# CHAPTER 15

# TRAFFIC

## Article 1
## Definitions

### 15.0101 Definitions

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

## Article 2
## Traffic Administration

### 15.0201 Police Administration

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

### 15.0202 Duty of Traffic Division

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

### 15.0203 Records of Traffic Violations

1. The police department or the traffic division thereof shall keep a record of all violations of the traffic ordinances of this city or of the State vehicle laws of which any person has been charged, together with a record of the final disposition of all such alleged offenses. Such record shall be so maintained as to show all types of violations and the total of each. Said record shall accumulate during at least a five-year period and from that time on the record shall be maintained complete for at least the most recent five-year period.

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

3. All such records and reports shall be public records.

**15.0204 Traffic Division to Investigate Accidents**

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

Every law enforcement officer, who in the regular course of duty, investigates a motor vehicle accident required to be reported as provided in Section 15.0309 either at the time and at the scene of the accident or there after by interviewing the participants, or witnesses, shall make and forward promptly a written report of such accident to the Commissioner of the North Dakota State Highway Department.

**15.0205 Traffic Accident Studies**

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

**15.0206 Traffic Accident Reports**

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

**15.0207 Traffic Division to Designate Method of Identifying Funeral Processions**

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

## Article 3
## Enforcement and Obedience to Traffic Regulations

**15.0301 Authority of Police and Fire Department Officials**

1. It shall be the duty of the officers of the Police Department or such officers as are assigned by the Chief of Police to enforce all street traffic laws of this city and all of the State vehicle laws.

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

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

**15.0302 Obedience to Traffic Ordinance**

It shall be unlawful for any person to do any act forbidden or fail to perform any act required by the provisions of this Chapter, and upon conviction of a violation of any of the provisions of this Chapter every person, firm or corporation shall be punished as provided in 15.22 of this Chapter.

**15.0303 Obedience to Police Officers or Firemen**

The provisions of NDCC § 39-10-02 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

**15.0304 Certain nonmotorized traffic to Obey Traffic Regulations**

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

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

**15.0305 Use of Coasters, Roller Skates and Similar Devices Restricted**

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

**15.0306 Public Employees to Obey Traffic Regulations**

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

**15.0307 Emergency Vehicles**

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

**15.0308 Operation of Vehicles on Approach of Authorized Emergency Vehicles**

The provisions of NDCC § 39-10-26 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

**15.0309 Written Report of Accident - Immediate Notice of Accident - Penalty**

The provisions of NDCC § 39-08-09 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

## Article 4
## Traffic Control Devices

**15.0401 Authority to Install**

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

**15.0402 Specifications for**

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

**15.0403 Traffic-control Signal Legend**

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

**15.0404 Flashing Signals**

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

**15.0405 Pedestrian Control Signals**

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

**15.0406 Designation of Walks, Lanes, etc.**

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

1. Designate and maintain, by appropriate devices, marks or lines upon the surface of the roadway, crosswalks at intersections where there is particular danger to pedestrians crossing the roadway, and at such other places as directed by the governing body.

2. Establish safety zones of such kind and character and at such places as may be deemed necessary for the protection of pedestrians as determined by the governing body.

3. Mark traffic lanes upon the roadway of any street or highway where a regular alignment of traffic is necessary. Where such traffic lanes have been marked, it shall be unlawful for the operator of any vehicle to fail or refuse to keep such vehicle within the boundaries of any such land except when lawfully passing another vehicle or preparatory to making a lawful turning movement or performing other lawful traffic movements.

**15.0407 Obedience to and Required Traffic-control Devices**

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

**15.0408 Unauthorized Signs**

The provisions of NDCC § 39·10·07.2 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

**15.0409 Interference with Official Traffic-control Devices or Railroad Signs or Signals**

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

## Article 5
## Speed Regulations

**15.0501 Basic Rule - Penalty for Violation**

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

**15.0502 Speed Limitations**

1. Subject to the provisions of Article 3 of this Chapter and excepting instances where a lower speed is specified in this chapter or by the laws of the state, it shall be unlawful for the driver of motor vehicle to drive at a speed exceeding:

(a) Fifteen (15) miles per hour on all streets and avenues in the city except that on the Highway 15 through town where signs are in place giving notice thereof, it shall be lawful to drive at the speed therein posted;

(b) Fifteen (15) miles per hour in an alley;

(c) Speeds within trailer courts, mobile home parks or campgrounds shall be posted by the operators of such establishments.

Unless signs are posted allowing a person to travel at a speed greater than 15 miles per hour, the speed of 15 miles per hour shall be the maximum speed of travel for any vehicle within the corporate limits of the City of Thompson.

**15.0503 When Local Authorities Mayor Shall Alter Maximum Speed – Limits - Signs Posted**

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

**15.0504 Speed Limitations Inapplicable to Whom - Liability of Exempt Driver for Reckless Driving**

The provisions of NDCC § 39-09-06 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

**15.0505 Minimum Speed Limits**

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

**15.0506 Regulations of Speed by Traffic Signals**

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

**15.0507 Exhibition Driving and Drag Racing - Definitions - Penalty**

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

**15.0508 Radar Evidence in Speed Violations**

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

**15.0509 Care Required in Operating Vehicle**

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

## Article 6
## Turning Movements

**15.0601 Authority to Place Devices Altering Normal Course for Turns**

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

**15.0602 Authority to Place Restricted Turn Signs**

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

**15.0603 Turning Signs - Obedience to**

Whenever authorized signs are erected indicating that no right or left or U turn is permitted, no driver of a vehicle shall disobey the directions of any such sign. Turning movements known as U turns shall be permitted only at intersections, driveways, and alleys.

**15.0604 Required Position and Method of Turning at Intersections**

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

**15.0605 Vehicle Turning Left at Intersection**

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

**15.0606 Turning on Curve or Crest of Grade Prohibited**

The provisions of NDCC § 39-10-36 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

**15.0607 Turning Movements and Required Signals**

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

**15.0608 Signals by Hand and Arm or Signal Lamps**

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

**15.0609 Methods of Giving Hand-and-Arm Signals**

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

## Article 7
## Special Stops

**15.0701 Authority to Designate Through Streets**

The provisions of NDCC § 39-07-03 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

**15.0702 Through Streets Designated - (RESERVED)**

**15.0703 Signs**

All traffic control devices shall conform to the state manual and specifications.

**15.0704 Stop Signs and Yield Signs**

The provisions of NDCC §§ 39-10-24 and 30-10-44 shall be and are hereby incorporated by reference in this ordinance.

1. Preferential right-of-way may be indicated by stop signs or yield signs as authorized in Section 15.0701.

2. Except when directed to proceed by a police officer, every driver of a vehicle approaching a stop sign shall stop at a clearly marked stop line, or if none, then at the point nearest the intersection roadway where the driver has a view of approaching traffic on the intersection roadway before entering it. After having stopped, the driver shall yield the right-of-way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time when such driver is moving across or within the intersection or junction of roadways.

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

4. Every stop sign and every yield sign shall be erected as near as practicable to the nearest line of the crosswalk on the near side of the intersection or, if there is no crosswalk, then as near as practicable to the nearest line of the intersecting roadway.

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

6. 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 a point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway.

**15.0705 Emerging from Alley or Driveway**

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

**15.0706 Stop When Traffic Obstructed**

The provisions of NDCC § 39-10-68 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

**15.0707 Obedience to Signal Indicating Approach of Train**

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

**15.0708 All Vehicles Must Stop at Certain Railroad Grade Crossings**

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

**15.0709 Certain Vehicles Must Stop at all Railroad Grade Crossings**

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

## Article 8
## Operators

**15.0801 Operators - Who Prohibited**

The driving of motor vehicles, including automobiles, motor scooters, motorcycles, taxicabs, trucks, or delivery trucks within the city limits of this city by any person who is not legally licensed to operate such vehicles under the laws of the State of North Dakota or by any person during the period his or her license is suspended, is prohibited.

## Article 9
## Miscellaneous Driving Rules

**15.0901 When Traffic Obstructed**

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

**15.0902 Driving Through Funeral or Other Procession**

No driver of a vehicle (or motorman of a streetcar) shall drive between the vehicles comprising a funeral or other authorized procession while they are in motion and when such vehicles are conspicuously designated as required in this ordinance. This provision shall not apply at intersections where traffic is controlled by traffic-control signals or police officers.

**15.0903 Drivers in a Procession**

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

**15.0904 Funeral Processions to be Identified**

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

**15.0905 When Permits Required for Parades and Processions**

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

**15.0906 Drive on Right Side of Roadway - Exceptions**

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

**15.0907 Passing Vehicles Proceeding in Opposite Directions**

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

**15.0908 Overtaking a Vehicle on the Left**

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

**15.0909 When Overtaking on the Right is Permitted**

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

**15.0910 Limitations on Overtaking on the Left**

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

**15.0911 Further Limitations on Driving on Left of Center of Roadway**

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

**15.0912 No-passing Zones**

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

**15.0913 Driving on Roadways Laned for Traffic**

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

**15.0914 Following too Closely**

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

**15.0915 Driving on Divided Highways**

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

**15.0916 Restricted Access**

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

**15.0917 Restrictions on Use of Controlled-Access Roadway**

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

**15.0918 Vehicle Entering Roadway**

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

**15.0919 Vehicle Approaching or Entering Intersection**

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

**15.0920 Overtaking and Passing School Bus**

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

**15.0921 Unattended Motor Vehicle**

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

**15.0922 Limitations on Backing**

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

**15.0923 Obstruction to Driver's View or Driving Mechanism**

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

**15.0924 Opening and Closing Vehicle Doors**

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

**15.0925 Coasting Prohibited**

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

**15.0926 Following Fire Apparatus Prohibited**

The provisions of NDCC § 39-10-57 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

**15.0927 Crossing Fire Hose**

The provisions of NDCC § 39-10-58 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

**15.0928 Garbage, Glass, etc., on Highways Prohibited**

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

**15.0929 Driving Through Safety Zone Prohibited**

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

**15.0930 Moving Heavy Equipment at Railroad Grade Crossings**

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

**15.0931 Alteration of Odometers or Other Mileage Recorders, Hour Meters on Tachometers or Other Hour Recorders - Penalty**

The provisions of NDCC § 39-21-51 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

**15.0932 Open Bottle Law - Penalty**

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

**15.0933 Permitting Unauthorized Minor to Drive**

The provisions of NDCC § 39-06-44 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

**15.0934 Permitting Unauthorized Person to Drive**

The provisions of NDCC § 39-06-45 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

## Article 10
## Pedestrians' Rights and Duties

**15.1001 Pedestrian Obedience to Traffic-Control Devices and Traffic Regulations**

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

**15.1002 Pedestrians' Right-of-Way in Crosswalks**

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

**15.1003 Crossing at Other than Crosswalks**

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

**15.1004 Drivers to Exercise Due Care**

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

**15.1005 Protection of Blind or Incapacitated Pedestrians**

The provisions of NDCC § 39-10-31 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

Any person violating any of the provisions of this section shall be assessed a fine of twenty dollars.

**15.1006 Pedestrians to Use Right Half of Crosswalks**

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

**15.1007 Pedestrians on Roadways**

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

**15.1008 Pedestrians' Right-of-Way on Sidewalks**

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

**15.1009 Pedestrians Yield to Authorized Emergency Vehicles**

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

**15.1010 Blind Pedestrian Right-of-Way**

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

**15.1011 Pedestrians Under Influence of Alcohol or Drugs**

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

**15.1012 Bridge and Railroad Signals**

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

**15.1013 Pedestrians Soliciting Rides or Business**

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

## Article 11
## Regulations For Motorcycles

**15.1101 Traffic Laws Apply to Persons Operating Motorcycles or Motorized Bicycles**

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

**15.1102 Riding on Motorcycles**

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

**15.1103 Operating Motorcycles on Roadways Laned for Traffic**

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

**15.1104 Clinging to Other Vehicles**

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

**15.1105 Footrests**

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

**15.1106 Equipment for Motorcycle Riders**

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

**15.1107 Other Applicable Law**

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

All of the provisions of Article 20 derived from NDCC Chapter 39-06.1 pertaining to the disposition of traffic offenses shall apply to this article.

## Article 12
## Regulations for Bicycles

**15.1201 Effect of Regulations**

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

2. The parent of any child and the guardian of any ward shall not authorize or knowingly permit any such child or ward to violate any of the provisions of this ordinance.

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

**15.1202 Traffic Ordinances Apply to Persons Riding Bicycles**

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

**15.1203 Obedience to Traffic-Control Devices**

1. Any person operating a bicycle shall obey the instruction of official traffic-control devices applicable to vehicles, unless otherwise directed by a police officer.

2. Whenever authorized signs are erected indicating that no right or left or U turn is permitted, no person operating a bicycle shall disobey the direction of any such sign, except where such person dismounts from the bicycle to make any such turn, in which event such person shall then obey the regulations applicable to pedestrians.

**15.1204 Riding on Sidewalks**

1. No person shall ride a bicycle upon a sidewalk within a business district.

2. The chief of police or authorized person may erect signs on any sidewalk or roadway prohibiting the riding of bicycles thereon by any person and when such signs are in place no person shall disobey the same.

3. Whenever any person is riding a bicycle upon a sidewalk, such person shall yield the right-of-way to any pedestrian and shall given an audible signal before overtaking and passing such pedestrian.

**15.1205 Riding on Roadways and Bicycle Paths**

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

**15.1206 Clinging to Vehicles**

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

**15.1207 Carrying Articles**

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

**15.1208 Lamps and Other Equipment on Bicycles**

The provisions of NDCC § 39-10.1-07 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

**15.1209 Riding on Bicycles - Motorized Bicycles - Age of Operator**

The provisions of NDCC §§ 39-10.1-03 and 39-10.1-07 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

**15.1210 Parking**

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

**15.1211 Penalties**

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

**15.1212 Point System Not Applicable**

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

Any violation of the provisions of this chapter, or any moving violation as defined in 15.2210, or any nonmoving violation as defined 15.2209 when committed on a bicycle as defined in 15.0101(2) shall not be cause for the licensing authority to assess points against the driving record of the violator pursuant to NDCC § 39-06.1-10. Any other legally authorized penalty for a criminal traffic offense or noncriminal traffic violation shall be applicable to bicyclists.

**15.1213 Cycle Racing Prohibited**

It shall be unlawful for any persons to run or engage in or cause to be run or be engaged in any bicycle or motorcycle race on any street, alley, highway or public place within the city limits of the City of Thompson, except when officially sanctioned to do so and supervised by the Chief of Police of the City.

**15.1214 Bicycle May be Impounded by Police**

Any bicycle left abandoned upon the streets of the City of Thompson and picked up by the city police shall be held by the Police Department and a _____ pick up fee shall be charged.

## Article 13
## Angle Parking

**15.1301 Angle Parking**

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

**15.1302 Angle Parking - Where**

Angle parking shall also be permitted on the following streets:

_____

_____

**15.1303 Close to Curb**

No person shall stand or park a vehicle in a street other than on the roadway and parallel with the edge of the roadway headed in the direction of lawful traffic movement and with the right hand wheels of the vehicle within eighteen (18) inches of the curb or edge of the roadway except as otherwise provided in this article.

**15.1304 Method of Parking - Penalty**

A violation of the provisions of this article in respect to the method of parking shall be punishable by a fine of not to exceed Twenty-five and no/100 Dollars ($25.00).

## Article 14
## Stopping, Standing or Parking Prohibited in Specific Places

**15.1401 Stopping, Standing or Parking Outside of Business or Residence Districts**

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

**15.1402 Officers Authorized to Remove Illegally Stopped Vehicles**

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

1. Whenever any police officer finds a vehicle standing upon a highway in violation of any of the provisions of 15.1401, such officer is hereby authorized to move such vehicle, or require the driver or other person in charge of the vehicle to move the same, to a position off the paved or main-traveled part of such highway.

2. Whenever any police officer finds a vehicle unattended upon any highway, bridge, or causeway, or in any tunnel where such vehicle constitutes an obstruction to traffic, such officer is hereby authorized to provide for the removal of such vehicle to the nearest garage or other place of safety.

3. Any police officer is hereby authorized to remove or cause to be removed to the nearest garage or other place of safety any vehicle found upon a highway when:

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

   b. The person or persons in charge of such vehicle are unable to provide for its custody or removal; or

   c. When the person driving or in control of such vehicle is arrested for an alleged offense for which the officer is required by law to take the person arrested before a proper magistrate without unnecessary delay.

**15.1403 <u>Stopping Standing or Parking Prohibited in Specified Places</u>**

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

a. On a sidewalk.

b. In front of a public or private driveway.

c. Within an intersection.

d. Within ten (10) feet of a fire hydrant.

e. On a crosswalk.

f. Within fifteen (15) feet of any rail or railroad crossing.

g. Within twenty (20) feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within seventy-five (75) feet of said entrance when properly signposted.

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

i. On the roadway side of any vehicle stopped or parked at the edge or curb of a street.

j. Upon any bridge or other elevated structure upon a roadway or within a roadway tunnel.

k. At any place where official signs prohibit stopping.

l. At any street intersection in residential areas, within fifty (50) feet from the point where the curblines, extended, intersect or, if there are no curbs, then within thirty-five (35) feet from the point where the street side property lines intersect.

m. At any street intersection in commercial areas, within twenty-five (25) feet from the point where the extended curblines intersect.

n. In front of any handicapped pedestrian crosswalk ramp.

o. No person shall park a vehicle in the front yard of a residence or in any undeveloped lot in a residential district as defined as an open, unoccupied space on a residential lot with the main building extending the full width of the lot and situated between the street line and the front line of the building projected to the sidelines of the lot. Definition of a lot being found in Article 1 of Chapter 17 of the Ordinances of the City of Thompson.

**15.1404 Additional Parking Regulations**

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

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

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

3. The City may permit angle parking on any roadway, except that angle parking shall not be permitted on any federal-aid or state highway without first obtaining the written authorization of the state highway commissioner.

4. The state highway department with respect to highways under its jurisdiction may place official traffic-control devices prohibiting or restricting the stopping, standing, or parking of vehicles on any highway where in its opinion such stopping, standing or parking is dangerous to those using the highway or

where the stopping, standing, or parking of vehicles would unduly interfere with the free movement of traffic thereon. No person shall stop, stand, or park any vehicle in violation of the restrictions indicated by such devices.

**15.1405 Parking Prohibited - All Times**

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

**15.1406 Stopping - Parking - Certain Purposes Prohibited**

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

1. Displaying such vehicle for sale.

2. Washing, greasing, or repairing such vehicle except repairing such vehicle necessitated by an emergency.

**15.1407 Stopping - Parking - Congested - Hazardous Places**

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

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

**15.1408 Stopping - Parking - In Alleys**

No person shall park a vehicle within an alley, nor shall he stop a commercial vehicle so as to leave available less than twelve (12) feet of the width thereof for free movement of vehicular traffic, nor shall he stop in such a position as to block the driveway entrance to any abutting property.

**15.1409 Parking Adjacent to Schools**

1. The city traffic engineer or authorized person may erect signs indicating no parking upon either or both sides of any street adjacent to any school property when such parking would, in his opinion, interfere with traffic or create a hazardous situation.

2. When official signs are erected indicating no parking upon either side of a street adjacent to any school property as authorized herein, no person shall park a vehicle in any such designated place.

**15.1410 Parking Prohibited on Narrow Streets**

1. The city traffic engineer or authorized person may erect signs indicating no parking upon any street when the width of the roadway does not exceed 20

feet, or upon one side of a street as indicated by such signs when the width of the roadway does not exceed 30 feet.

2. When official signs prohibiting parking are erected upon narrow streets as authorized herein, no person shall park a vehicle upon any such street in violation of any such sign.

**15.1411 Standing or Parking on One-Way Streets**

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

**15.1412 Standing or Parking on One-Way Roadways**

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

**15.1413 Parking Privileges for Physically Handicapped – Certificate - Revocation**

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

**15.1414 Overnight Parking Prohibited**

When signs are erected giving notice thereof, it shall be unlawful for any person to park or leave standing any motor vehicle, either attended or unattended, overnight, between the hours of 12:00 a.m. and 6:00 a.m.

The city traffic engineer or other authorized person shall establish from time to time in such places and in such manner and in such areas in which overnight parking shall be prohibited, as said engineer or authorized person shall determine, or as the governing body shall specifically designate to promote the greatest benefit and convenience to the public and best use of the street areas.

The city traffic engineer or other authorized person as designated by the governing body, may erect signs indicating that overnight parking is prohibited in the areas so posted.

August 6, 2018

## Article 15
## Reserved Parking Areas

### 15.1501 Reserved Parking Areas

No person, firm or corporation shall, when signs are erected giving notice thereof, park or leave standing, either attended or unattended any motor vehicle on street areas which are reserved for the following temporary uses: loading and unloading, bus parking, guest parking, taxi parking, emergency parking, no parking, police or fire use.

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

## Article 16
## Time Limit Parking Zones

### 15.1601 Time Limit Parking Zones

When signs are erected giving notice thereof, no person, firm or corporation shall park or leave standing, either attended or unattended, any motor vehicle for more than five (5) consecutive minutes on street areas so posted or for more than fifteen (15) consecutive minutes on street areas so posted, or more than thirty (30) consecutive minutes on street areas posted, or more than sixty (60) consecutive minutes on street areas so posted, or for more than one hundred twenty (120) consecutive minutes on street areas so posted, when said areas have been made available for parking.

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

## Article 17
## Equipment of Vehicles

### 15.1701 General

The provisions of NDCC Chapter 39-21, §§ 01, 03-06.1, 08-17, 19, 21, 22, 25-28, 32, 36-40, 44, 44.1, 50 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

### 15.1702 Child Restraint Devices - Penalty - Evidence

The provisions of NDCC § 39-21-41.2 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

### 15.1703 Vehicle Transporting Explosives or Hazardous Materials - Administrative Procedure and Judicial Review

Any person operating any vehicle transporting any explosive or hazardous material as a cargo or part of a cargo upon a highway shall comply with this section.

1. The vehicle shall be equipped with at least one (1) fire extinguisher, filled and ready for immediate use, and placed at a convenient point on the vehicle.

2. The Superintendent of the State Highway Patrol shall, pursuant to Chapter 28-32 of the North Dakota Century Code, adopt such rules as may be necessary for the safe transportation of hazardous materials. Rules shall duplicate or be consistent with current hazardous materials. Rules shall duplicate or be consistent with current hazardous materials regulations of the United States Department of Transportation. The Superintendent of the State Highway Patrol is authorized to adopt the hazardous materials regulations by reference and any adoption shall be construed to incorporate

amendments as may be made form time to time. Any proceeding under this section for issuing or modifying rules and regulations and determining compliance with rules and regulations of the Superintendent of the State Highway Patrol shall be conducted in accordance with Chapter 28-32 of the North Dakota Century Code, and appeals may be taken as provided in Chapter 28-32 of the North Dakota Century Code.

**15.1704 Drawbar or Connection Between Vehicles - Precautions Required**

The provisions of NDCC § 39-21-44.2 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

**15.1705 Modification of Motor Vehicle**

The provisions of NDCC § 39-21-45.1 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

**15.1706 Scope and Effect of Equipment Requirements - Penalty**

The provisions of NDCC § 39-21-46 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

1. It is unlawful for any person to drive or move, or for the owner to cause or knowingly permit to be driven or moved, on any highway any vehicle or combination of vehicles which the actor knows to be in such unsafe condition as to endanger any person, or which the actor knows does not contain those parts or is not at all times equipped with lamps and other equipment in proper condition and adjustment as required in this chapter, or which the actor knows is equipped in any manner in violation of this chapter, or for any person to do any act forbidden or fail to perform any act required under this ordinance. Any person who violates any of the provisions of Sections 39-21-08, 39-21-09, 39-21-10 or 39-21-14 of the North Dakota Century Code within the city limits of the City of Thompson shall be assessed a fine of Ten and no/100 Dollars ($10.00). Any person who, in violation of this ordinance, drives, or any owner who causes or knowingly permits to be driven upon a highway, any vehicle or combination of vehicles which that person knows is unsafe or improperly equipped is guilty of an infraction, and will be fined Twenty and no/100 Dollars ($20.00).

2. Nothing contained in this ordinance shall be construed to prohibit the use of additional parts and accessories on any vehicle not inconsistent with the provisions of this chapter.

3. The provisions of this ordinance with respect to equipment on vehicles shall not apply to implements of husbandry, road machinery, road rollers, or farm tractors except as specifically made applicable.

4. The provisions of this ordinance with respect to equipment required on vehicles shall not apply to motorcycles or motordriven cycles, except as specifically made applicable.

5. The provisions of this ordinance and regulations of the department shall not apply to vehicles moved solely by human power, except as specifically made applicable.

**15.1707 Penalty**

Violation of any equipment requirement shall result in a fine of Ten and no/100 Dollars ($10.00) for a non-moving citation, and a Twenty and no/100 Dollars ($20.00) fine for moving violations.

## Article 18
## Motorcycle Equipment

**15.1801 Purpose**

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

It is the purpose of this chapter to establish performance and equipment requirements for the manufacture, sale and safe operation of a motorcycle upon public highways, and to furnish administrators with a guide for registration eligibility and continued conformity as related to motorcycles.

**15.1802 Manufacturer's or Distributor's Certification**

1. The manufacturer or distributor shall provide a certification of the fact that a motorcycle or class of motorcycles is designed and manufactured for use upon public highways and complies with the performance and equipment requirements of this chapter, and the rules and regulations promulgated hereunder.

2. The certificate shall be incorporated on the manufacturer's statement of origin (MSO) upon transfer of vehicle ownership.

**15.1803 Frame-Chassis Requirements**

1. The motorcycle frame-chassis, including the suspension components and engine mountings, shall be of substantial construction, capable of supporting the combined weight of all vehicle components and riders for which the vehicle is designed, and withstand normal road shocks and operational stresses without constituting a hazard to the riders or other users of the highway.

2. The wheel base shall not be less than forty (40) inches.

**15.1804 Brakes**

1. Every motorcycle shall have either a split service brake system or two (2) independently actuated service brake systems in accordance with regulations

promulgated by the registrar of motor vehicles pursuant to Chapter 38-32. Brakes must act on the front and rear wheels.

2. Every motorcycle shall meet the requirements for brake system effectiveness, fade, and partial systems as specified in rules and regulations promulgated by the registrar of motor vehicles pursuant to Chapter 28-32.

3. All linkage, cables, pivots and bearings shall be free of excess (high) friction, with the front wheel brake cable so located and secured as not to become pinched between fork and frame members when wheel is turned completely to the right or left.

4. Brake actuating devices shall be in an accessible location, unencumbered by vehicle components, and so positioned that adequate leverage and safe operation is ensured. Service brake system controls and operation requirements shall be in accordance with regulations promulgated by the registrar of motor vehicles pursuant to Chapter 28-32. A suitable mechanism shall be provided for the purpose of automatically returning the actuating devices to normal position upon release.

5. Motorcycle brakes must be capable of being adjusted automatically or manually with means provided to prevent unintentional adjustment.

6. Each three-wheel motorcycle shall be equipped with a parking brake of a friction type with a solely mechanical means to retain engagement.

**15.1805 Brakes on Motor-Driven Cycles**

The department may require an inspection of the brake on any motor-driven cycle and may disapprove any brake which is not so designed or constructed as to insure reasonable and reliable performance in actual use.

**15.1806 Tires, Wheels and Rims**

1. Motorcycle tires shall be of pneumatic design with a minimum width of two and twenty-five hundredths (2 25/100) inches designed for highway use.

2. Tires on two-wheel motorcycles and the front tire on a three-wheel motorcycle must have a load capacity rating at least equal to their respective gross axle weight ratings (GAWR). Each tire on the rear axle of a three-wheel motorcycle must have a load capacity rating at least equal to one-half (½) of the rear axle gross axle weight rating (GAWR).

3. Wheel rim diameters shall not be less than ten (10) inches and shall otherwise comply with applicable state standards, as promulgated by the registrar of motor vehicles. Two-wheel motorcycles using low pressure tires are exempt from this subsection, if the inflated height of the tire is twenty (20) inches or greater.

## 15.1807 Steering and Suspension Systems

1. Motorcycle steering and suspension systems shall be designed and engineered to provide the operator with the means of safely controlling vehicle direction under all maneuvers required for normal and safe operation.

2. The rear wheel of a two-wheel motorcycle shall track behind a front wheel within one (1) inch with both wheels in a vertical plane when the vehicle is operating on a straight course. On a three-wheel motorcycle, the two wheels mounted on the rear axle shall have a wheel track distance no less than thirty (30) inches and the mid-point of the rear wheel track distance shall be within one (1) inch of the front wheel track when the vehicle is proceeding on a straight course. The vehicle shall be equipped with an adjustment feature that will provide proper wheel tracking.

3. The steering head shall be provided with a bearing or similar device that will allow the steering shaft to turn freely in rotational motion only.

4. All motorcycles, except three-wheel motorcycles, shall meet the following specifications in relationship to front wheel geometry:

| | |
|---|---|
| Maximum Rake: | 45 degrees - Trail: 14 inches |
| Minimum Rake: | 20 degrees - Trail: 2 inches |

Manufacturer's specifications shall include the specific rake and trail for each motorcycle or class of motorcycles and the terms "rake" and "trail" shall be defined by the registrar of motor vehicles by regulations promulgated pursuant to Chapter 28-32.

5. Handlebars shall be of sturdy construction, adequate in size to provide proper leverage for steering, and capable of withstanding a minimum force of one hundred (100) pounds applied to each handgrip in any direction. Handlebar grips shall be located no more than fifteen (15) inches above the unoccupied seat with the handlebars located in a straight-ahead position and shall be capable of vertical adjustment. The handlebars shall provide a minimum of eighteen (18) inches between grip after final assembly.

6. Handlebars shall be equipped with handgrips consisting of a material and surface patter to ensure firm, nonslip gripping for the driver.

7. Every motorcycle shall be equipped with a suspension system and such suspension system shall be applicable to at least the front wheel. The suspension system shall be effective in reducing road shock and designed for the purpose of maximizing vehicle stability.

## 15.1808 Fuel Systems

1. All fuel system components, including the tank, pump, tubing, hoses, clamps, etc., shall be securely fastened to the motorcycle so as not to interfere with

vehicle operation and be leakproof when the vehicle is in its normal operating attitude.

2. Fuel lines shall be positioned in a manner to prevent their contact with the engine head, manifold, exhaust system, or other high temperature surfaces, or moving components. The fuel system shall be adequately vented and provided with a fuel shutoff valve located between the fuel supply and the engine.

**15.1809 Exhaust Systems - Prevention of Noise**

Motorcycles shall be equipped with an exhaust system incorporating a muffler or other mechanical device for the purpose of effectively reducing engine noise. Cutouts and bypasses in the exhaust system are prohibited. The system shall be leakproof and all components shall be securely attached to the vehicle and located so as not to interfere with the operation of the motorcycle. Shielding shall be provided to prevent inadvertent contact with the exhaust system by the operator or passenger during normal operation. In addition, all motorcycles operating on streets and highways shall meet the noise decibel limitations as established by the Environmental Protection Agency. No person shall sell, offer for sale, or install any noise suppressing system or device which will produce noise in excess of the maximum allowable decibel limitations of this section.

**15.1810 Mirrors**

Every motorcycle shall be equipped with at least one mirror of unit magnification, securely affixed to the handlebar and capable of adjustment within a range that will reflect an image that includes at least the horizon and the road surface to the rear of the motorcycle. Such mirror shall consist of a minimum reflective surface of ten (10) square inches. All mirrors shall not contain sharp edges or projections capable of producing injury.

**15.1811 Fenders**

Each wheel of a motorcycle shall be equipped with fenders or otherwise covered by the body configuration. Fenders shall be securely mounted and of sufficient size and strength to minimize water or other road surface substances from coming in contact with the vehicle riders, or throwing the road substances unreasonably to the rear of the vehicle. Fender design shall be effective in reducing side spray.

**15.1812 Seat or Saddle**

A seat or saddle securely attached to the vehicle shall be provided for the use of the operator. The seat or saddle shall not be less than twenty-five (25) inches above a level road surface when measured to the lowest point on top of the seat or saddle cushion with the operator seated in a driving position. The seat or saddle adjustment locking device shall prevent relative movement of the seat from its selected and secured position under all normal vehicle operating conditions.

**15.1813 Chain Guard**

Any drive chain on a motorcycle shall be equipped with a chain guard or covering device to prevent chain or chain sprocket contact with any rider.

**15.1814 Vehicle Stand**

All motorcycles designed with two wheels shall be equipped with a retracting vehicle stand to permit the vehicle to remain in an upright stored position without outside assistance. The stand may be of a side or center type, and shall be of substantial construction to hold the vehicle so equipped.

**15.1815 Glazing**

When equipped, all motorcycle windscreens and windshields shall meet the following standards:

1. The glazing material shall comply with the standards promulgated by regulation of the registrar of motor vehicles.

2. The metal support shall be of a material which shall bend rather than fragment under impact.

3. Covering material, other than glazing, shall be beaded at the edges to prevent fraying.

**15.1816 Horn**

Every motorcycle shall be equipped with an operative horn in good working order as described by Subsection 1 of Section 39-21-36, North Dakota Century Code. The horn shall operate from a control device located on the left handlebar.

**15.1817 Speedometer and Odometer**

Every motorcycle shall be equipped with a properly operating speedometer and odometer calibrated in miles (kilometers) per hour and miles (kilometers) respectively and shall be fully illuminated when the head lamp is activated.

**15.1818 Lighting Equipment**

1. Every motorcycle shall be equipped with lamps, reflective devices and associated equipment as required by and in compliance with standards promulgated by regulation of the registrar of motor vehicles.

2. A gearbox indicator light, if provided, shall be located within the operator's field of vision.

3. A headlamp beam indicator light shall be located within the operator's field of vision and illuminated automatically when the high beam of the head lamp is actuated.

## 15.1819 Lighting Equipment on Motor-Driven Cycles

The head lamp or head lamps upon every motor-driven cycle may be of the single-beam or multiple-beam type but in either event shall comply with the requirements and limitations as follows:

1. Every head lamp or head lamps on a motor-driven cycle shall be of sufficient intensity to reveal a person or a vehicle at a distance of not less than one hundred (100) feet when the motor-driven cycle is operated at any speed less than twenty-five (25) miles per hour and at a distance of not less than two hundred (200) feet when the motor-driven cycle is operated at a speed of twenty-five (25) or more miles per hour, and at a distance of not less than three hundred (300) feet when the motor-driven cycle is operated at a speed of thirty-five (35) miles per hour.

2. In the event the motor-driven cycle is equipped with a multiple-beam had lamp or head lamps the upper beam shall meet the minimum requirements set forth in Subsection 1 of Section 39-21-20, North Dakota Century Code, and the lowermost beam shall meet the requirements applicable to the lowermost distribution of light as set forth in Subsection 2 of Section 39-21-20, North Dakota Century Code.

3. In the event the motor-driven cycle is equipped with a single-bean lamp or lamps the lamp or lamps shall be so aimed that when the vehicle is loaded none of the high-intensity portion of light, at a distance of twenty-five (25) feet ahead, shall project higher than the level of the center of the lamp from which it comes.

## 15.1820 Passenger Seat

Motorcycles designed to carry more than one person must be equipped with a securely mounted seat for each passenger located to the side or rear of the driver such that the passenger seat does not interfere with the driver's control or operation of the vehicle. In the case of a two-wheel vehicle, the passenger seat shall be located on the longitudinal centerline of the motorcycle.

## 15.1821 Handhold

A handhold device, which may consist of a bar or strap, to provide adequate support for a person having a body weight up to two hundred fifty (250) pounds must be provided for the passenger rider if the motorcycle is designed to carry more than one person.

## 15.1822 Footrests

Footrests shall be provided for each designated seating position. Each footrest for a passenger shall be so designed and constructed to support a static weight of two hundred fifty (250) pounds applied at the center of the foot pedal. Footrests shall be so located to provide reasonable accessibility for the passenger's feet. Footrests shall fold rearward or upward when not in use if the footrest protrudes beyond the width of the handlebars.

**15.1823 Highway Bars**

If a motorcycle is so equipped, highway bars shall have a maximum width of twenty-six (26) inches; shall be located less than fifteen (15) inches from the foot controls; and shall not interfere with the operation of the foot controls.

**15.1824 Equipment Approval**

All motorcycle lighting devices, electrical systems, brake components, glazing materials and exhaust systems, incorporating a muffler or other mechanical exhaust device, required or optional, shall be approved by the department before they will be available for use within the state.

## Article 19
## Lighted Lamps Required

**15.1901 When Lighted Lamps are Required - Penalty**

The provisions of NDCC § 39-21-01 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

## Article 20
## Regulating the Kinds and Classes of Traffic on Certain Roadways

**15.2001 Load Restrictions Upon Vehicles Using Certain Roadways**

When signs are erected giving notice thereof, no person shall operate any vehicle with a gross weight in excess of the maximum indicated weight at any time upon any street or part of a street so designated. The fine for violation of this ordinance shall be calculated as follows:

a. Upon the first violation of this ordinance, a fine of two hundred fifty dollars ($250.00) shall be assessed;

b. Upon the second violation of this ordinance, a fine of seven hundred fifty dollars ($750.00) shall be assessed;

c. Upon the third and all subsequent violations of this ordinance, a fine of one thousand dollars ($1,000.00) shall be assessed.

August 7, 2017

**15.2002 Commercial Vehicles Prohibited From Using Certain Streets**

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

**15.2003 Size Restrictions Upon Vehicles Using Certain Highways**

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

## 15.2004 Restrictions Upon Use of Streets by Certain Vehicles

1. The city traffic engineer or authorized person may determine and designate those heavily traveled streets upon which shall be prohibited the use of the roadway by motor-driven cycles, bicycles, horse drawn vehicles or other non-motorized traffic and shall erect appropriate signs giving notice thereof.

2. When signs are so erected giving notice thereof, no person shall disobey the restrictions stated on such signs.

## 15.2005 Restrictions Upon Use of City Streets by Motor Vehicles Activating Compression Brakes/Exhaust Brakes/"Jake Brakes"

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

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

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

c. The penalty for a violation of this section is One Hundred Dollars.

September 4, 2012

## 15.2006 Truck Traffic

1. Application of Article. All trucks within the city shall be operated only over and along the truck routes herein established and on the other designated streets over which truck travel is permitted, except that this article shall not prohibit:

(a) The operation of trucks upon any street where necessary to effectuate an isolated local delivery of goods to a particular destination point or points via common carrier or otherwise, provided streets upon which such traffic is permitted are used until reaching the intersection nearest the destination point. Upon leaving the destination point, a truck shall return by the shortest direction to a street upon which truck traffic is permitted. The provisions of this subparagraph 1(a) shall not be construed in any way so as to allow the frequent and/or repeated use of non-designated roads by trucks for the purposes of local building, improvement, recreational or other related activities;

(b) The operation of emergency vehicles upon any street in the city;

(c) The operation of trucks owned or operated by the city, public utilities, any contractor or material man, while engaged in the repair, maintenance or construction of streets, street improvements, street utilities, sewer utilities, or city contracted refuse collection within the city;

(d) The operation of trucks upon any officially established detour in any case where such truck could lawfully be operated upon the street for which such detour is established; and

(e) The operation of trucks owned or operated by the defense forces of the United States government or the National Guard of this state.

2. Truck Through-Routes Established. All trucks entering the city for destination points outside the city shall operate only over the following designated routes:

(a) Highway 15 east and west:

i. When entering the city from the east on North Dakota Highway 15, proceed west on North Dakota Highway 15 through the city.

ii. When entering the city from the west on North Dakota Highway 15, proceed east on North Dakota Highway 15 through the city.

(b) Pacific Avenue north and south:

i. When entering the city from the north on Pacific Avenue, proceed south on Pacific Avenue.

ii. When entering the city from the south on Pacific Avenue, proceed north on Pacific Avenue.

(c) Atlantic Avenue.

The above routes are designated as truck routes.

3. Truck Traffic Within City. Truck traffic is not permitted on the following streets:

a. 4th Street from Morrison to Dakota;
b. 3rd Street from Morrison to Goodwin to 4th Street;
c. Dakota from 4th Street to Highway 15;
d. East Cul-de-sac – 3rd Street at Dakota to 2nd Street to Dakota;
e. West Cul-de-sac – 3rd Street at Dakota to 2nd Street to Dakota;
f. Crescent Drive at Hwy 15 to Pacific Avenue;
g. Edgewood Loop from Crescent to Crescent;
h. Goodwin from Hwy 15 to Crescent;
i. Maplewood Loop from Crescent to Crescent;
j. Woodland at 8th Street to 7th Street;
k. Park Drive Loop at Woodland to Woodland;
l. Morrison – Hwy 15 to 4th Street.

4. Weight Limit on Truck Traffic Within City. All trucks or combinations of trucks and trailers operating within the City are subject to the following weight restrictions:

a. No truck or combination of truck and trailer is permitted to travel on paved roads within the City while carrying a load of more than forty thousand (40,000) pounds gross weight or five (5) cubic yards of ready mix concrete.

Any truck or combination of truck and trailer traveling on paved roads within the City, and carrying a load within the prescribed limits set forth in this paragraph must be equipped with a minimum of three (3) axles. This paragraph 4(a) shall not apply to Class A Authorized Emergency Vehicles as defined in North Dakota Century Code Section 39-01-01 and/or licensed passenger buses.

5. Truck Route Maps.

a. The city auditor shall keep and maintain accurate maps setting out truck routes and streets upon which truck traffic is permitted, the maps shall be kept on file in the office of the city auditor and shall be available to the public.

b. The city engineer shall cause all streets upon which truck traffic is prohibited to be clearly signed "truck traffic prohibited", to give notice that this article is in effect. Such signs shall be erected and maintained at each end of that portion of any street or roadway affected thereby.

c. In the event a person involved with truck business is in a location which may be adversely affected by the signs required hereinabove, the city engineer may, for clarification purposes, install on the same sign post an additional sign which states "local business stops permitted".

6. Penalties. Any violation of the above ordinances relating to truck traffic shall be subject to a fine of not less than two hundred fifty dollars ($250.00). Said violation shall be a non-criminal offense. No fine shall exceed one thousand dollars ($1,000.00). Penalties for violations of the ordinances found in this section shall be calculated and assessed as follows:

a. Upon the first violation of said ordinances, a fine of two hundred fifty dollars ($250.00) shall be assessed;

b. Upon the second violation of said ordinances, a fine of seven hundred fifty dollars ($750.00) shall be assessed;

c. Upon the third and all subsequent violations of said ordinances, a fine of one thousand dollars ($1,000.00) shall be assessed.

August 7, 2017

## Article 21
## Criminal Traffic Violations

### 15.2101 Persons Under the Influence of Intoxicating Liquor or Narcotic Drugs Not to Operate Vehicle - Penalty

The provisions of NDCC § 39-08-01 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

### 15.2102 Prior Offenses

The provisions of NDCC Chapter 39-20 and NDCC § 39-08-01.1 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

**15.2103 Reckless Driving - Penalty**

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

**15.2104 Accidents Involving Damage to Vehicle - Penalty**

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

**15.2105 Duty Upon Striking Unattended Vehicle**

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

**15.2106 Duty Upon Striking Fixtures Upon a Highway**

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

**15.2107 Penalty for Driving While License Suspended or Revoked - Impoundment of Vehicle Number Plates - Authority of City**

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

## 15.2108 Operation of Snowmobiles

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

1. No person may operate a snowmobile upon the roadway, shoulder, or inside bank or slope of any road, street, or highway in this state except as provided pursuant to this chapter. No snowmobile may be operated at any time within the right of way of any interstate highway within this state except for emergency purposes.

2. A snowmobile may make a direct crossing of a street or highway provided:

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

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

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

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

3. No snowmobile may be operated unless it is equipped with at least one headlamp, one taillamp, and brakes, all in working order, which conform to standards prescribed by rule of the commissioner pursuant to the authority vested in him by this code and this chapter.

4. The emergency conditions under which a snowmobile may be operated other than as provided by this chapter must be such as to render the use of an automobile impractical under such conditions at such period of time and location.

5. It is unlawful for any person to drive or operate any snowmobile in the following ways which are declared to be unsafe and a public nuisance:

   a. At a rate of speed greater than reasonable or proper under all the surrounding circumstances.

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

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

   d. Without a lighted headlamp and taillamp when required for safety.

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

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

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

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

7. When snowmobiles are operated within the right of way of any road, street, or highway of this state pursuant to this chapter, during times or conditions that warrant the use of lights, such snowmobiles shall travel in the same direction as the direction of motor vehicles traveling on the side of the roadway immediately adjacent to the side of the right of way traveled by the snowmobile.

8. It is unlawful for any person to operate a snowmobile within a highway right of way as defined in subsection 37 of section 24-01-01.1 between April first and November first of any year.

9. No snowmobile may be operated at any time within the right of way of any highway within this state while towing a sled, skid, or other vehicle, unless the sled, skid, or other vehicle is connected to the snowmobile by a hinged swivel and secure hitch.

10. No person under the age of eighteen may operate, ride, or otherwise be propelled on a snowmobile unless the person wears a safety helmet meeting United States department of transportation standards.

**15.2108.0 General**

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

   a. "Person" includes an individual, firm, partnership, corporation, trustee, association, the state and its agencies and subdivisions, and any body of persons whether incorporated or not, and with respect to acts prohibited or required herein shall include employees and licensees.

b. "Snowmobile" means a self-propelled vehicle designed for travel on snow or ice or a natural terrain steered by wheels, skis or runners.

c. "Owner" means a person, other than a lien holder, having the property in or title to a snowmobile entitled to the use or possession thereof.

d. "Operate" means to ride in or on and control the operation of a snowmobile.

e. "Operator" means every person who operates or is in actual physical control of a snowmobile.

f. "Register" means the act of assigning a registration number of a snowmobile by the Registrar of Motor Vehicles of the State of North Dakota.

g. "Registrar" means the Registrar of Motor Vehicles under 39-02 NDCC, acting directly or through his authorized agent.

h. "Roadway" means that portion of a highway improved, designed, or ordinarily used for vehicular travel.

i. "Street" or "Highway" shall mean the entire width between the boundary lines of way or place when any part thereof is open to the use of the public in the city, as a matter of right, for the purposes of vehicular traffic.

j. "Daylight" hours shall mean any time except from a half hour after sunset to a half hour before sunrise or at any other tie when there is not sufficient light to render clearly discernible persons and vehicles at a distance of 500 feet.

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

a. At a speed in excess of 10 miles per hour at any time upon any street, alley, highway, or other public ground or place in the city.

b. Passing another snowmobile while such snowmobile is in operation and under way on any street, alley, highway or other public ground or place in the city.

c. Between the hours of 10:30 p.m. and 7:30 a.m., except on Friday and Saturday the beginning hour is changed from 10:30 p.m. to 11:00 p.m. with the further exception that snowmobiles entering the City are not limited by time as long as they meet with the provisions of this ordinance.

d. In any municipal park or recreation area except when posted as "open" to snowmobiles, and within the hours permitted.

e. Upon private property, other than that of the snowmobile owner, or operator, without express permission of the owner.

f. While carrying a strung bow or loaded firearm.

g. Leaving or allowing a snowmobile to be or remain unattended on public property, streets, highway or other public grounds or places while the motor is running or with keys to start the same in the ignition switch.

h. At any time with more than two (2) persons riding thereon in addition to the operator.

i. Without observing all traffic signs, signals, rules and regulations applying to motor vehicles when also applicable to snowmobiles.

3. Prohibition of use on all streets. No person shall operate a snowmobile upon any road, street, or highway, in this city kept open for vehicular traffic, except:

a. During a period of emergency when travel by other vehicles is not possible.

b. For a special snowmobile event of limited duration when conducted on a prearranged schedule under permit from the governing body.

c. In crossing a street as herein provided.

d. On streets or roads not maintained for winter vehicular travel.

e. In travelling from the operator's place of residence to the edge of the city limits, using the shortest route from said operator's residence to the edge of said city's limits.

**15.2108.1 Operation by Persons Under Age Sixteen**

Except as otherwise provided in this section, it is unlawful for any person twelve years of age and over who has not reached sixteen years of age and who is not in possession of a valid driver's license or permit to operate a snowmobile, except upon the lands of the person's parent or guardian, unless and until the person has completed a snowmobile safety training course as prescribed by the director of the state parks and recreation department pursuant to chapter 28-32 and has received the appropriate snowmobile safety certificate issued by the commissioner. The failure of an operator to exhibit a snowmobile safety certificate upon demand to any official authorized to enforce the provisions of this chapter is presumptive evidence that such person is not the holder of such certificate. Fees collected from each person receiving certification must be deposited into the snowmobile trail tax fund for purposes of establishing snowmobile safety programs.

### 15.2108.2 Enforcement

Peace officers of this state and their respective duly authorized representatives are hereby authorized to enforce the provisions of this chapter.

### 15.2108.3 Penalties

Any person who violates subdivision b or c of subsection 5 of section 15.2108 is guilty of a class B misdemeanor. Any person who violates any other provision of section 15.2108 must be assessed a fee of fifty dollars for the first offense, seventy-five dollars for the second offense and one hundred dollars for the third offense within one year.

### 15.2109 Penalty for Harassment of Domestic Animals

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

### 15.2110 Operation of Motor Vehicle, Tractor, or Other Vehicle Prohibited on Flood Protective Works - Exception - Penalty

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

### 15.2111 Driving Without a License

The provisions of NDCC § 39-06-01 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

### 15.2111.1 Instruction Permit

The provisions of NDCC § 39-06-04 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

### 15.2111.2 Licenses - Issuance - Classes

The provisions of NDCC § 39-06-14 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

### 15.2111.3 License - Restrictions

The provisions of NDCC § 39-06-17 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

### 15.2111.4 License - Unlawful Use – Penalty

The provisions of NDCC § 39-06-40 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

### 15.2112 License to be Carried and Exhibited on Demand

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

**15.2113 Penalty**

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

## Article 22
## Disposition of Traffic Offenses

**15.2201 Halting Person for Violating Traffic Regulations - Duty of Officer Halting**

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

**15.2202 Hearing - Time - Promise of Defendant to Appear - Failure to Appear - Penalty**

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

**15.2203 Offenses Under Which Person Halted May Not Be Entitled to Release Upon Promise to Appear**

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

**15.2204 Traffic Violations Noncriminal - Exceptions - Procedures**

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

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

**15.2205 Administrative Hearing - Procedures - Appeals - Stay Orders**

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

**15.2206 Failure to Appear, Pay Statutory Fee, Post Bond - Procedure - Penalty**

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

**15.2207 Offenses Excepted**

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

**15.2208 Amount of Statutory Fees**

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

**15.2209 "Nonmoving Violation" Defined**

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

**15.2210 "Moving Violation" Defined**

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

**15.2211 General Penalty for Violation of Chapter**

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

**15.2212 Notification of Parents or Guardians of Juvenile Traffic Offenders**

The provisions of NDCC § 39-06.1-02.1 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

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

## Article 23
## Sections Adopted

The sections of Title 39 of the North Dakota Century Code not expressly adopted in Article 1 through Article 22, inclusive, are adopted by reference.

## Article 24
## Filing of Ordinance

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

## Article 25
## Adoption of Amendments by Reference

The adoption of Title 39 by reference shall be construed to incorporate such amendments thereto as may be made therein from time to time.

## Article 26
## Severability Clause

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

## Article 27
## Effective Date

This ordinance shall take effect from and after the _____ day of _____, 19____.

## Article 28
## Penalties, Fees and Fines

15.2801. Penalties for criminal offenses

Except as otherwise provided herein, every person convicted of a violation of a criminal offense, as set forth in Article 21 (15.2101 – 15.2107) of this chapter, shall be punished by a fine not to exceed one thousand dollars ($1,000.00) or by imprisonment not to exceed thirty (30) days, or by both such fine and imprisonment in the discretion of the court. Except as otherwise provided, the court shall have power to suspend said sentence and to revoke the suspension thereof.

15.2802. Penalties for noncriminal offenses

Except as otherwise provided herein, every person convicted of a violation of a noncriminal offense, as set forth in Article 3 through 14 of this chapter, shall be punished by a fine not to exceed one thousand dollars ($1,000.00) in the discretion of the court. Except as otherwise provided, the court shall have power to suspend said sentence and to revoke the suspension thereof.

15.2803. Penalties for specified offenses

(1) A person convicted of violating section 15.2101 pertaining to driving under the influence of alcohol or controlled substances, must be sentenced in accordance with this subsection.

(A) For a first offense, the sentence must include both a fine of at least two hundred fifty dollars ($250.00) and referral for addiction evaluation to an appropriate licensed addiction treatment program.

(B) For a second offense within five (5) years, such offenses not being limited to those within the City of Thompson but to include any such offenses in any competent jurisdiction, the sentence must include at least four (4) days imprisonment, of which forty-eight (48) hours must be served consecutively, or ten (10) days community service; a fine of at least one thousand dollars ($1,000.00); and referral for addiction evaluation to an appropriate licensed addiction treatment program.

(C) A sentence or imposition of sentences under this section may not be suspended except that a fine or a sentence of imprisonment may be suspended in any of the following instances:

1. Upon conviction of being in actual physical control of a motor vehicle in violation of this section or equivalent ordinance.

2. If the defendant is under age eighteen (18) when convicted, except that if the defendant has, within the preceding five (5) years, previously been convicted of violating this section, the sentence must include at least forty-eight (48) consecutive hours imprisonment in a minimum security facility or at least ten (10) days of community service, which sentence or imposition of sentence may not be suspended under Chapter 12-53 of the North Dakota Century Code.

(D) If the penalty mandated by this section includes imprisonment upon conviction of a violation of this section, and if an addiction evaluation has indicated that the defendant needs treatment the court may order the defendant to undergo in-patient treatment at an appropriate licensed addiction treatment program and the time spent by the defendant in the in-patient treatment must be credited as a portion of a sentence of imprisonment under this section.

(2) Any person violating any of the provisions pertaining to display of license plates and tabs, shall be subject to a fine of twenty dollars ($20.00).

(3) Any person violating the provisions pertaining to open container, shall be subject to a fine of one hundred dollars ($100.00).

(4) Any person violating the provisions pertaining to driving without liability insurance, shall be guilty of a class B misdemeanor and the sentence imposed must include a fine of at least one hundred fifty dollars ($150.00) which may not be suspended. Any person convicted for a second or subsequent violation of driving without liability insurance within an eighteen-month period must be fined at least three hundred dollars ($300.00) which may not be suspended.

(5) Any person violating any of the provisions of section 15.0509 pertaining to failure to use required care shall be subject to a fine of fifty dollars ($50.00).

(6) Any person violating any of the provisions pertaining to pedestrian right-of-way or pertaining to flashing signals shall be subject to a fine of one hundred dollars ($100.00).

(7) Any person violating any of the provisions pertaining to keeping body parts in a vehicle shall be subject to a fine of not less than one hundred dollars ($100.00) or more than five hundred dollars ($500.00) per violation.

(8) Any person violating any of the provisions pertaining to child restraint systems, shall be subject to a fine of not less than fifty dollars ($50.00) or more than five hundred dollars ($500.00) per violation.

(9) Any person violating any of the provisions pertaining to seat belts, shall be subject to a fine of seventy dollars ($70.00) per violation.

(10) Except as otherwise provided herein, any person violating any of the provisions of Article 5 of this chapter pertaining to speed, may be fined the following amounts:

| Miles Per Hour Over Lawful Speed Limit | Fine |
|---|---|
| 1 – 15 | $ 50.00 |
| 16 – 20 | 60.00 |
| 21 – 25 | 80.00 |
| 26 – 35 | 110.00 |
| 36 – 45 | 250.00 |
| 46 - @ | 250.00 |
| Plus, for each mile over the speed limit | 6.00 |

(11) Any person violating any of the provisions pertaining to speed limits in school crosswalks, upon conviction shall be subject to a fine of not less than fifty dollars ($50.00).

(12) Upon issuance of a summons, citation, or notice to appear in municipal court by a police officer of the City of Thompson, the person to whom such summons, citation, or notice is issued may, at the discretion of the police officer, be released from custody upon receipt from such person a written promise to appear at the time and place mentioned in the summons, citation, or notice. Any person refusing to give such written promise to appear shall be taken into custody and held for appearance before the judge of the municipal court at the next scheduled session of said court. Any person willfully violating the written promise to appear shall be subject to the penalties prescribed as follows, regardless of the disposition of the charge upon which the person originally was halted:

(A) For a first offense, by a fine of not more than one hundred dollars ($100.00), or by imprisonment of not more than ten (10) days, or by both such fine and imprisonment.

(B) For a second offense within one (1) year after the first offense, by a fine of not more than two hundred dollars ($200.00), or by imprisonment for not more than twenty (20) days, or by both such fine and imprisonment.

(C) For a third offense within one (1) year after the first offense, by a fine of not more than five hundred dollars ($500.00), or by imprisonment for not more than thirty (30) days, or by both such fine and imprisonment.

15.2804. Municipal judge authorized to issue bond schedule

The municipal judge is hereby authorized to issue a bond schedule for violations of this chapter which may be forfeited in lieu of appearance in the municipal court.

April 2, 2001

## Article 29
## Golf Cart Operation

15.2901. Definitions

For the purpose of this article, the following words and phrases shall have the following meanings:

a. Golf Cart: A vehicle designed and manufactured for operation on a golf course for sporting or recreational purposes and that is not capable of exceeding speeds of 20 MPH.

b. Driver's License: A valid license issued to operate a motor vehicle issued by North Dakota or any other state.

c. Operator: Only persons over 16 years of age and holding a driver's license may operate a golf cart.

15.2902. Rules and Regulations

a. Golf carts may be driven on city streets. If operated at night, they must be equipped with brake lights, turn signals, marker lights and a headlamp that is properly aimed, and does not impair vision of on-coming traffic. Golf carts cannot be driven on city streets where the speed limit exceeds 30 miles per hour.

b. A golf cart is not permitted to travel on federal, state, or county highways located within the city limits except for the perpendicular crossing of these highways.

c. The provisions of NDCC §40-05-22 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

d. Golf cart drivers must be at least 16 years of age with a drivers license, or at least 14 years of age with an instructional permit accompanied by a licensed driver while operating the golf cart.

e. Cart drivers will stay to the far right of the traveled portion of the road and yield the right-of-way to overtaking vehicles.

f. The number of occupants in a golf cart shall be limited to the number of persons for whom individual seating is installed and provided on the golf cart. The operator and all occupants shall be seated in the golf cart and no part of the body of the operator or occupant shall extend outside the perimeter of the golf cart while the golf cart is in motion.

g. All applicable State Laws shall be adhered to, including the possession and use of alcoholic beverages.

h. The operator of the golf cart shall comply with all traffic rules and regulations adopted by the State of North Dakota governing the operation of motor vehicles.

i. Golf carts will adhere to all traffic flow patterns, and will operate on the right side of the roadway.

j. Golf carts shall not be operated on sidewalks.

k. Golf carts shall not be operated on private property, without the permission and consent of the property owner.

l. All golf carts shall be in operable condition with brakes. All operators shall use hand signals to indicate turning and stopping intentions, unless equipped with signals.

15.2903. Penalty

Violation of this ordinance will be a fee of at least $20.00. Violations of state laws will follow state law fees.

October 5, 2015