds [2267.96 kilograms] of excess;
 - c. Eight cents per pound [453.59 grams] for each pound [453.59 grams] which exceeds the legal limit by over 5,000 pounds [2267.96 kilograms], but is not more than 10,000 pounds [4535.92 kilograms];
 - d. Ten cents per pound [453.59 grams] for each pound [453.59 grams] which exceeds the legal limit by over 10,000 pounds [4535.92 kilograms] but is less than 20,000 pounds [9071.84 kilograms] of excess weight; and,
 - e. Twenty cents per pound [453.59 grams] for each pound [453.59 grams] which exceeds the legal limit by more than 20,000 pounds [9071.84 kilograms].

Source: 2793 (1996).

8-0925.9. 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 article.

Source: 2793 (1996).

8-0925.10. 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.

Source: 2793 (1996).

8-0925.11. 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.

Source: 2793 (1996).

8-0926. Motor-driven cycles and nonmotorized traffic--Restrictions upon use of streets.--The traffic engineer 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 motor-driven cycles or bicycles, horse-drawn vehicles or other nonmotorized traffic and to erect appropriate signs giving notice thereof. Disobedience of any restriction in any sign so posted is prohibited.

Source: 1952 Rev. Ord. 1119 (1962), 2339 (1987).

8-0927. 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 amounts specified on said sign at any time upon any of the streets or parts of streets so posted.

Source: 1952 Rev. Ord. 1119 (1962).

8-0928. Modification of motor vehicle suspension systems and steering mechanisms prohibited.--Except as otherwise permitted by North Dakota state law, it shall be unlawful for any person to operate a motor vehicle of the type required to be registered under the laws of this state with an unloaded weight of 6,000 pounds or less upon the public highways with either the rear or front end suspension system or steering mechanism altered or changed from the manufacturer's original design, except that nothing contained herein shall prevent the installation of manufacturer's heavy duty equipment to include shock absorbers or overload springs nor shall anything contained herein prevent a person from operating a motor vehicle upon a public highway with normal wear of the aforementioned systems and mechanisms unless the normal wear affects the control of the vehicle through the steering mechanism.

Source: 1952 Rev. Ord. 1185 (1964), 2339 (1987).

8-0929. Driving of vehicle in unsafe condition unlawful.--It is a misdemeanor for any person to drive or move, or for the owner to cause or knowingly permit to be driven or moved, upon any street or highway any vehicle or combination of vehicles which is in such an unsafe condition as to endanger any person or which does not contain equipment in proper condition or adjustment as required by this chapter or by state law or for any person to do any act forbidden or fail to perform any act required by this chapter or by state law. Nothing contained in this chapter shall be construed to prohibit the use of additional parts or accessories on any vehicle not inconsistent with the provisions of this chapter. The provisions of this chapter with respect to equipment on vehicles shall not apply to implements of husbandry, road machinery, road rollers, or farm tractors except as herein made applicable.

Source: 1952 Rev. Ord. 1185 (1964).

8-0930. Law enforcement radio equipment on private vehicles prohibited without authorization.--No person shall 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 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 Fargo. This section shall not apply to receivers which are a part of a two-way radio system, employees of a news media organization, or persons who hold a valid Federal Communications Commission license.

Source: 1965 Rev. Ord. 8-0930, 1859 (1978), 2588 (1991).

8-0931. Child restraint devices required.--If a child, under seven years of age, is present in any motor vehicle, that motor vehicle must be equipped with at least one child restraint system for each such child. However, a child under the age of seven who is at least fifty-seven inches [1.45 meters] tall and who weighs at least eighty pounds [36.28 kilograms] is not required to use a child restraint system. The child restraint system must at least 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. A child weighing more than forty pounds [18.14 kilograms] may be restrained by a lap belt if the vehicle is not equipped with lap and shoulder belts or if all lap and shoulder belts are in use by other occupants. While the motor vehicle is moving, each child of seven through seventeen years of age who is in the motor vehicle must be in an approved child restraint system or buckled in a seat belt. Use of child restraint systems and seat belts is not required in motor vehicles that were not equipped with seat belts when manufactured. If a child is being transported in an emergency situation, this section does not apply. Violation of this section is not, in itself, evidence of negligence. The fact of a violation of this section is not admissible in any proceeding other than one charging the violation.

Source: 2154 (1984), 2375 (1987), 2592 (1991), 3063 (1999), 4490 (2005).

ARTICLE 8-10

PARKING REGULATIONS

Section	
8-1001	Parallel parking and diagonal parking.
8-1002	Obedience to angle-parking signs or markings.
8-1003	Stopping, standing, or parking prohibited in specified places.
8-1004	Parking of trucks, trailers and semi-trailers regulated.
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8-1004.2	Impounding vehicles.
8-1005	Loading and unloading regulations for trucks.
8-1006	Ten-minute, fifteen-minute, thirty-minute, sixty-minute, ninety-minute, one hundred twenty-minute or other time-limited parking zones.
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8-1007	The traffic engineer may designate 10-minute parking areas.--Repealed.
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8-1015	No stopping, standing, or parking near hazardous or congested places.
8-1016	Stopping, standing, and parking of buses and taxicabs regulated.
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8-1018	Taking on or discharging passengers.
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8-1020	Parking prohibited on sidewalks or boulevards.
8-1021	Parking signs required.
8-1022	Application of article.
8-1023	Regulations not exclusive.
8-1024	Abandoned vehicles.
8-1025	Parking commission.

8-1001. 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 right-hand wheels are not more than 18 inches from the right-hand curb or street line and the vehicle is so placed that the front and rear wheels are each at least 3 feet from any other vehicle. In all cases vehicles must be so parked as to economize parking space and be so placed as to form, where possible, continuous lines. The engineering department may limit the parking area by signs, markers, paint, or other devices and no vehicle shall be parked wholly or partly outside of the indicated and permitted parking area; provided, that all vehicles shall be parked diagonally to the curb of any street or avenue within said business district if said street or avenue is posted or marked by the engineering department for diagonal parking.

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

Source: 1952 Rev. Ord. 1119 (1962), 3086 (1999).

8-1002. Obedience to angle-parking signs or markings.--On those streets which have been signed or marked by the engineering department for angle parking, no person shall park or stand a vehicle other than at the angle to the curb or edge of the roadway indicated by such signs or markings.

Source: 1952 Rev. Ord. 1119 (1962), 3086 (1999).

8-1003. 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 or in compliance with the law or the directions of a police officer or traffic-control device, in any of the following places:

- A. On a sidewalk.
- B. Within an intersection.
- C. In front of a public or private driveway, including parking so as to encroach on the radius of said driveway.
- D. Within 10 feet of a fire hydrant.
- E. On a crosswalk.
- F. Within 10 feet of a crosswalk at an intersection.
- G. Within 15 feet upon the approach to any flashing beacon, stop sign, or traffic-control signal located at the side of a roadway.
- H. Between a safety zone and the adjacent curb or within 15 feet of points on the curb immediately opposite the ends of a safety zone, unless the state highway department or local authority indicates a different length by signs or markings.
- I. Within 15 feet of the nearest rail of a railroad crossing.
- J. 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 75 feet of said entrance when properly signposted.
- K. In any space which is designated and appropriately marked, in accordance with N.D.C.C. 39-01-15(9), for use by mobility-impaired persons; provided, that this prohibition shall not apply to any person whose automobile displays the distinguishing certificate or insignia which is issued by the state of North Dakota in accordance with § 39-01-15, N.D.C.C. The provisions of this ordinance shall extend to all such marked parking spaces which are generally open to the public, whether public or privately owned.

- (1) Whenever any public or private entity designates parking spaces for use by motor vehicles operated or used by mobility-impaired persons, those reserved spaces must comply with the requirements set forth in N.D.C.C. 39-01-15 (9) and any entity which violates said requirements is guilty of an infraction if the entity does not comply with said

requirements within sixty days after receiving official notification of the violation.

- L. Alongside or opposite any street excavation or obstruction when stopping, standing, or parking would obstruct traffic.
- M. On the roadway side of any vehicle stopped or parked at the edge or curb of a street.
- N. Upon any bridge or other elevated structure on a street or highway or within a street or highway tunnel.
- O. At any place where official signs prohibit stopping.
- P. In any designated parking lot on that portion of the campus of North Dakota State University which is located within the corporate limits of the city of Fargo, unless the parking permit which is required by North Dakota State University regulations is prominently displayed on such vehicle in accordance with university regulations.
- Q. Any fire lane designated in accordance with subsection (D) of § 9-0707 of the Revised Ordinances of 1965 of the city of Fargo.
- R. In front of or in any alley.
- S. In the front yard of any property within the city of Fargo (except as otherwise allowed by § 20-0701 of the Fargo Municipal Code). The penalty for violation of this subsection shall be in addition to the remedy provided in § 11-0402 of the Fargo Municipal Code.

Source: 1952 Rev. Ord. 1119 (1962), 1965 Rev. Ord. 8-1003, 1750 (1976), 1780 (1977), 1825 (1977), 2153 (1984), 2383 (1987), 2428 (1988), 2525 (1990), 4073 (2000), 4303 (2003).

8-1004. Parking of trucks, trailers and semi-trailers regulated.--No truck, trailer, semitrailer, or commercial vehicle shall be parked on any street, avenue, boulevard, or alley in any residential district of the city for a period longer than one hour; provided, however, that such vehicles loading or unloading cargo may be parked on the streets, avenues, boulevards or alleys long enough to complete their loading or unloading; and provided further, that such restrictions shall not apply to any truck in use on any repair, maintenance, or construction project in progress on any such street, avenue, boulevard or alley. Except as otherwise allowed by permit issued by the city engineer's office, no case shall any semi-truck trailer be parked on any street, avenue, boulevard or alley in any district of the city while said semi-truck trailer is disconnected from the tractor; nor shall any truck, trailer, semi-trailer, or other commercial vehicle be parked on any street, avenue, boulevard or alley in any district of the city between the hours of 10:00 p.m. and 6:00 a.m. "Commercial vehicle" as designated herein shall not include vehicles rated as less than one-ton.

Source: 1424 (1972), 1667 (1975), 1825 (1977), 2284 (1986), 2823 (1997).

8-1004.1. Parking of construction vehicles regulated.--Notwithstanding the provisions of § 8-1004, whenever off-street parking is not available or practicable, 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, 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-hitched or smaller 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.
- 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 including, but not limited to, diamond grade “conspicuity tape” around the entire perimeter of the trailer and/or equipment. Cones shall be used in advance of any trailer or equipment when work is in progress.
- 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 Fargo concerning parking regulations.
- G. The owner’s name, company name (if any), and 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.

If the construction activity in which the vehicles are involved will take in excess of five days, however, a permit as referenced in § 8-1004 will be required.

Source: 1965 Rev. Ord. 8-1004.1, 1667 (1975), 2823 (1997).

8-1004.2 Impounding vehicles.--The police department of the city or any of the members thereof may impound any truck, trailer, semi-trailer, delivery car, service car, 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: 2823 (1997).

8-1005. 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 a 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 pickups or deliveries whatsoever shall be made from double-parked vehicles between the hours of 4:00 p.m. and 6:00 p.m. on any day except Sundays and legal holidays and no vehicle shall double-park for such purposes between such hours.

It shall be unlawful for any person, firm or corporation to load or unload freight or merchandise from a semi-trailer between the hours of 7:00 a.m. and 9:00 a.m., or between the hours of 4:00 p.m. or 6:00 p.m. All loading or unloading of freight or merchandise from a semi-trailer shall be prohibited on all principal and minor arterial roadways.

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 as close to the edge of the alley as possible, then and in that event, such vehicle shall not be left unattended at any time.

It shall be unlawful to load or unload automobile transport trailers or vehicles on any street, alley, boulevard, or public property of the city, except as herein provided and subject to all of the other terms of this section. An automobile transport vehicle, when parked in the immediate vicinity of the automobile dealership where the vehicles are to be loaded or unloaded, is permissible provided the said automobile transport vehicle must stand parallel and adjacent to the curb and be headed in the direction of the traffic, and further provided that a "flag person" is required to direct or slow traffic should the automobile transport vehicle impede traffic in any manner while loading and unloading. If the automobile transport vehicle is to utilize a no-parking zone, it will be necessary to notify the Fargo police department of the location and provide the duty officer with an estimate of the time required to load and unload vehicles from the transport trailer. It is further provided that in no event shall the parking of an automobile transport trailer leave available less than 20 feet of the width of the roadway for free movement of vehicular traffic.

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 or 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.

In any case it shall be unlawful to load or unload freight or merchandise from a semi-trailer backed into the curb unless the owner or operator of the unit involved shall have first secured a written permit from the chief of police; such a written permit must also be secured before any semi-trailer unit may be driven across the center line of the street in order to back the same into a loading stall. Such permit may be issued for reasonable periods of time, not to exceed one year.

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: 1965 Rev. Ord. 8-1005, 1825 (1977), 3016 (1999).

8-1006. Ten-minute, fifteen-minute, thirty-minute, sixty-minute, ninety-minute, one hundred twenty-minute or other time-limited parking zones.—Except as otherwise allowed by a permit issued by the Department of Planning and Development for the Downtown Residential Parking Zone as authorized below, the owner, driver or any other person having under his control or charge any motor vehicle of any kind whatever shall not cause, permit, or allow such vehicle to stand or remain in any one place for a period longer than the time limit restrictions posted for such area. The Parking Commission, subject to the review and confirmation of the board of city commissioners shall post the time-limited parking zones, except for time-zones located on the campus of North Dakota State University in which case the University shall post the time-limited parking zones. The police department or its designee shall enforce such time zone restrictions in areas which are so posted.

When the posted time-limit restriction shall have elapsed and said vehicle remains parked or is parked again in the same block, said vehicle shall be construed to have remained stationary.

The Parking Commission, if in their judgment traffic conditions warrant it and subject to

review by the board of city commissioners, may extend, change, or adjust the parking zones designated herein, provided said extension, changes, or adjustments are posted or marked.

Each 10-, 15-, 30-, 60-, 90-, 120-minute or other time-limited period during which a vehicle is parked shall constitute a separate and additional violation of this section.

The Department of Planning and Development shall be authorized to issue a permit to residents of the Downtown Residential Parking Zone in accordance with an approved program as adopted by resolution of the board of city commissioners.

Source: 1965 Rev. Ord. 8-1006, 1450 (1972), 2019 (1981), 3086 (1999), 4023 (2000), 4301 (2003), 4701 (2009).

8-1006.1 Parking in spaces controlled by a parking meter.—No person shall stop, stand or park a vehicle in any space in a parking ramp, parking lot, or such parking facility that is controlled by a parking meter, unless the required payment is deposited in the parking meter to authorize parking. The owner, driver or any other person having under his control or charge, any motor vehicle of any kind whatever, shall not cause, permit, or allow such vehicle to stand or remain in such space after the period of time authorized by such payment has expired.

Source: 4233 (2002).

8-1007. The traffic engineer may designate ten-minute parking areas.

Source: 1952 Rev. Ord. 1119 (1962), 2515 (1990), repealed by Ord. No. 3087 (1999).

8-1008. Ten-minute parking in front of post office.--

Source: 1965 Rev. Ord. 8-1008, 1453 (1972), repealed by Ord. No. 4066 (2000).

8-1009. Night parking restrictions.—

A. Within the central business district (from the Red River west to University Drive inclusive and from 5th Avenue North [Old Great Northern tracks, presently Burlington Northern Railroad tracks] to First Avenue South, inclusive), it shall be unlawful for any person to park any vehicle or trailer on any north-south street between the hours of 2:00 a.m. and 7:00 a.m. on Tuesdays, Thursdays, and Saturdays, or on any east-west avenue between the hours of 2:00 a.m. and 7:00 a.m. on Mondays, Wednesdays, Fridays, and Sundays. Any vehicle or trailer parked in violation of this section is hereby declared to be a public nuisance, and may be impounded by the police department.

B. From November 1 of each year until April 15 of the following year, within the area of the city outside of the central business district from 19th Avenue North to 13th Avenue South, inclusive, and from the Red River to 25th Street North and South, inclusive, and in any other area which is designated by appropriate signs, it shall be unlawful for any person to park any vehicle or trailer on any north-south street between the hours of 1:00 a.m. and 7:00 a.m. on Tuesdays, Thursdays, and Saturdays, or on any east-west avenue between the hours of 1:00 a.m. and 7:00 a.m. on Mondays, Wednesdays, Fridays, and Sundays. Any vehicle or trailer parked in violation of this section is hereby declared to be a public nuisance, and may be impounded by the police department.

Source: 2365 (1987), 2410 (1988), 2503 (1989), 2531 (1990), 2722 (1994), 4489 (2005).

8-1010. Motor vehicle left unattended--Brakes to be set, engine stopped, and keys removed--Exceptions.--No person having control or charge of a motor vehicle shall allow such vehicle to stand unattended on any street, alley or in any public parking lot whether such lot is available to the public on a free or on a fee basis, without first effectively setting the brakes thereon, stopping the motor of said vehicle, and removing the keys thereof from the interior or any outside lock of said vehicle, and when standing upon any grade, the front wheels of such vehicle shall be turned to the curb or side of the street or highway. It shall not, however, be a violation of this ordinance to have and utilize an automatic starting device so long as the same permits movement of the vehicle only with a key. It further shall not be a violation of this section to leave the keys within a motor vehicle so long as all outer doors are securely locked and the vehicle is otherwise secured.

Source: 1965 Rev. Ord. 8-1010, 1276 (1968), 1578 (1974), 1825 (1977), 4009 (2000).

8-1011. Unlawful to drive or 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 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.

Source: 1965 Rev. Ord. 8-1011, 1991 (1980), 2029 (1981).

8-1012. Restricted parking in recreation areas.--Vehicles shall not be parked upon any public street or alley within any playground, swimming pool, or other recreation area, when said street, alley, or area is designated or posted against parking.

Source: 1952 Rev. Ord. 1119 (1962).

8-1013. Parking not to obstruct traffic.--No person shall park any vehicle upon a street, other than an alley when permitted by this article, in such manner or under such conditions as to leave available less than 10 feet of the width of the roadway for free movement of vehicular traffic.

Source: 1965 Rev. Ord. 8-1013, 1825 (1977).

8-1014. Parking for certain purposes prohibited.--No person shall park a vehicle upon any roadway for the principal purpose of (a) displaying such vehicle for sale; or (b) washing, greasing, or repairing such vehicle except repairs necessitated by an emergency.

Source: 1965 Rev. Ord. 8-1014, 1825 (1977).

8-1015. No stopping, standing, or parking near hazardous or congested places.--The engineering department is hereby authorized to determine and designate by proper signs places not to exceed 100 feet in length in which the stopping, standing, or parking of vehicles would create an especially hazardous condition or would cause unusual delay to traffic.

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

The engineering department 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 person 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 loading and unloading of materials be longer than that needed to complete such loading and unloading.

Source: 1952 Rev. Ord. 1119 (1962), 2515 (1990), 3086 (1999).

8-1016. Stopping, standing, and parking of buses and taxicabs 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 and except with respect to all buses which shall be allowed to stop upon any street at any place for the purpose of loading or unloading passengers or their baggage.

The operator of a bus shall enter a bus stop, bus stand, or passenger loading zone on a public street, and any location that a bus may stop to load or unload passengers or their baggage 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 impede unduly the movement of other vehicular traffic.

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

Source: 1952 Rev. Ord. 1119 (1962), 2208 (1985).

8-1017. Restricted use of bus and taxicab stands.--No person shall stop, stand, or park a vehicle other than a bus in a bus stop or other than a taxicab in a taxicab stand when any such stop or stand has been officially designated and appropriately signed, subject to the following exceptions:

- A. The driver of a passenger vehicle may temporarily stop there for the purpose of, and while actually engaged in, loading or unloading passengers when such stopping does not interfere with any bus or taxicab.
- B. Valet parking services may utilize the taxicab stand as a temporary stop for the purpose of, and while actually engaged in, loading or unloading passengers when such stopping does not interfere with any taxicab.

Source: 1952 Rev. Ord. 1119 (1962), 4361 (2003).

8-1018. Taking on or discharging passengers.--No common carrier of passengers, except duly licensed taxicabs and buses operating under city franchise, shall take on or discharge passengers upon the streets, alleys, or other public ways within the fire limits of the city. A school bus may take on or discharge passengers to the extent otherwise permitted by this chapter.

Source: 1952 Rev. Ord. 1119 (1962), 2723 (1994).

8-1019. Parking prohibited during certain hours on certain streets.--When signs are erected in each block giving notice thereof, no person shall park a vehicle upon any of the streets so posted between the hours specified on the signs on any day except Sundays and public holidays.

Source: 1952 Rev. Ord. 1119 (1962).

8-1020. 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 on any berm between the sidewalk and the roadway in the city; provided, that berm parking shall be permitted on hard surfaced approaches to private driveways if such parked vehicle does not extend into the street or block any portion of the public sidewalk crossing said approach.

Source: 1965 Rev. Ord. 8-1020, 1825 (1977), 2045 (1982), 2079 (1983).

8-1021. Parking signs required.--Whenever in this chapter or any other ordinance of this city any parking time limit is imposed or parking is prohibited on designated streets, it shall be the duty of the traffic engineer to erect appropriate signs giving notice thereof, and no such regulations shall be effective unless said signs are erected and in place at the time of any alleged offense, subject to specific exceptions as stated in this article.

Source: 1965 Rev. Ord. 8-1021, 1825 (1977).

8-1022. Application of article.--The provisions of this article prohibiting the standing or parking of a vehicle shall apply at all times 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 or official traffic-control device.

Source: 1952 Rev. Ord. 1119 (1962).

8-1023. Regulations not exclusive.--The provisions of this article 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.

Source: 1952 Rev. Ord. 1119 (1962).

8-1024. Abandoned vehicles.--No person shall abandon any vehicle upon a street, highway, alley or other public roadway. Any vehicle abandoned shall be handled in accordance with § 13-0903 and the definition therein contained shall govern.

Source: 1965 Rev. Ord. 8-1024, 1386 (1971), 1825 (1977).

8-1025. Parking Commission.--The board of city commissioners may create, by appointment, a body to be known as the Parking Commission, which shall have the power to determine timed-parking zones as provided in § 8-1006, subject to review and confirmation by the board of city commissioners, and shall serve as an advisory board to the Engineering Department on parking issues in the downtown area. The "downtown area" shall mean the area which is zoned DMU – Downtown Mixed-Use or such other area identified by the board of city commission.

Source: 3088 (1999).

ARTICLE 8-11

RAILROAD CARS AND CROSSINGS

Section

- 8-1101 Flagman at railroad crossing--Board of city commissioners may require--Auditor to notify railroad.
- 8-1102 Duty of railroad company after notice delivered.
- 8-1103 Penalty for failure to maintain flagman, gates, or lights at crossings.
- 8-1104 Engines and cars on crossings--Length of time permissible.
- 8-1105 Unconnected cars not allowed.
- 8-1106 "Flying switches" prohibited.
- 8-1107 Speed of vehicles moving on fixed rails.
- 8-1108 Obedience to signal indicating approach of train.
- 8-1109 Crossing intersections or railroads.
- 8-1110 All vehicles must stop at certain railroad grade crossings.
- 8-1111 Certain vehicles must stop at all railroad grade crossings.

8-1101. Flagman at railroad crossing--Board of city commissioners may require--Auditor to notify railroad.--

- A. Whenever the board of city commissioners shall deem it necessary to have and maintain a flagman, lights, or gates for the safety of travel on the public streets and avenues of the city where the same are crossed by railways within the limits of the city, it may, by resolution, declare that it is necessary to have and maintain a flagman, gates, or lights at the crossing or crossings designated in such resolution, and therein request the railroad company whose duty it is, or may be, to furnish and maintain such flagman, gates, or lights to furnish and maintain the same at the crossing or crossings designated.
- B. It shall be the duty of the city auditor at once to notify such railroad company by serving upon the proper officers of the company a copy of such resolution.

Source: 1952 Rev. Ord. 1119 (1962).

8-1102. Duty of railroad company after notice delivered.--It shall be the duty of any railroad company within 10 days after a copy of a resolution is served on it or its officers as provided in § 8-1101, to place a flagman, gates, or lights as may be required by said resolution at the crossing or crossings designated in such resolution and to maintain such flagman, gates, or lights thereon until relieved therefrom by the order of the board of city commissioners.

Source: 1952 Rev. Ord. 1119 (1962).

8-1103. Penalty for failure to maintain flagman, gates, or lights at crossings.--If any railroad company shall neglect or refuse to furnish, place, or maintain a flagman, gates, or lights, as may be required by resolution, at such crossings after notice and request as hereinbefore provided, it shall, upon conviction in the proper court for such refusal or neglect, be punished by a fine of not more than \$100 for each and every day it shall neglect or refuse to furnish and maintain a flagman, gates,

or lights at such crossings.

Source: 1952 Rev. Ord. 1119 (1962).

8-1104. Engines and cars on crossings--Length of time permissible.--No railroad company, railroad engineer, train conductor, or other person shall cause or allow any locomotive, engine, car, cars, or train of cars to stop in or remain on any street and railroad crossing within the limits of the city for a longer time than five minutes, except that this provision shall not apply to trains or cars in motion other than for switching.

Source: 1952 Rev. Ord. 1119 (1962).

8-1105. Unconnected cars not allowed.--No railroad company, railroad engineer, train conductor, or other person shall cause or allow any car or cars, unconnected with the engine or locomotive, to stand or remain upon any street and railroad crossing or avenue and railroad crossing within the limits of the city for any length of time whatever.

Source: 1952 Rev. Ord. 1119 (1962).

8-1106. "Flying switches" prohibited.--No railroad company, railroad engineer, train conductor, or other person shall cause or allow to be made what is generally known as a "flying switch" on or across any street crossing within the city limits.

Source: 1952 Rev. Ord. 1119 (1962).

8-1107. Speed of vehicles moving on fixed rails.--All railroad trains, engines, cars, and other vehicles moving on fixed rails within the city limits shall be operated at a reasonable speed and with due care.

Source: 1952 Rev. Ord. 1119 (1962).

8-1108. Obedience to signal indicating approach of train.--

- A. 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 requirements shall apply when:
1. A clearly visible electric or mechanical signal device gives warning of the immediate approach of a railroad train;
 2. A crossing gate is lowered or a human flagman gives or continues to give a signal of the approach or passage of a railroad train;
 3. A railroad train approaching within approximately 1,320 feet of a 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
 4. An approaching railroad train is plainly visible and is in hazardous proximity to such crossing.
- B. 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.

Source: 1952 Rev. Ord. 1119 (1962).

8-1109. Crossing intersections or 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.

Source: 1952 Rev. Ord. 1119 (1962).

8-1110. All vehicles must stop at certain railroad grade crossings.--The police department is hereby authorized to designate particularly dangerous streets or 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 50 feet but not less than 15 feet from the nearest rail of such railroad and shall proceed only upon exercising due care.

Source: 1952 Rev. Ord. 1119 (1962).

8-1111. Certain vehicles must stop at all railroad grade crossings.--

- A. The driver of a bus carrying passengers for hire, or of any school bus carrying any school child, or of any vehicle carrying explosive substances or flammable liquids as a cargo or part of a cargo, before crossing at grade any track or tracks of a railroad, shall stop such vehicle within 50 feet but not less than 15 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, except as hereinafter provided, and shall not proceed until he can do so safely. After stopping as required herein and upon proceeding when it is safe to do so, the driver of any said vehicle shall cross only in such gear of the vehicle that there will be no necessity for changing gears while traversing such crossing and the driver shall not shift gears while crossing the track or tracks;
- B. No stop need be made at any such crossing where a police officer directs traffic to proceed.

Source: 1952 Rev. Ord. 1119 (1962).

ARTICLE 8-12

GENERAL RULES OF THE ROAD

Section	
8-1201	Following too closely.
8-1202	Right-of-way.
8-1203	Vehicle entering street or highway from private road or driveway or turning left to enter a private road or driveway.
8-1204	Vehicle entering through street or stop intersection.
8-1205	Vehicle entering yield intersection.
8-1206	Driving on divided street or highway.
8-1207	Restricted access.

- 8-1208 Restrictions on use of controlled-access roadway.
- 8-1209 Driving on right side of roadway--Exceptions.
- 8-1210 Passing vehicles proceeding in opposite directions.
- 8-1211 Dimming of headlights upon meeting another vehicle.
- 8-1212 Overtaking a vehicle on the left.
- 8-1212.1 Driver to give way to overtaking vehicle.
- 8-1213 When overtaking on the right is permitted.
- 8-1214 Limitations on overtaking on the left.
- 8-1215 Further limitations on driving to left of center of roadway.
- 8-1216 No-passing zones.
- 8-1217 Driving on roadways laned for traffic.
- 8-1218 Stopping on street.
- 8-1219 Permitting use of vehicle to violate subsections (E), (F) and (G) of § 8-1218 prohibited--Presumption of permission--Defense--Dual prosecution prohibited.

8-1201. 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.

Source: 1952 Rev. Ord. 1119 (1962).

8-1202. Right-of-way.--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 chapter.

Source: 1965 Rev. Ord. 8-1202, 1385 (1971).

8-1203. Vehicle entering street or highway from private road or driveway or turning left to enter a private road or driveway.--The driver of a vehicle about to enter or cross a street or highway from a private road or driveway shall yield the right-of-way to all vehicles approaching on said street or highway and a vehicle turning left to enter a private road or driveway shall yield the right-of-way to all vehicles approaching on said street or highway and to any vehicle which is then in the left-hand lane overtaking or is about to overtake the left-turning vehicle.

Source: 1952 Rev. Ord. 1119 (1962).

8-1204. Vehicle entering through street or stop intersection.--

- A. 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 line 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 there 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.

- B. 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 and 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 there 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.
- C. 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 intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway, except when directed to proceed by a police officer or traffic-control signal.

Source: 1952 Rev. Ord. 1119 (1962).

8-1205. Vehicle entering yield intersection.--

- A. 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 conditions 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 and has or causes a collision with a pedestrian in a crosswalk or a vehicle in the intersection shall be considered prima facie not to have yielded as required herein. The foregoing shall not relieve the drivers of other vehicles approaching the intersection on the favored highway and at such distance as not to constitute an immediate hazard from the duty to drive with due care to avoid a collision.
- B. The driver of a vehicle approaching a yield sign if required for safety to stop shall stop before entering the crosswalk on the near side of the intersection or, in the event there is no crosswalk, at a clearly marked stop line, but if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway.

Source: 1952 Rev. Ord. 1119 (1962).

8-1206. Driving on divided street or highway.--Whenever any street or highway has been divided into two roadways by 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 driven over, across, or within any such physical barrier, or dividing section or space except through an opening in such physical barrier or dividing section or space at a crossover or intersection established by public authority.

Source: 1952 Rev. Ord. 1119 (1962).

8-1207. 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.

Source: 1952 Rev. Ord. 1119 (1962).

8-1208. Restrictions on use of controlled-access roadway.--Subject to the approval of the board of city commissioners, the police department may, by regulation, prohibit the use by pedestrians, bicycles, or other nonmotorized traffic or by any person operating a motor-driven cycle on any controlled-access roadway under the jurisdiction of the city.

Upon the adoption and approval of any such prohibitory regulations, the police department shall erect and maintain official signs on the controlled-access roadway on which such regulations are applicable and when so erected, no person shall disobey the restrictions stated on such signs.

Source: 1952 Rev. Ord. 1119 (1962).

8-1209. Driving on right side of roadway--Exceptions.--

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

1. When overtaking and passing another vehicle proceeding in the same direction under the rules governing such movement;
2. When the right half of a roadway is closed to traffic while under construction or repair;
3. Upon a roadway divided into three marked lanes for traffic under the rules applicable thereon; or
4. Upon a roadway designated and signposted for one-way traffic.

B. Upon all roadways any vehicle proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing shall be driven in the right-hand lane then available for traffic, or as close as practicable to the right-hand curb or edge of the roadway, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn at an intersection or into a private road or driveway.

Source: 1952 Rev. Ord. 1119 (1962).

8-1210. Passing vehicles proceeding in opposite directions.--Drivers of vehicles proceeding in opposite directions shall pass each other to the right, and upon roadway 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: 1952 Rev. Ord. 1119 (1962).

8-1211. Dimming of headlights upon meeting another vehicle.--Whenever a motor vehicle meets another vehicle on the street after dusk or whenever it is necessary for the vehicle's lamps to be turned on, the driver of each vehicle shall dim his lamps by tilting the beam downward so that under normal atmospheric conditions such lamps shall shine down from a level plane.

Source: 1952 Rev. Ord. 1119 (1962), 2316 (1987).

8-1212. Overtaking a vehicle on the left.--The following rules shall govern the overtaking and passing of vehicles proceeding in the same direction, subject to those limitations, exceptions,

and special rules hereinafter stated:

- A. The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle. When not within a business or residence district, the driver of an overtaking vehicle shall give audible warning with his horn or other warning device before passing or attempting to pass a vehicle proceeding in the same direction; and
- B. Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle, on audible signal, and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.

Source: 1952 Rev. Ord. 1119 (1962).

8-1212.1. Driver to give way to overtaking vehicle.--The driver of a vehicle upon a highway, about to be overtaken and passed by another vehicle approaching from the rear, shall give way to the right in favor of the overtaking vehicle, on suitable and audible signal being given by the driver of the overtaking vehicle, and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.

Source: 1952 Rev. Ord. (1965).

8-1213. When overtaking on the right is permitted.--

- A. The driver of a vehicle may overtake and pass upon the right of another vehicle only under the following conditions:
 - 1. When the vehicle overtaken is making or about to make a left turn;
 - 2. Upon a street or highway with unobstructed pavement not occupied by parked vehicles and of sufficient width for two or more lines of moving vehicles in each direction; or
 - 3. Upon a one-way street, or upon any roadway on which traffic is restricted to one direction of movement, where the roadway is free from obstructions and of sufficient width for two or more lines of moving vehicles.
- B. The driver of a vehicle may overtake and pass another vehicle upon the right only under conditions permitting such movement in safety. In no event shall such movement be made by driving off the pavement or main-traveled portion of the roadway.

Source: 1952 Rev. Ord. 1119 (1962).

8-1214. Limitations on overtaking on the left.--No vehicle shall be driven to the left side of the center of the roadway in overtaking and passing another vehicle proceeding in the same direction unless such left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be completely made without interfering with the safe operation of any vehicle approaching from the opposite direction or any vehicle overtaken. In any event, the overtaking vehicle must return to the right-hand side of the roadway before coming within 100 feet of any vehicle approaching from the opposite direction.

Source: 1952 Rev. Ord. 1119 (1962).

8-1215. Further limitations on driving to left of center of roadway.--No vehicle shall at any time be driven to the left side of the roadway under the following conditions:

- A. When approaching the crest of a grade or upon a curve in the street 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 100 feet of or traversing any intersection or railroad grade crossing;
- C. When the view is obstructed upon approaching within 100 feet of any bridge, viaduct, or tunnel. The foregoing limitations shall not apply upon a one-way roadway.

Source: 1952 Rev. Ord. 1119 (1962).

8-1216. No-passing zones.--The traffic engineer is hereby authorized to determine those portions of any street or highway where overtaking and passing or driving to the left 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 marking are in place and clearly visible to an ordinarily observant person, every driver of a vehicle shall obey the directions thereof.

Source: 1952 Rev. Ord. 1119 (1962), 2316 (1987).

8-1217. 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, shall apply:

- A. A vehicle shall be driven as nearly as practicable entirely within a single lane and shall not be moved from such lane until the driver has first ascertained that such movement can be made with safety;
- B. Upon a roadway which is divided into three lanes, a vehicle shall not be driven in the center lane except when overtaking and passing another vehicle where the roadway is clearly visible and such center lane is clear of traffic within a safe distance, or in preparation for a left turn, or where such center lane is at the time allocated exclusively to traffic moving in the direction the vehicle is proceeding and is signposted to give notice of such allocation; and
- C. Official signs may be erected directing slow-moving 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 sign.

Source: 1952 Rev. Ord. 1119 (1962).

8-1218. Stopping on street.--The following rules shall be applicable to stopping and parking vehicles on streets:

- A. 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 15 feet upon the main traveled portion of the street opposite such standing vehicle 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 200 feet in both directions upon such streets.

- B. 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.
- C. 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.
- D. 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 and temporarily leaving the vehicle in such position.
- E. No person shall activate the flashing red lights, stop sign control arm, or safety strobe lights of a school bus on any street of four lanes or more or on any one-way street within the city of Fargo.
- F. No driver of a motor vehicle shall pass a school bus while that school bus has activated flashing red lights, stop sign control arm, or safety strobe lights.
- G. No driver of a motor vehicle shall proceed past a school bus in the oncoming lane while that school bus has activated flashing red lights, stop sign control arm, or safety strobe lights.

Source: 1952 Rev. Ord. 1119 (1962), 2724 (1994).

8-1219. Permitting use of vehicle to violate subsections (E), (F) and (G) of section 8-1218 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 subsections (E), (F) and (G) of § 8-1218. If a motor vehicle is seen violating said subsections, 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 the aforementioned subsections of § 8-1218, 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 subsections (E), (F) and (G) of § 8-1218. Violation of this section is not a lesser included offense of violation of subsections (E), (F) and (G) of § 8-1218.

Source: 2782 (1996).

ARTICLE 8-13

MISCELLANEOUS DRIVING RULES

Section	
8-1301	Following fire apparatus prohibited--Parking within block where fire apparatus used prohibited--Driving over fire hose or through street barricade prohibited.
8-1302	Driving through parade, funeral, or procession.
8-1303	Driving in funeral or procession.
8-1304	Permits required for parades and processions--Exceptions.
8-1305	Vehicle shall not be driven on a sidewalk.
8-1306	Limitations on backing.
8-1307	Opening and closing vehicle doors.
8-1308	Equipment for motorcycle riders.
8-1309	Number of riders on motorcycles limited.
8-1310	Clinging to vehicles.
8-1311	Starting parked vehicles.
8-1312	Boarding or alighting from vehicles.
8-1313	Unlawful riding.
8-1314	Cruising about streets forbidden.
8-1315	Towing sleds and carts.
8-1316	Obstruction to driver's view or driving mechanism.
8-1317	Coasting prohibited.
8-1318	Garbage, glass, and other injurious materials--Throwing or depositing on highways prohibited--Removal.
8-1319	Operation of motor vehicles on private property.
8-1320	Regulations for the use and operation of snowmobiles.
8-1321	Use of safety belts required in certain motor vehicles.

8-1301. 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:

- A. To follow any fire apparatus traveling in response to a fire alarm closer than 300 feet;
- B. To drive into or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm;
- C. To drive over any fire hose;
- D. To drive through or around any street barricade.

Source: 1952 Rev. Ord. 1119 (1962).

8-1302. Driving through parade, funeral, or procession.--No vehicle except Class A vehicles may be driven through any parade, funeral, or procession except with the permission or upon the signal of a police officer.

Source: 1952 Rev. Ord. 1119 (1962), 2317 (1987).

8-1303. Driving in funeral or 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.

Source: 1952 Rev. Ord. 1119 (1962).

8-1304. Permits required for parades and processions--Exceptions.--No procession or parade containing 50 or more persons or 20 or more vehicles, except the forces of the United States Army or Navy, the military forces of this state, and the forces of the police and fire departments, shall occupy, march, or proceed along any street except in accordance with a permit issued by the chief of police and in accordance with other pertinent regulations, statutes, and ordinances.

Source: 1952 Rev. Ord. 1119 (1962).

8-1305. 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 or while engaged in maintaining or constructing the sidewalk or boulevard areas.

Source: 1952 Rev. Ord. 1119 (1962), 2819 (1997).

8-1306. Limitations on backing.--The driver of a vehicle shall not back the same unless such movement can be made with reasonable safety and without interfering with other traffic.

Source: 1952 Rev. Ord. 1119 (1962).

8-1307. Opening and closing vehicle doors.--No person shall open the door of a motor vehicle on the side available to moving traffic unless and until it is reasonably safe to do so, nor shall any person leave a door open on the side of a motor vehicle available to moving traffic for a period of time longer than necessary to load or unload passengers.

Source: 1952 Rev. Ord. 1119 (1962).

8-1308. Equipment for motorcycle riders.--

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

Source: 1965 Rev. Ord. 8-1308.1, 1860 (1978), 2515 (1990).

8-1309. Number of riders on motorcycles limited.--No motorcycle, as defined by subsection 22 of ordinance [section] 8-0101, designed to travel with fewer than three wheels in contact with the ground, shall be operated with more than one person thereon except that a motorcycle may be operated with not more than two persons riding thereon if such motorcycle is designed specifically for the purpose of carrying more than one person. The specifications that a motorcycle must meet in order for two persons to ride on such motorcycle shall be those promulgated by the rules and regulations of the North Dakota Motor Vehicle Registrar.

Source: 1252 (1967), 2515 (1990).

8-1310. Clinging to vehicles.--No person riding upon any bicycle, coaster, skis, roller skates, sled, toboggan, or toy vehicle shall attach the same or himself to any vehicle upon any roadway. No person shall drive a motor vehicle upon a public highway knowing the same to be attached by any bicycle, coaster, roller skates, sled, skis, toy vehicle, or person.

Source: 1952 Rev. Ord. 1119 (1962), 2515 (1990).

8-1311. Starting parked vehicles.--No person shall start a vehicle which is stopped, standing, or parked unless and until such movement can be made with reasonable safety.

Source: 1952 Rev. Ord. 1119 (1962), 2515 (1990).

8-1312. Boarding or alighting from vehicles.--No person shall board or alight from any vehicle while such vehicle is in motion.

Source: 1952 Rev. Ord. 1119 (1962), 2515 (1990).

8-1313. Unlawful riding.--No person, operator, or passenger shall ride upon or permit anyone to ride upon any portion of any vehicle not designated or intended for the use of passengers. This provision shall not apply to an employee engaged in the discharge of a necessary duty or to persons riding within truck bodies in space intended for merchandise nor shall this provision apply when such vehicle is driven in a parade or ceremonial conducted or permitted under local ordinances.

Source: 1965 Rev. Ord. 8-1312, 1283 (1968), 2515 (1990).

8-1314. Cruising about streets forbidden.--No common carrier of freight or passengers shall cruise about the streets to solicit business.

Source: 1952 Rev. Ord. 1119 (1962), 2515 (1990).

8-1315. Towing sleds and carts.--No driver or operator shall tow or permit to be towed by any vehicle on the streets of the city any sleigh, wagon, cart, toboggan, skis, or other device which creates a traffic hazard.

Source: 1952 Rev. Ord. 1119 (1962), 2515 (1990).

8-1316. Obstruction to driver's view or driving mechanism.--

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

B. No passenger in a vehicle shall ride in such position as to interfere with the driver's view ahead or to the sides or to interfere with his control over the driving mechanism of the vehicle.

Source: 1952 Rev. Ord. 1119 (1962), 2515 (1990).

8-1317. Coasting prohibited.--The driver of any motor vehicle when traveling upon a downgrade shall not coast with gears of such vehicle in neutral or with the clutch disengaged.

Source: 1952 Rev. Ord. 1119 (1962), 2515 (1990).

8-1318. Garbage, glass, and other injurious materials--Throwing or depositing on highways prohibited--Removal.--

- A. No person shall throw or deposit upon any street or highway any glass bottle, glass, nails, tacks, wire, cans, metal, wood, or any other substance likely to injure any person, animal, or vehicle or throw or deposit rubbish of any kind upon any street or highway.
- B. Any person who drops, or permits to be dropped or thrown, upon any street or highway any destructive or injurious material shall immediately remove the same or cause it to be removed.
- C. Any person removing a wrecked or damaged vehicle from a street or highway shall remove any glass or other dangerous or injurious substance dropped upon the highway from such vehicle.

Source: 1952 Rev. Ord. 1119 (1962), 2515 (1990).

8-1319. Operation of motor vehicles on private property.--No person operating any motor vehicle shall drive it on any private property:

- A. As a route or short-cut from one street to another.
- B. To cruise or race on such private property.
- C. To avoid any traffic-control device or sign.
- D. So as to endanger any person or property.
- E. Unless such person, or one of the occupants of such vehicle, intends to transact business there. Any person driving a motor vehicle onto and off of such premises without stopping shall be presumed to have violated this subsection.

Source: 1952 Rev. Ord. 1219 (1965), 2515 (1990), 2667 (1993).

8-1320. Regulations for the use and operation of snowmobiles.--

- A. No person under the age of 16 years shall operate a snowmobile in the city of Fargo and no person owning or having custody of any snowmobile shall authorize or permit any person under the age of 16 years to operate said snowmobile, except that persons between the ages of 10 and 16 years shall be permitted to operate snowmobiles when under the supervision, direction and control of a parent or guardian.
- B. No person shall operate or permit to be operated any snowmobile anywhere in the city of Fargo except on property owned or leased by him or on property adjacent thereto after permission has been obtained from the owner or on property owned or maintained by the Fargo Park Board, and then only upon such park areas as are designated in writing by the park board and posted in at least three public places within the city of Fargo. A copy and listing of the areas designated by the park board for operation of snowmobiles shall also be kept on file in the police department, in the city hall and in the offices of the park board of the city of Fargo.
- C. It shall be unlawful to operate or to permit the operation of a snowmobile anywhere in the city of Fargo prior to 7:00 a.m. or after 10:00 p.m. of any day.

- D. Snowmobiles shall not be driven to areas designated for their use by the park board but shall be transported thereto by automobile or trailer or other appropriate means.
- E. No person owning or having custody or control of a snowmobile shall operate or permit the operation thereof upon any real property or land within the city of Fargo not owned or leased by such person except as elsewhere permitted by this ordinance, nor shall such person operate or permit to be operated any snowmobile upon any street, alley, roadway, berm, boulevard, sidewalk, ditch, or city-owned property or right-of-way within the city of Fargo.
- F. No snowmobile shall be operated anywhere in the city of Fargo with more than one operator and one passenger aboard unless the manufacturer's specifications or recommendations permit or authorize more than two persons.
- G. No snowmobile shall be used to pull any sled, toboggan, flying saucer or any other similar device except that sleds attached by a metal towbar may be pulled and persons on skis may be pulled if a towrope at least 50 feet long is used.
- H. It shall be unlawful to operate any snowmobile in the city of Fargo unless it is equipped with a factory muffler or the equivalent in good working order.
- I. No person may operate a snowmobile, and an owner of a snowmobile may not knowingly permit the snowmobile to be operated anywhere in the city of Fargo, without a policy of liability insurance which insures the person named, and any person using the snowmobile with the express or implied permission of the person named, against loss from the liability imposed by law for damages arising out of the ownership, maintenance or use of the snowmobile within this state, subject to the following limits, exclusive of interest and costs, with respect to each snowmobile: \$25,000 because of bodily injury to or death of one person in any one accident and, subject to the limit for one person, \$50,000 because of bodily injury to or death of two or more persons in any one accident, and \$25,000 because of injury to or destruction of property of others in any one accident. Upon request of a law enforcement officer, a person operating a snowmobile shall provide proof of liability insurance to that officer within 20 days.
- J. Any snowmobile which is operated in violation of any of the provisions of this ordinance may be impounded by the police department.
- K. Every person, firm or corporation violating subsections (I) is guilty of a Class B misdemeanor and must be assessed a fine of at least \$100.

Source: 1265 (1968), 2515 (1990), 2519 (1990), 2829 (1997).

8-1321. Use of safety belts required in certain motor vehicles.--A driver may not operate on any street or highway in the city of Fargo, a motor vehicle designed for carrying fewer than 11 passengers, which was originally manufactured with safety belts, unless each front seat occupant is wearing a properly adjusted and fastened safety belt.

- A. This section shall not apply to the following:
 - 1. A child in a child restraint device or seat belt as defined in § 39-21-41.2, N.D.C.C.

2. Drivers of implements of husbandry.
 3. To operators of farm vehicles as defined in subsection 5 of § 39-04-19, N.D.C.C.
 4. To rural mail carriers while on duty delivering mail.
 5. When all front seat safety belts are in use by other occupants.
- B. 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: 2708 (1994).

ARTICLE 8-14

BICYCLES

Section	
8-1401	Effect of regulations.
8-1402	License application.
8-1403	Issuance of license.
8-1404	Attachment of license plate.
8-1405	Inspection of bicycles.
8-1406	Renewal of license.
8-1407	Transfer of ownership.
8-1408	Rental agencies.
8-1409	Bicycle dealers--Repealed.
8-1410	Traffic laws apply to persons riding bicycles.
8-1411	Obedience to traffic-control devices.
8-1412	Riding on bicycles.
8-1413	Riding on roadways and bicycle paths.
8-1414	Speed.
8-1415	Emerging from alley or driveway.
8-1416	Carrying articles.
8-1417	Parking Bicycles - Abandoned Bicycles.
8-1418	Riding on sidewalks.
8-1419	Lamps and other equipment on bicycles.
8-1420	Restricted operation by child under twelve years of age.
8-1421	Bicycles may be impounded if operated in violation of ordinances.
8-1422	Bicycle accidents.
8-1423	Bicycle routes to be established.
8-1424	Arresting persons for violating bicycle or traffic regulations--Duty of officer arresting.
8-1425	Penalties imposed.

8-1401. Effect of regulations.--

- A. It is a misdemeanor for any person to do any act forbidden or fail to perform any act required in this chapter.
- B. The parent of any child and the guardian of any ward shall not authorize or

knowingly permit any such child or ward to violate any of the provisions of this chapter.

- C. These regulations applicable to bicycles shall apply whenever a bicycle is operated upon any street or highway or upon any path set aside for the exclusive use of bicycles subject to those exceptions stated herein.

Source: 1952 Rev. Ord. 1119 (1962), 1965 Rev. Ord. 8-1401, 1411 (1971).

8-1402. License application.--Application for a bicycle license plate shall be made upon a form provided by the city and shall be made to the police department. A license fee in such amount, as shall be established by resolution of the board of city commissioners, shall be paid to the city before each license is granted.

Source: 1965 Rev. Ord. 8-1402, 1411 (1971), 2061 (1982), 2599 (1991).

8-1403. Issuance of license.--

- A. The chief of police, or his delegated agent, upon receiving proper application therefor, is authorized to issue a bicycle license which shall be effective for a period of five years. A registration card shall be issued with each license.
- B. The chief of police, or his delegated agent, shall not issue a license for any bicycle when he knows or has reasonable grounds to believe that the applicant is not the owner of or entitled to the possession of such bicycle.
- C. 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 on the frame of the bicycle for which issued and a record of all bicycle license fees collected.

Source: 1952 Rev. Ord. 1119 (1962), 1965 Rev. Ord. 8-1403, 1411 (1971), 2342 (1987), 2599 (1991).

8-1404. Attachment of license plate.--

- A. The chief of police, or his designated agent, upon issuing a bicycle license shall also issue a license plate bearing the license number assigned to the bicycle, and the name of the city.
- B. The chief of police, or his delegated agent, shall cause such license plate to be firmly attached to the frame of the bicycle in such position as to be plainly visible.
- C. No person shall remove a license plate from a bicycle except in the event the bicycle is dismantled and no longer operated upon any street in this city.

Source: 1965 Rev. Ord. 8-1404, 1411 (1971).

8-1405. 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 is determined to be in unsafe mechanical condition.

Source: 1952 Rev. Ord. 1119 (1962), 1965 Rev. Ord. 8-1405, 1411 (1971).

8-1406. Renewal of license.--Renewal of a bicycle license shall be made, when the license is no longer legible or has been removed, upon application and payment of the same fee as required for an original application.

Source: 1965 Rev. Ord. 8-1406, 1411 (1971).

8-1407. 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 a change-in-ownership registration, said change in records 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.

Source: 1952 Rev. Ord. 1119 (1962), 1965 Rev. Ord. 8-1407, 1411 (1971).

8-1408. 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 herein and unless such bicycle is equipped with the lamps and other equipment required in this chapter.

Source: 1952 Rev. Ord. 1119 (1962), 1965 Rev. Ord. 8-1408, 1411 (1971).

8-1409. Bicycle dealers.--1965 Rev. Ord. 8-1409, 1411 (1971), repealed by Ord. No. 2599 (1991).

8-1410. Traffic laws apply to persons riding bicycles.--Every person riding a bicycle upon a roadway shall be granted all of the rights and shall be subject to all the duties which may be applied to the driver of a vehicle by the laws of this state declaring rules of the road applicable to vehicles or by the traffic ordinances of this city, except as to special regulations in this article and except as to those provisions of laws and ordinances which by their nature can have no application.

Source: 1952 Rev. Ord. 1119 (1962), 1965 Rev. Ord. 8-1410, 1411 (1971).

8-1411. Obedience to traffic-control devices.--

- A. Any person operating a bicycle shall obey the instructions of official traffic-control signals, signs, and other control devices applicable to vehicles, unless otherwise directed by a police officer.
- B. Whenever authorized signs are erected indicating that no right or left or U-turn is permitted, no person operating a bicycle shall disobey the direction of any such signs, but where the rider dismounts from the bicycle to make any such turn, he shall then obey the regulations applicable to pedestrians.

Source: 1952 Rev. Ord. 1119 (1962), 1965 Rev. Ord. 8-1411, 1411 (1971).

8-1412. Riding on bicycles.--

- A. A person propelling a bicycle shall not ride other than astride a permanent and regular seat attached thereto.
- B. No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped.
- C. Passengers, other than those propelling a bicycle, may ride on a seat which is mounted to the rear of the operator. Said passenger seat shall be equipped with handgrips and footrests and seat belts, or otherwise designed to prevent the occupant from falling or being thrown from said seat, and shall be occupied by the persons who are too young to operate a bicycle.
- D. No person shall be permitted to ride on any part of a bicycle other than a seat as described in (C) above. Said passenger shall be guilty of an offense as well as the party permitting same.

Source: 1952 Rev. Ord. 1119 (1962), 1965 Rev. Ord. 8-1412, 1411 (1971), 2342 (1987).

8-1413. Riding on roadways and bicycle paths.--

- A. Every person operating a bicycle upon a roadway at less than the normal speed of traffic at the time and place and under the conditions then existing shall ride as close as practicable to the right side of the roadway except under any of the following situations:
1. When overtaking and passing another bicycle or vehicle proceeding in the same direction.
 2. When preparing for a left turn at an intersection or into a private road or driveway.
 3. When reasonably necessary to avoid conditions including, but not limited to fixed or moving objects, parked or moving vehicles, bicycles, pedestrians, animals, surface hazards, or substandard width lanes that make it unsafe to continue along the right-hand curb or edge. For purposes of this section, a "substandard width lane" is a lane that is too narrow for a bicycle and a vehicle to travel safely side by side within the lane.
 4. When driving a bicycle on a one-way street.
 5. When approaching a place where a right turn is authorized.
- B. Persons riding bicycles upon a roadway shall not ride more than two abreast, except on paths or parts of roadways set aside for the exclusive use of bicycles. Persons riding two abreast shall not impede the normal and reasonable movement of traffic and, on a single laned roadway, shall ride within a single lane.

Source: 1952 Rev. Ord. 1119 (1962), 1965 Rev. Ord. 8-1413, 1411 (1971), 2342 (1987), 4550 (2006).

8-1414. Speed.--No person shall operate a bicycle at a speed greater than is reasonable and prudent under the conditions then existing.

Source: 1952 Rev. Ord. 1119 (1962), 1965 Rev. Ord. 8-1414, 1411 (1971).

8-1415. Emerging from alley or driveway.--The operator of a bicycle emerging from an alley, driveway, or building, upon approaching a sidewalk or sidewalk area shall yield the right-of-way to the pedestrians approaching on said sidewalk or sidewalk area, and upon entering the roadway, shall yield the right-of-way to all vehicles approaching on said roadway.

Source: 1952 Rev. Ord. 1119 (1962), 1965 Rev. Ord. 8-1415, 1411 (1971).

8-1416. 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 handle bars or carry a package, bundle, or article which prevents the forward vision of the operator.

Source: 1952 Rev. Ord. 1119 (1962), 1965 Rev. Ord. 8-1416, 1411 (1971).

8-1417. Parking Bicycles - Abandoned Bicycles.--

- A. No person shall park a bicycle upon a street or public right of way other than the curb or in a rack to support the bicycle. A bicycle shall be parked in such manner as to afford the least obstruction to pedestrian traffic

- B. Any bicycle appearing to be abandoned on any public path, sidewalk or street may be removed and impounded by a police officer, or any other employee of the city that is authorized to issue parking citations.
- C. In such cases, notice shall be posted on the bicycle stating that the bicycle will be impounded and disposed of as allowed by law if it is not removed within three days of such posting on such bicycle. Any bicycle which remains in violation of this ordinance may be impounded and disposed of as allowed by law without further notice to the owner.
- D. The term “abandoned” shall refer to the condition of a bicycle in a state of disuse or neglect as evidenced by missing components, flat tires or other signs of disuse or neglect.

Source: 1952 Rev. Ord. 1119 (1962), 1965 Rev. Ord. 8-1417, 1411 (1971), 4550 (2006).

8-1418. Riding on sidewalks.--

- A. No person shall ride a bicycle upon any skyway.
- B. Whenever any person is riding a bicycle upon a sidewalk, he shall yield the right-of-way to any pedestrian and shall give audible signal before overtaking and passing any pedestrian.
- C. No person shall ride a bicycle upon a sidewalk which is posted with signs prohibiting bicycles; provided that this ordinance shall not apply to law enforcement officers riding bicycles in connection with their duties. The posting of signs shall be in accordance with the latest revision of the Manual of Uniform Traffic Control Devices as published by the U.S. Department of Transportation, Federal Highway Administration provided; however, that signs not in accordance therewith shall be in full force and effect if approved by resolution of the Board of City Commissioners.

Source: 2393 (1988), 2551 (1990), 2652 (1993), 4550 (2006).

8-1419. Lamps and other equipment on bicycles.--

- A. Every bicycle when in use between one-half hour after sunset and one-half hour before sunrise shall be equipped with a lamp on the front which shall emit a white light visible from a distance of at least 500 feet to the front; and with a red reflector of at least two square inches on the rear, of a type which shall be visible from all distances from 50 to 500 feet to the rear when directly in front of a lawful upper beam of headlamps of a motor vehicle. A lamp emitting a red light visible from a distance of 500 feet to the rear may be used in addition to the red reflector. Reflectors or reflectorized material shall also be attached to the handlebars and front fork to reflect light emitted by lawful headlamps of a motor vehicle. Said material shall be white or silver in color.
- B. No person shall operate a bicycle equipped with, nor shall any person use upon a bicycle, any siren or whistle.
- C. Every bicycle shall be equipped with a brake which will enable the operator to make the braked wheel skid on dry, level, clean pavement.
- D. Every bicycle shall be equipped with handlebars no higher than the shoulders of the operator.

Source: 1965 Rev. Ord. 8-1419, 1411 (1971).

8-1420. Restricted operation by child under twelve years of age.--

- A. No child under the age of 12 years shall operate a bicycle on the streets or avenues in the city within a zone the boundaries of which shall be as follows: From the intersection of Roberts Street and Sixth Avenue North. South on Roberts Street to NP Avenue; West on NP Avenue to Eighth Street and First Avenue South; East on First Avenue South to the intersection of First Avenue South and Fourth Street; North on Fourth Street to the intersection with Sixth Avenue North; and West on Sixth Avenue North to the intersection with Roberts Street.
- B. No child under the age of 12 years shall operate a bicycle on Broadway or on the one-way streets of University Drive and Tenth Street from 13th Avenue South to 19th Avenue North, unless accompanied by a person 18 years of age or older.

Source: 1965 Rev. Ord. 8-1420, 1411 (1971).

8-1421. Bicycles may be impounded if operated in violation of ordinances.--The police department of the city or any of the members thereof may impound any bicycle operated in violation of any of the ordinances of the city and retain possession of same until all fines have been paid or until compliance with any other sentence of the court.

Source: 1965 Rev. Ord. 8-1421, 1411 (1971), 1552 (1973), 2599 (1991).

8-1422. Bicycle accidents.--The driver of a bicycle involved in an accident with another 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 the 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, it is not necessary for the driver to file an individual report.

Source: 1965 Rev. Ord. 8-1422, 1411 (1971).

8-1423. Bicycle routes to be established.--Bicycle routes shall be established by the city and shall be so posted by the police department. Said routes are created to encourage bicycle operators to utilize these routes for their safety and convenience.

Source: 1965 Rev. Ord. 8-1423, 1411 (1971).

8-1424. Arresting persons for violating bicycle or traffic regulations--Duty of officer arresting.--

- A. Whenever a bicyclist is arrested for the violation of any of the provisions of this chapter, the officer arresting such person, except as otherwise provided, shall:
 - 1. Take name and address of such person;
 - 2. Issue a summons or otherwise notify him in writing to appear at a time and place to be specified in such summons or notice.
- B. If the violator is under 10 years of age, the bicycle shall be impounded and the parent or the guardian shall be notified in writing of the infraction. A

copy of the written warning issued the operator shall be forwarded to the parent or guardian.

Source: 1965 Rev. Ord. 8-1424, 1411 (1971), 2599 (1991).

8-1425. Penalties imposed.--All persons convicted of (violating) any provisions of this chapter (article) shall be punished by a fine not to exceed \$50; or by the impounding of the vehicle for a minimum of 15 days or until impound and storage fees are paid; or both.

Source: 1965 Rev. Ord. 8-1425, 1411 (1971).

ARTICLE 8-15

TRANSPORTATION OF EXPLOSIVES BY MOTOR VEHICLES

Note: Article 8-15 of chapter 8 of the Revised Ordinances of 1965 (sections 8-1501 to 8-1506) was repealed by Ord. No. 1995, 1980.

ARTICLE 8-16

ARREST PROCEDURE

Section

- 8-1601 Arresting person for violating traffic regulations--Duty of officer arresting.
- 8-1602 Hearing upon arrest--Time of hearing--Promise of defendant to appear--Failure of defendant to appear.
- 8-1603 When defendant not entitled to release upon promise to appear.
- 8-1604 Arrest of nonresident traffic violator.
- 8-1605 Fines and forfeitures--Disposition--Bail schedule.
- 8-1606 Parking tickets.
- 8-1607 Reports kept by municipal judge.
- 8-1608 When copy of citation shall be deemed a lawful complaint.
- 8-1609 Failure to comply with traffic citation attached to parked vehicle.
- 8-1610 Presumption in reference to illegal parking.
- 8-1611 When warrant for arrest to be issued.
- 8-1612 Delinquent parking tickets--Impounding of vehicles.

8-1601. Arresting person for violating traffic regulations--Duty of officer arresting.--Whenever any resident of the city is arrested for the violation of any of the provisions of this chapter, the officer arresting such person, except as otherwise provided, shall:

- A. Take the name and address of such person;
- B. Take the license number of his motor vehicle;
- C. Issue a summons or otherwise notify him in writing to appear at a time and place to be specified in such summons or notice; and
- D. A peace officer, without a warrant, may arrest a person, on a charge made upon reasonable cause of driving or being in actual physical control of a vehicle while under the influence of alcoholic beverages.

Source: 1965 Rev. Ord. 8-1601, 1311 (1969).

8-1602. Hearing upon arrest--Time of hearing--Promise of defendant to appear--Failure of defendant to appear.--

- A. The time to be specified in the summons or notice provided for in § 8-1601 shall be at least two days after such arrest unless the person arrested shall demand an earlier hearing, and if the person arrested desires, he may have the right, at a convenient hour, to an immediate hearing or to a hearing within 24 hours. Such hearing shall be before a municipal judge of the city. Upon the receipt from the arrested person of a written promise to appear at the time and place mentioned in the summons or notice, such officer shall release him from custody. Any person refusing to give such written promise to appear shall be taken immediately, or as soon as possible, by the arresting officer before the nearest or most accessible municipal judge.
- B. A willful failure to keep a written promise to appear shall be a separate violation of this chapter regardless of the disposition of the charge upon which such person originally was arrested.

Source: 1952 Rev. Ord. 1119 (1962).

8-1603. When defendant not entitled to release upon promise to appear.--The provisions of § 8-1602 shall not apply if the arresting officer shall have good reason to believe such person guilty of any felony, or when such person is arrested and charged with either of the following offenses:

- A. Causing or contributing to an accident resulting in injury or death of any person;
- B. Driving while under the influence of intoxicating liquor or a narcotic drug.

The arresting officer forthwith shall take any person not released upon his promise to appear before the proper judge.

Source: 1952 Rev. Ord. 1119 (1962), 2515 (1990).

8-1604. Arrest of nonresident 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 nonresident of this state and who is involved in the accident when the officer has reasonable and probable grounds, based upon personal investigation, to believe that the person has committed any offense under the provisions of this chapter 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 judge.

Source: 1952 Rev. Ord. 1119 (1962).

8-1605. Fines and forfeitures--Disposition--Bail schedule.-- All fines or forfeitures collected upon conviction or upon forfeiture of bail of any person charged with the violation of any provisions of this chapter shall be disposed of as by law provided. The municipal judge may file with the police chief a schedule in writing, subscribed by the judge and based on the offense charged, indicating the amount of bail fixed by such judge for the release of persons arrested or charged with any violation of this chapter, which schedule shall be applicable for the bail to be furnished in his absence from 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, during the absence of the municipal judge, shall be

immediately released from custody. Provided, that the payment or 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 court, fix bail in such amounts or upon such conditions as may be provided by law and within his discretion without regard to bail schedule provided and applicable in his absence from court.

Source: 1952 Rev. Ord. 1119 (1962).

8-1606. Parking Tickets.--Any officer or representative of the police department who finds any motor vehicle located within the city at a place or in a condition which is at the time in violation of any of the provisions of article 8-10 (Parking Regulations) may affix a parking ticket to any portion of such motor vehicle. The parking ticket shall give notice in writing requiring the owner or person in possession of the motor vehicle to pay a parking fine in the amount as set forth in § 1-0305.

In the event the owner or person in possession of said motor vehicle disputes the validity of the parking ticket, such person shall be entitled to a review of the alleged violation by submitting a written request thereof to the police department if the parking ticket was issued by the city of Fargo, or to the North Dakota State University Parking Office if the parking ticket was issued by North Dakota State University, within five (5) days of the date of the issuance of the parking ticket. The review shall be conducted within five (5) days of the request by a person designated by the chief of police to conduct such proceedings.

If after a review of the parking ticket by a person designated by the chief of police the parking ticket is not voided, the owner or person in possession of the motor vehicle shall have five (5) days from the date of notification to request a hearing in Fargo Municipal Court. Failure to timely pay the fine amount or request a hearing will result in an increase in the fine/fee amount.

In the event the owner or person in possession of the motor vehicle requests a hearing in Fargo Municipal Court he may do so by posting a bond with the Clerk of Municipal Court in an amount equal to the dollar amount of the parking ticket. A copy of the parking ticket review form completed at the time a written request is made to the police department or North Dakota State University must be submitted to the Fargo Municipal Court at the time a hearing is requested. The clerk of Fargo Municipal Court shall provide notice of the time and place of the hearing. If after the hearing the Fargo Municipal Court makes a determination of not guilty, any sums paid to Fargo Municipal Court shall be returned to the person who requested the hearing. Sentencing upon a determination of guilt shall be in accordance with the Fargo Municipal Code.

The parking ticket which is issued pursuant to this section shall include a notice that the motor vehicle being tagged is subject to impoundment if the owner neither requests a review, nor pays the fine within the time allotted or after the review, if the parking ticket is determined to be valid.

The foregoing procedure as set forth in this section is not exclusive, but is in addition to any other remedies or procedures provided by law.

Source: 1952 Rev. Ord. 1119 (1962), 2746 (1995), 4677 (2008), 4691 (2008), 4701 (2009).

8-1607. 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 chapter; provided, however, that reports regarding parking tickets issued pursuant to § 8-1606 of this article shall be maintained by the police department.

Source: 1952 Rev. Ord. 1119 (1962), 2746 (1995).

8-1608. 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 the court having jurisdiction shall be deemed to be a lawful complaint for the purpose of prosecution under this chapter.

Source: 1952 Rev. Ord. 1119 (1962).

8-1609. Failure to comply with traffic citation attached to parked vehicle.--If a violator of the restrictions on 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 may send to 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 may be issued.

Source: 1952 Rev. Ord. 1119 (1962), 2318 (1987).

8-1610. 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.

Source: 1952 Rev. Ord. 1119 (1962).

8-1611. When warrant for arrest 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 judge's court, or if any person fails or refuses to deposit bail as required and within the time permitted by ordinance, the police department shall secure, from the municipal judge, a warrant for his arrest.

Source: 1952 Rev. Ord. 1119 (1962).

8-1612. Delinquent parking tickets--Impounding of vehicles.--Motor vehicles having delinquent parking tickets may be impounded in accordance with § 8-0126.

Source: 1965 Rev. Ord. 8-1612, 1661 (1975).

ARTICLE 8-17

SNOW EMERGENCY ROUTES

Section	
8-1701	Definitions.
8-1702	Parking on snow emergency routes.
8-1703	Stalled vehicle on snow emergency route.
8-1704	Declarations of the mayor.
8-1705	Termination of parking prohibition by the mayor.
8-1706	Provisions temporarily effective to take precedence.
8-1707	Signs to mark snow emergency routes.
8-1708	Impounding vehicles.
8-1709	Violations--Traffic citation--Complaint.
8-1710	Evidence with respect to vehicles parked or left in violation of ordinance.
8-1711	Snow emergency routes designated.
8-1712	Separability.

8-1701. Definitions.--The following definitions, in addition to those contained in § 8-0101, shall apply in the interpretation and enforcement of this article:

1. "Mayor" is the mayor of the city of Fargo, or, in the event of the absence of the mayor, the vice-mayor, or their designee. In the event of the absence of both the mayor and the vice-mayor, the board of city commissioners shall have all authority granted by this article.

2. "Snow emergency routes" are those streets generally traversing the entire city or a major part thereof, and are considered essential to the rapid movement of emergency vehicles and normally carry heavy traffic volumes.

3. "Snow tires" are any tires mounted on drive wheels of motor vehicles which are especially designed to give effective traction on snow, mud or ice-covered streets by means of extra heavy duty treads with special high-traction patterns, except that no tire so defined shall be construed to be a snow tire if it is damaged or worn to the extent that its performance would be substantially impaired.

4. "Tire chains" are any metal chains mounted on drive wheel tires of motor vehicles which cross the tread of each such tire laterally in at least three different places.

Source: 1965 Rev. Ord. 8-1701, 1828 (1977), 2502 (1989).

8-1702. Parking on snow emergency route.--

A. Whenever the mayor finds, on the basis of falling snow, sleet or freezing rain, or on the basis of a forecast by the U.S. Weather Bureau or other weather service of snow, sleet, or freezing rain that weather conditions will make it necessary that motor vehicle traffic be expedited and that parking on city streets be prohibited or restricted for snow plowing and other purposes, he shall put into effect a parking prohibition on snow emergency routes as necessary by declaring it in a manner prescribed by this ordinance.

B. Once in effect, a prohibition under this section shall remain in effect until terminated by announcement of the mayor in accordance with this ordinance, except that any street area which has become substantially clear of snow and

ice from curb to curb for the length of the entire block shall be automatically excluded therefrom. While the prohibition is in effect, no person shall park or allow to remain parked any vehicle on any portion of a snow emergency route to which it applies. However, nothing in this section shall be construed to permit parking at any time or place where it is forbidden by any other provision of law.

Source: 1965 Rev. Ord. 8-1702, 1828 (1977), 1915 (1979), 2502 (1989).

8-1703. Stalled vehicle on snow emergency route.--Whenever a vehicle becomes stalled for any reason, on any part of a snow emergency route on which there is a covering of snow, sleet or ice, or on which there is a parking prohibition in effect, the person operating such vehicle shall take immediate action to have the vehicle towed or pushed off the roadway of such snow emergency route into the first cross-street which is not a snow emergency route. No person shall abandon or leave his vehicle in the roadway of a snow emergency route (regardless of whether he indicates, by raising the hood or otherwise, that the vehicle is stalled), except for the purpose of securing assistance during the actual time necessary to go to a nearby telephone or to a nearby garage, gasoline station or other place of assistance and return without delay.

Source: 1965 Rev. Ord. 8-1705, 1828 (1977), 2502 (1989).

8-1704. Declarations of the mayor.--

- A. The mayor shall cause each declaration made by him pursuant to this ordinance to be publicly announced by means of broadcasts or telecasts from stations with a normal operating range covering the city, and he may cause such declaration to be further announced in newspapers of general circulation when feasible. Each announcement shall describe the action taken by the mayor including the time it became or will become effective, and shall specify the streets or areas affected.
- B. The mayor shall make or cause to be made a record of each time and date when any declaration is announced to the public in accordance with this section.

Source: 1965 Rev. Ord. 8-1706, 1828 (1977), 2502 (1989).

8-1705. Termination of parking prohibition by the mayor.--Whenever the mayor shall find that some or all of the conditions which give rise to a parking prohibition in effect pursuant to this ordinance no longer exist, he may declare the prohibition terminated, in whole or in part, in a manner prescribed by this ordinance, effective immediately upon announcement.

Source: 1965 Rev. Ord. 8-1707, 1828 (1977), 2502 (1989).

8-1706. Provisions temporarily effective to take precedence.--Any provision of this ordinance which becomes effective by declaration of the mayor or upon the occurrence of certain weather conditions shall, while temporarily in effect, take precedence over other conflicting provisions of law normally in effect, except that it shall not take precedence over provisions of law relating to traffic accidents, emergency travel of authorized emergency vehicles or emergency traffic directions by a police officer.

Source: 1965 Rev. Ord. 8-1708, 1828 (1977), 2502 (1989).

8-1707. Signs to mark snow emergency routes.--

A. On each street designated by resolution as hereafter provided, as a snow emergency route, such streets shall be posted with appropriate signs at intervals not exceeding one 1,320 feet. Signs posted in accordance with this section shall be distinctive and uniform in appearance and shall be plainly visible and readable to persons traveling on the street or highway.

Source: 1965 Rev. Ord. 8-1709, 1828 (1977), 1915 (1979), 2502 (1989).

8-1708. Impounding vehicles.--Any vehicle stopped on any snow emergency route in violation of any of the provisions of this article may be impounded in accordance with § 8-0126 of this chapter and no person shall recover any vehicle removed pursuant to this section without first paying the cost of removal and the cost of storage. Any payments required by this section shall not be construed as a penalty so as to preclude prosecution for violation of any of the provisions of this article.

Source: 1965 Rev. Ord. 8-1710, 1828 (1977), 2502 (1989).

8-1709. Violations--Traffic citation--Complaint.--Whenever any motor vehicle is found stopped or parked contrary to the provisions of this article, the owner of such vehicle may, pursuant to § 8-0315 of this chapter, be charged with a violation of this article. Prosecution may be instituted by traffic citation or complaint in the same manner as for violation of any of the provisions of this chapter.

Source: 1965 Rev. Ord. 8-1711, 1828 (1977), 2502 (1989).

8-1710. Evidence with respect to vehicles parked or left in violation of ordinance.--In any prosecution with regard to a vehicle parked or left in a place or in a condition in violation of any provision of this ordinance, proof that the particular vehicle described in the complaint was parked or left in violation of a provision of this ordinance, together with proof that the defendant named in the complaint was at the time the registered owner of such vehicle, shall constitute prima facie evidence that the defendant was the person who parked or left the vehicle in violation of this ordinance.

Source: 1965 Rev. Ord. 8-1712, 1828 (1977), 2502 (1989).

8-1711. Snow emergency routes designated.--Snow emergency routes shall be as designated by resolution of the board of city commissioners.

Source: 1965 Rev. Ord. 8-1711, 1828 (1977), 2502 (1989).

8-1712. Separability.--If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions hereof.

Source: 1965 Rev. Ord. 8-1714, 1828 (1977), 2502 (1989).

ARTICLE 8-18

SCHOOL SAFETY PATROLS

Section

- 8-1801 Establishment of school safety patrols--Authorization.
- 8-1802 Appointment of members.
- 8-1803 Identification--Uniformity.
- 8-1804 Driving through school patrols unlawful.

8-1801. Establishment of school safety patrols--Authorization.--The governing board or other directing authority of any school or institution, public or private, or its designated representatives, in the exercise of authorized control and supervision over pupils attending such schools and other educational institutions, is hereby authorized and empowered to organize and supervise school safety patrols for the purpose of influencing and encouraging pupils to refrain from crossing public streets at points other than regular crossings, and for the purpose of directing pupils when and where to cross public streets.

Source: 2073 (1983).

8-1802. Appointment of members.--Such governing board or other directing authority may appoint any pupil who is at least nine years of age to be designated as a member of the school patrol; provided, that no pupil whose parents or guardian objects in writing to the school authorities, may be appointed to such school patrol.

Source: 2073 (1983).

8-1803. Identification--Uniformity.--Identification of school patrol members and the operation of the school patrol system shall be uniform throughout the city and each school patrol member shall wear a safety patrol belt approximately two inches in width with a shoulder strap or, in the event of inclement weather, an outer garment which is bright yellow in color. Said belt and strap shall be orange in color. A flag approximately two feet by two feet, orange in color, with a yellow stop sign emblem with letters in black on said flag, will be utilized by said school patrols.

Source: 2073 (1983).

8-1804. Driving through school patrols unlawful.--It shall be a violation of this article for any person to drive a motor vehicle through a column of school children crossing a street or highway or pass a member of a school safety patrol, while said member is directing the movement of children across a street or highway, and while holding his official signal in the stop position.

Source: 2073 (1983).

ARTICLE 8-19

CRUISING

Article	
8-1901	Definitions.
8-1902	Cruising prohibited.--Exceptions.
8-1903	No cruising area.--Designation.
8-1904	No cruising area.--Signs required.

8-1901. Definitions.--In this article, the following definitions shall apply:

1. "Cruising" shall mean the operation of a motor vehicle past a traffic control point three times within a two-hour period, from 9 p.m. to 6 a.m. in a no cruising area.

2. "Traffic control point" shall mean any point or points which has been established by the police department for the purpose of monitoring cruising.

Source: 2666 (1993).

8-1902. Cruising prohibited.--Exceptions.--No person shall engage in cruising, as defined in this article, in an area which has been designated as a no cruising zone as hereinafter; provided that this section shall not apply to taxicabs, buses, or other transit vehicles being driven for business purposes, or to authorized emergency vehicles.

Source: 2666 (1993).

8-1903. No cruising area.--Designation.--The following described area within the corporate limits of the city of Fargo is hereby designated as a no cruising area:

Broadway, from Main Avenue to and including, Sixth Avenue North; including every intersecting avenue between Main Avenue and Sixth Avenue North for 150 feet on either side of the center line of Broadway.

Source: 2666 (1993).

8-1904. No cruising area.--Signs required.--At every point where a public street or alley becomes or provides ingress to a no cruising area, there shall be posted a sign which designates the area as a no cruising area between the hours of 9 p.m. and 6 a.m.

Source: 2666 (1993).

ARTICLE 8-20

Motorized Scooters

8-2001	Definitions.
8-2002	Operation of motorized scooters--Regulations.
8-2003	Motorized scooters may be impounded if operated in violation of ordinances.
8-2004	Penalty.

8-2001. Motorized scooter--Definition.--A “motorized scooter” shall mean any wheeled, open device, regardless of the number of wheels, powered by any style motor, which is not capable of traveling more than fifteen (15) miles per hour.

Source: 4444 (2005).

8-2002. Operation of motorized scooters--Regulations.--A person may operate a motorized scooter on the public sidewalks within the city of Fargo, subject to the following conditions:

- A. A motorized scooter may not be operated upon any sidewalk in the central business district, upon any pedestrian walkway or trail which was constructed with Federal Aid Highway Funds, except as provided by law, or upon any other sidewalk in the city which is posted with signs prohibiting motorized scooters. Persons who obtain a mobility impairment permit from the city of Fargo, completed by a licensed physician, are exempt from this requirement.
- B. An operator of a motorized scooter must dismount and push a motorized scooter across a city street and within the crosswalk area. Persons who obtain a mobility impairment permit from the city of Fargo, completed by a licensed physician, are exempt from this requirement.
- C. A motorized scooter may not be operated upon any public street, except by persons who obtain a mobility impairment permit from the city of Fargo, completed by a licensed physician and only when absolutely necessary or when a sidewalk is impassable or unavailable.
- D. A motorized scooter operated upon any street must be equipped with reflectors.
- E. An operator of a motorized scooter shall in all situations yield the right-of-way to pedestrians.
- F. An operator of a motorized scooter under 18 years of age must wear a helmet.
- G. No passengers are allowed on a motorized scooter, unless the scooter is specifically designed for carrying passengers
- H. Motorized scooters may only be operated during the hours from sunrise to sunset. Persons who obtain a mobility impairment permit from the city of Fargo, completed by a licensed physician, are exempt from this requirement.
- I. All motorized scooters operated within the city of Fargo must be equipped with factory supplied stock mufflers, exhaust systems, and braking systems.
- J. Applications for a mobility impaired permits may be obtained from the auditor’s office and shall be completed by a licensed physician.

Source: 4444 (2005).

8-2003. Motorized scooters may be impounded if operated in violation of ordinances.--The police department of the city or any of the members thereof may impound any motorized scooter operated in violation of any of the ordinances of the city and retain possession of same until all fines have been paid.

Source: 4444 (2005).

8-2004. Penalty.--Any violation of this section shall result in a minimum penalty of \$40. The parent, guardian, or any adult, providing supervision of an operator under 18 years of age, who violates the provisions of this ordinance, shall be responsible for paying the penalty amount.

Source: 4444 (2005).

ARTICLE 8-21

RESIDENTIAL PARKING PERMIT PROGRAMS

Section

8-2101	Declaration of public policy and purpose.
8-2102	Residential parking permit districts authorized.
8-2103	Definitions.
8-2104	Establishing a residential parking permit program district.
8-2105	Traffic engineer investigation of petition.
8-2106	Recommendation and review by committee.
8-2107	Notices.
8-2108	Hearing before commission.
8-2109	Parking permits authorized and issued.
8-2110	Posting of residential parking permit districts.
8-2111	Display of permits.
8-2112	Permit parking exemption.
8-2113	Modification or removal of designation of residential parking permit district.
8-2114	Violations.
8-2115	Revocation of permit.

8-2101 Declaration of public policy and purpose.--The board of city commissioners finds that there are residential areas within the city of Fargo that are adjacent to or very near intense nonresidential uses that generate a significant demand for parking. The city commission finds that persons employed by or who are using those nonresidential facilities frequently park their vehicles on nearby residential streets and that, in addition, there are residential areas within the city that are negatively affected by the inappropriate conversion of single-detached owner-occupied housing to rental housing. The commission finds that excess parking demand is generated by these converted rental units because off-street parking for said units is often inadequate to address the needs of the number of residents living in the rental units. The commission finds that parking congestion threatens the general well-being of impacted neighborhoods. This parking ordinance regulating parking in designated residential areas is hereby established in order to protect the residents of such areas and neighborhoods from unreasonable burdens in obtaining parking near their residences and in gaining access to their residences, to preserve the character of such areas and neighborhoods as residential, to promote the efficiency of street maintenance in these areas, resulting in streets that are clean and in safe condition, to promote traffic safety and the peace, order, comfort, convenience and general welfare of the inhabitants of the affected neighborhoods and areas, to preserve the general health, safety and welfare of these residential areas and to encourage large employers, public and private

institutions to make better use of public transportation to meet the peak hour commuting needs of their clients, employees, and or students. This ordinance is further established to address the parking congestion on residential streets caused by nonresident parkers and to address excess parking demand caused by the concentrated conversion of single family residential property to multiple occupancy rental property.

Source: 4538 (2006).

8-2102. Residential parking permit districts authorized.--The board of city commissioners may by resolution establish and designate residential areas or parts thereof as residential permit parking districts. On-street parking may be limited or restricted in such areas to certain locations, hours, times and/or types of motor vehicles as may be further provided in this article. The board of city commissioners may designate such area for a specified period of time, after which time the district shall lapse and be of no further force or effect.

Source: 4538 (2006).

8-2103. Definitions.--For purposes of this article, the following definitions shall apply:

- A. "Block" – the length of street, including both sides thereof, existing between two other intersecting streets, or between an intersecting street and another point of termination such as a dead-end.
- B. Motor vehicle – a motor vehicle as defined by N.D.C.C. Section 39-01-01 that is not in excess of ten thousand pounds gross weight.
- C. Non-resident vehicle – motor vehicle parked in a residential parking permit program district by a person not residing within the district.
- D. Owner – the fee owner of the property. Where a property is held by multiple owners, the owner shall be the authorized person, firm or entity acting on behalf of a property.
- E. Property – a residential or non-residential building or structure located on one or more tax parcels.
- F. Resident – person who resides or works in the residential parking permit district.
- G. Resident vehicle – a motor vehicle owned or under the control of a resident.

Source: 4538 (2006).

8-2104. Establishing a residential parking permit program district.--The designation of a residential permit parking district shall be initiated by a petition filed with the city engineer. The petition must specify the problems being caused by nonresidential parking including identification of the times when parking demand is at its peak, the probable cause of the problems and the specific area being proposed to be restricted. The petition may identify a primary district where the parking problems predominate in addition to a buffer district. A filing fee of \$50 shall accompany every petition. The petition shall be signed by the owners of property representing more than fifty percent (50%) of the total properties within the proposed district. The petition shall contain the name and address of the signer, and the address of the property owned by the signer. By placing his signature on such a petition, a person is affirming that he is, in fact, the owner of the property in question or is the authorized representative of the owner. Each separate page of the petition shall have appended thereto a certificate, verified by

oath, that each signature was signed by the person purporting to have signed the petition. The petition shall identify a resident within the proposed area who shall have the responsibility of verifying each separate page of signatures, as well as having the responsibility of assisting the city engineer in the investigation of the petition to implement a residential permit parking program in the proposed district. A petition may also be submitted by the city director of planning and development or the city engineer, which petition may be based upon documented problems or complaints in the area.

Source: 4538 (2006).

8-2105. Traffic engineer investigation of petition.--Upon receipt of a valid petition, the city engineer shall conduct an investigation to determine the feasibility of a residential permit parking program for the proposed area or alternatives to the proposed area. This investigation may include, but shall not be limited to observations, surveys, studies or any other data-gathering method which will assist the city traffic engineer in making a recommendation regarding the designation of a residential permit parking district. The city engineer shall hold at least one neighborhood meeting to guide the development of the proposed district, or an alternative district being considered by the city engineer, which outlines zone boundaries and recommended parking restrictions, as determined by the city engineer.

Source: 4538 (2006).

8-2106. Recommendation and review by committee.--After completing the investigation, the city engineer shall submit the results of the investigation to a committee established or designated by resolution of the board of city commissioners and shall submit a recommendation for the designation or rejection of a specific residential permit parking district. If the city engineer recommends elements of a residential parking permit program or an area of such program that is different than the petition, the engineer shall submit a written proposal to the committee. The recommendation of the city engineer shall be considered at a public hearing before the committee, after public notice is given and an opportunity for written protest is given to owners in the proposed district. If there is filed with the city engineer written protest by owners of at least one-half of all the properties within the area proposed to be included in the district, the proposal shall be denied by the committee. If the written protest is less than one-half, then the committee shall make a recommendation to the board of city commissioners. The committee shall use the same factors to be used by the board of city commissioners in their decision and recommendation.

Source: 4538 (2006).

8-2107. Notices.--All notices required under this article must: (1) indicate the time and place of all scheduled public hearings; (2) describe the proposed area; (3) describe the nature, scope and purpose of the proposal; and 4) indicate the location and source of additional information on the proposal.

A. Written notice. When written notice is required under this article, the official responsible for accepting the application shall provide written notice by first class mail to all owners of property within the proposed district. The notice shall be deposited in the U.S. mail at least 15 days before the first scheduled public hearing. Ownership information shall be obtained from the Cass County Assessor's Office.

- B. Published notice. When the provisions of this article require that notice be published in the newspaper, the official responsible for accepting the application shall ensure that notice is published in a newspaper of general circulation within the City at least once each week for 2 successive weeks preceding the date of the first scheduled public hearing.
- C. Constructive notice. Minor technical deviations from specified notice requirements shall not be deemed to impair notice where there is actual notice. When required written notices have been properly addressed and deposited in the mail, failure of a party to receive such notice shall not invalidate any subsequent action. In all cases, however, the requirements for the timing of the notice and for specifying the time, date and place of a hearing and the general location of the property shall be strictly construed. If questions arise at the hearing regarding the adequacy of notice, the body hearing the matter shall make a finding regarding whether there was compliance with the notice requirements of this article.

Source: 4538 (2006).

8-2108. Hearing before commission.--The board of city commissioners shall consider the recommendation of the designated or established committee at a hearing, after public notice is given. After the hearing, the board of city commissioners may approve the proposed residential parking permit district, after the board considers the following:

- A. That the proposal is consistent with the public policy and purpose of this parking ordinance and that there is a sufficient parking problem in the area to warrant the establishment of a district.
- B. That the proposed district consists of streets that are predominantly residential.
- C. That at least 60% of the on-street spaces in the primary district area are occupied during peak times.
- D. That establishing the district would increase access to available on-street parking to area residents, would reduce traffic congestion and would increase safety for pedestrians and occupants of vehicles.
- E. That the size of the proposed district is sufficient to adequately address the problems identified and sufficient to minimize the transfer of the observed parking problems from one area to another.
- F. That no other reasonable alternatives have been identified that are as likely to resolve the problems that have been established.
- G. That the proposed district is located such that public transportation is reasonably available to assist in defraying the parking demand of adjacent employers, institutions, and non-resident parkers.
- H. Any other factor that the board of city commission deems relevant under the circumstances.

Source: 4538 (2006).

8-2109. Parking permits authorized and issued.--The resolution designating and establishing a residential permit parking district shall provide for the issuance of annual parking permits to residents of such district subject to the following:

- A. No permit required. Each block in a designated residential parking permit program district must maintain at least 4 spaces or 25% of the available spaces, whichever is greater, as “no permit required” parking. “No permit required” parking spaces must be located on the corner of a block.
- B. Permit required. Portions of a designated residential parking permit program district that are designated as “permit only” parking will be posted with signs that indicate “residential parking permit required” and will also indicate the hours and days the permit-only designation applies.
- C. Type of permits. Owners in a designated residential parking permit district are eligible to apply for parking permits. The City will issue a maximum of two parking permits per property. The initial cost of a residential parking permit program resident permit is \$20.
- D. Proof required. Written proof of residency, such as a rental agreement, property tax bill, current utility bill or telephone bill, and a current vehicle registration issued by the North Dakota Department of Motor Vehicles or equivalent authorized agency of another state or governmental entity for each vehicle that is to be permitted must be provided for a permit. The vehicle must be registered to the resident or, in the case of a business, the vehicle must be registered to the business or to an employee of the business that can provide proof of employment.
- E. Renewal. Permits must be renewed on an annual basis. A permit is valid for one year, from July 1 to June 30, regardless of the date of issuance. The cost to renew a permit is \$10.
- F. No permits issued under this article shall guarantee or reserve to the holder a particular parking space within the designated area but shall provide general parking in said area during the time specified by the resolution approving the district and so posted as required by this article.
- G. Nothing herein shall abrogate or limit the scope of parking privileges required to be provided for handicapped persons as defined under the laws of this city or the state of North Dakota.
- H. Nothing herein shall abrogate or limit the effect of other local or state law regarding parking of motor vehicles.

Source: 4538 (2006).

8-2110. Posting of residential parking permit districts.--The parking spaces identified as “no permit required” parking must be designated by signage that indicates “no permit required between signs”. Those spaces will be limited to a four hour time zone. The portions of a designated residential parking permit district that are designated as “permit only” parking must be posted with signs that indicate “residential parking permit required”. The signs must also indicate the hours and days the permit-only designation applies.

Source: 4538 (2006).

8-2111. Display of permits.--Residential parking permits shall be permanently affixed to the rear window of the permitted vehicle on the driver’s side so that the permit is readily visible to enforcement personnel.

Source: 4538 (2006).

8-2112. Permit parking exemption.--Emergency vehicles, delivery vehicles (clearly marked as such), and vehicles displaying a valid state-issued mobility-impaired parking permit or license plate are exempt from the provisions of this program and do not require a Residential parking permit to park on the street in a designated residential parking permit district.

Source: 4538 (2006).

8-2113. Modification or removal of designation of residential parking permit district.--The board of city commissioners, after a public hearing, may modify or remove the designation of a residential parking permit district by resolution under the same process for review and consideration as an original petition, as set forth in this article.

Source: 4538 (2006).

8-2114. Violations.--It shall be a violation of this ordinance to:

- A. Display a permit issued for a vehicle other than the vehicle for which the permit was issued.
- B. To sell or transfer a permit to a person other than the permittee.
- C. Provide false information in applying for a permit.

Source: 4538 (2006).

8-2115. Revocation of permit.--The city may revoke any permit issued under this article upon a finding that the permit was issued under false pretenses or a finding of four or more violations of this article by the permittee.

Source: 4538 (2006).