TITLE XIII.

TRAFFIC

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CHAPTER 13-01

DEFINITIONS

SECTIONS:

13-0101. Definitions.

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

1. "Authorized Emergency Vehicles."

   a. “Class A” authorized emergency vehicles means:

      (1) Vehicles of a governmentally owned fire department;

      (2) Vehicles when operated by or under the control of a police officer having authority to enforce the provisions of this title or by a salaried employee of a municipal police department within the municipality or by a sheriff or deputy sheriff not including special deputy sheriffs, or by the director of the department of corrections and rehabilitation and the director’s authorized agents who have successfully completed training in the operation of class A authorized emergency vehicles;

      (3) Vehicles clearly identifiable as property of the Department of Corrections and Rehabilitation when operated or under the control of the Director of the Department of Corrections and Rehabilitation.

      (4) Ambulances;

      (5) Vehicles operated by or under the control of the Director, District Deputy Director, or a District Deputy Game Warden of the Game and Fish Department;

      (6) Vehicles owned or leased by the United States and used for law enforcement purposes.

      (7) Vehicles designated for the use of the Adjutant General and Assistant Adjutant General in cases of emergency;

      (8) Vehicles operated by or under the control of the Director of the Parks and Recreation Department.

(9) Vehicles operated by or under the control of a licensed railroad police officer and used for law enforcement purposes.

(10) Vehicles operated by or under the control of the state forester.

(11) Vehicles operated by or under the control of the Bureau of Criminal Investigation and used for law enforcement purposes.

b. “Class B” authorized emergency vehicles means wreckers and such other emergency vehicles as are authorized by the local authorities.

c. “Class C” authorized emergency vehicles means:

(1) Vehicles used by the State Division of Homeland Security or local division of emergency management organizations.

(2) Vehicles used by volunteer firefighters while performing their assigned disaster and emergency responsibilities.

(3) Vehicles, other than ambulances, used by emergency medical services personnel.

Source: Ord. 216-13, Sec. 10 (2015)

2. "Bicycle" shall mean every device propelled by human power upon which any person may ride, having two tandem wheels either of which is more than twenty (20) inches in diameter.

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

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

5. "Commercial Freighting" shall mean the carriage of things other than passengers, for hire, except that such terms shall not include:

a. Carriage by local dray lines, baggage or goods to or from a railroad station, from or to places in the City or in the immediate vicinity thereof, not to exceed two miles from the corporate or recognized limits of the City; or

b. Hauling done by farmers for their neighbors in transporting agricultural products to or from market.

6. "Commercial Vehicle" shall mean a vehicle designed, maintained, or used primarily for the transportation of property for hire.

7. "Controlled-Access Highway" shall mean every highway, street, or road-way in respect to owners or occupants of abutting lands and other persons have no legal right or access to or from the same except at such points only and in such manner as may be determined by the City Council.

8. "Cross Walk" shall mean that part of a road-way at an intersection included within the connections of the lateral lines of the sidewalk on opposite sides of the highway measured from the curbs, from the edges of the traversable roadway; or any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.

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

10. "Curb Loading Zone" shall mean a space adjacent to a curb reserved for the exclusive use of vehicles for the loading and unloading of passengers or materials.

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

12. "Driver" shall mean every person who drives or is in actual physical control of a vehicle, and shall include the rider or driver of any animal.

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

14. "Explosives" shall mean any chemical compound or mechanical mixture that is commonly used or intended for the purpose of producing an explosion, and which contains any oxidizing or combustible units or other ingredients in such proportions, quantities or packing that an ignition by fire, by friction, by concussion, by percussion, or by detonator of any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing sudden destructive effects on contiguous objects or by destroying life or limb.

15. "Farm Tractor" shall include every motor vehicle designed and used primarily as a farm implement for drawing plows, moving machines, and other implements of husbandry.

16. "Flammable Liquid" shall mean any liquid which has a flash point of seventy degrees Fahrenheit, or less, as determined by a tagliabue or equivalent closedcup test device.

17. "Freight Curb Loading Zone" shall mean a space adjacent to a curb for the exclusive use of vehicles during a loading or unloading of freight.

18. "Guest" shall mean a person who accepts a ride in any vehicle without giving compensation therefore.

19. "Gross Weight" shall mean the weight of a vehicle without load plus the weight of any load thereon.

20. "Highway" shall mean the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

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

22. "Intersection" shall mean the area embraced within the prolongation or connection of the lateral curb line, or, if none, then the lateral boundary lines of the roadways of two highways which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different highways joining at any other angle become in conflict, whether or not one such street crosses the other. Where a highway includes two roadways thirty feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. In the event such intersecting highway also includes two roadways thirty feet or more apart, then every crossing of two roadways of such highways shall be regarded as a separate intersection.

23. "Intoxicating Liquor" shall mean and include any beverage containing alcohol.

24. "Laned Roadway" shall mean a roadway which is divided into two or more clearly marked lanes for vehicular traffic.

25. "Legal Owner" shall mean a person who holds the legal title to the vehicle.

26. "Local Authorities" shall include every individual, local board, or body having authority to adopt local police regulations under the ordinances of this municipality.

27. "Mail" shall mean to deposit mail properly addressed with postage prepaid with the United States Postal Service.

28. "Manufacturer" shall mean any person engaged in the business of manufacturing motor vehicles or trailers.

29. "Metal Tires" shall include all tires the surface of which in contact with the highway is wholly or partly of metal or other hard, non-resilient material.

30. "Motor Vehicle" shall include any vehicle which is self-propelled.

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

32. "Non-Resident" shall mean any person who is not a resident of this municipality.

33. "Official Time Standard" shall mean whenever certain hours are named herein they shall mean standard time or daylight savings time as may be in current use in this City.

34. "Official Traffic-Control Devices" shall mean all signs, signals, markings and devices not inconsistent with this chapter, placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning or guiding traffic.

35. "Operator" shall mean every person who drives or is in actual physical control of a motor vehicle upon a highway or who is exercising control over or steering a vehicle being towed by a motor vehicle.

36. "Owner" shall mean the person holding legal title to a vehicle, or if a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the condition stated in the agreement, and with an immediate right of possession vested in the conditional vendee or lessee, or if the mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner for the purpose of this title.

37. "Park or Parking" shall mean the standing of a vehicle, occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers.

38. "Passenger Curb Loading Zone" shall mean a place adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers.

39. "Pedestrian" shall mean any person afoot.

40. "Person" shall include every natural person, firm, partnership, association or corporation.

41. "Pneumatic Tires" shall include all tires inflated with compressed air.

42. "Pole Trailer" shall mean every vehicle without motive power designed to be drawn by another vehicle and attached to the towing vehicle by means of a reach or pole, or by being boomed or otherwise secured to the towing vehicle and ordinarily used for transporting long or irregularly shaped loads, such as poles, pipes, or structural members capable, generally, of sustaining themselves as beams between the supporting connections.

43. "Police Officer" shall mean every officer authorized to direct and regulate traffic or to make arrests for violations of traffic regulations.

44. "Private Road or Driveway" shall mean every way or place in private ownership in use for vehicular travel by the owner and those having expressed or implied permission from the owner, but not by other persons.

45. "Public Building" shall mean any theater, moving picture house, hospital, church, school, city building, state building, federal building, public library or post office.

46. "Railroad" shall mean a carrier of persons or property on cars, other than street cars, operated upon stationary rails.

47. "Railroad Sign or Signal" shall mean any sign, signal, or device erected by authority of a public body or official or by a railroad and intended to give notice of the presence of railroad tracks or the approach of a railroad train.

48. "Residence District" shall mean all of that territory within the City of Mapleton outside the district known and designated as the fire limits, and not comprising a part of the business district.

49. "Revocation" means that the driver's license and the privilege to drive a motor vehicle on the public streets are terminated and shall not be renewed or restored except that an application for a new license may be presented and acted upon by the proper authorities after the expiration of the period of revocation, which period shall not be less than thirty (30) days.

50. "Right-of-Way" shall mean the privilege of the immediate use of a roadway.

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

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

53. "School bus" shall mean every motor vehicle owned by a public governmental agency and operated for the transportation of children to or from school or privately owned and operated for compensation for the transportation of children to or from school.

54. "School Zone" shall mean the area or space of any public street or alley, any part of which abuts or lies opposite any public or private property used exclusively for school purposes, where any children of the age of sixteen (16) years or less receive educational training, and shall include public play grounds.

55. "Semi-Trailer" shall include any vehicle of the trailer type so designed and used in conjunction with a motor vehicle that some part of its own weight and that of its own load rests upon or is carried by another motor vehicle.

56. "Sidewalk" shall mean that portion of a street between the curb lines or the lateral lines of a roadway, and the adjacent property lines, intended for use of pedestrians.

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

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

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

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

61. "Street" shall mean the entire width between the legal lines of every way publicly maintained when any part thereof is open to the public for the purposes of vehicular travel. Said term shall include and mean public and private parking lots.

62. "Suspension" means that the driver's license and privilege to drive a motor vehicle on the streets are temporarily withdrawn, but only during the period of such suspension.

63. "Through Highway or Street" shall mean every highway street which is described as a principal arterial, minor arterial, or collector street in the City of Mapleton.

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

65. "Traffic Control Signal" shall mean any device whether manually, electrically, or mechanically operated, by which traffic is alternately directed to stop and to proceed.

66. "Trailer" shall include every vehicle without motive power designed to carry property or passengers wholly on its own structure and to be drawn by a motor vehicle.

67. "Tricycle" shall mean every device propelled by human power upon which any person may ride, having three wheels any of which is more than twenty (20) inches in diameter.

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

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

70. "Urban District" shall mean the territory contiguous to and including any street which is built up with structures devoted to business, industry or dwelling houses situated at intervals of 100 feet for a distance of a quarter of a mile or more.

71. "Vehicle" shall mean every device in, upon, or by which any person or property is, or may be transported or drawn upon a public highway, except devices moved by human power or used exclusively upon stationary rails or tracks. A bicycle, tricycle or a ridden animal shall be deemed a vehicle.

CHAPTER 13-02

RESERVED FOR FUTURE USE

CHAPTER 13-03

ENFORCEMENT AND OBEDIENCE TO TRAFFIC REGULATIONS

SECTIONS:

13-0301. Authority of Fire Department Officials.
13-0302. Obedience to Police and Fire Department Officials.
13-0303. Public Employees When Subject to Provisions of this Title.
13-0304. Rights of Owners of Real Property Used for Roadway to Make Regulations for Same.

13-0301. **AUTHORITY OF FIRE DEPARTMENT OFFICIALS**.

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

13-0302. **OBEDIENCE TO POLICE AND FIRE DEPARTMENT OFFICIALS**. No person shall willfully fail or refuse to comply with any lawful order or direction of any peace officer certified by the State of North Dakota or any fire department official.

13-0303. **PUBLIC EMPLOYEES WHEN SUBJECT TO PROVISIONS OF THIS TITLE**. The provisions of this title shall apply to the driver of any vehicle owned by or used in the service of the United States government, the State of North Dakota, this County, City, District or other political subdivisions of the State, and it shall be unlawful for any said driver to violate any of the provisions of this title subject to exceptions as are set forth in this title or in the State Vehicle Code. The provisions of this title shall not apply to persons, teams, motor vehicles or other equipment while actually engaged in work upon the surface of a highway but shall apply to such persons and vehicles while traveling to or from work.

13-0304. **RIGHTS OF OWNERS OF REAL PROPERTY USED FOR ROADWAY TO MAKE REGULATIONS FOR SAME**. Nothing in this title shall be construed to prevent the owner of real property used by the public for the purposes of vehicular travel by permission of the owner and not as a matter of right, from prohibiting such use nor from requiring other or different or additional conditions than those specified in this title or otherwise regulating such use as may seem best to such owner.

CHAPTER 13-04

TRAFFIC CONTROL DEVICES

SECTIONS:

13-0401. Authority to Install Traffic Control Devices.
13-0402. Manual and Specifications for Traffic-Control Devices.
13-0403. Obedience to Official Traffic-Control Devices.
13-0404. Traffic-Control Signal Legend.
13-0405. Pedestrian Control Signals.
13-0406. Flashing Signals.
13-0407. Designates Crosswalks and Establishes Every Safety Zone and Traffic Lane.
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13-0409. Intersection Where Yield is Required.
13-0410. Interference with Official Traffic-Control Devices or Railroad Signs or Signals.
13-0411. Display of Unauthorized Signs, Signals or Markings.

13-0401. **AUTHORITY TO INSTALL TRAFFIC CONTROL DEVICES**.

1. The City Council may place and maintain such traffic control devices as may be necessary to regulate traffic under the traffic ordinances of this City or under State law or to guide or warn traffic.

13-0402. **MANUAL AND SPECIFICATIONS FOR TRAFFIC-CONTROL DEVICES**. All traffic-control signs, signals, and devices shall conform to the specifications approved by the State Highway Commissioner pursuant to North Dakota Century Code Section 39-13-06. All signs and signals required hereunder for a particular purpose shall so far as practicable be uniform as to type and location throughout the City. All traffic-control devices so erected and not inconsistent with the provisions of State law or this article shall be official traffic-control devices.

13-0403. **OBEDIENCE TO OFFICIAL TRAFFIC-CONTROL DEVICES**. The provisions of N.D. Cent. Code § 39-10-04 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

13-0404. **TRAFFIC-CONTROL SIGNAL LEGEND**. The provisions of North Dakota Century Code 39-10-05 and all subsequent amendments shall be, and are, hereby incorporated by reference in this ordinance.

13-0405. **PEDESTRIAN CONTROL SIGNALS**. The provisions of N.D. Cent. Code § 39-10-06 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

13-0406. **FLASHING SIGNALS**. The provisions of N.D. Cent. Code § 39-10-07 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

13-0407. **DESIGNATES CROSSWALKS AND ESTABLISHES EVERY SAFETY ZONE AND LANE**. The City Council may:

1. Designate and maintain, by appropriate devices, marks, or lines upon the surface of the roadway, crosswalks at the intersection where in their opinion there is particular danger to pedestrians crossing the roadway, and at such other places as may be necessary;

2. Establish safety zones of such kind and character and at such places as may be necessary for the protection of pedestrians;

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

13-0408. **RESERVED FOR FUTURE USE**.

13-0409. **INTERSECTION WHERE YIELD IS REQUIRED**. The City Council may determine and designate intersections where particular hazard exists upon other than through streets and may determine:

1. Whether vehicles shall stop at one or more entrances to any such intersection, in which event it shall cause to be erected a stop sign at every such place where stop is required subject to the approval of the City Council;

2. Whether vehicles shall yield right-of-way to vehicles on a different street at such intersection in which event it shall cause to be erected a yield sign at every place where obedience thereto is required.

13-0410. **INTERFERENCE WITH OFFICIAL TRAFFIC-CONTROL DEVICES OR RAILROAD SIGNS OR SIGNALS**. The provisions of N.D. Cent. Code § 39-10-07.3 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

13-0411. **DISPLAY OF UNAUTHORIZED SIGNS, SIGNALS OR MARKING**S. The provisions of N.D. Cent. Code § 39-10-07.2 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

CHAPTER 13-05

STREETS

SECTIONS:

13-0501. Creation and Extension of Through and One-way Streets.
13-0502. Authority to Sign One-way Streets and Alleys.
13-0503. One-way Streets and Alleys.
13-0504. Authority to Establish Play Streets.
13-0505. Play Streets - Driving Restricted.
13-0506. Dumping of Snow on City Street Prohibited.

13-0501. **CREATION AND EXTENSION OF THROUGH AND ONE-WAY STREETS**. The City Council may create, extend or discontinue through streets and may create one-way streets.

13-0502. **AUTHORITY TO SIGN ONE-WAY STREETS AND ALLEYS**. Whenever any ordinance of the City designates any one-way street or alley, the City shall place and maintain signs giving notice thereof, and no such regulations shall be effective unless such signs are in place. Signs indicating the direction of lawful traffic movement shall be placed at every intersection where movement of traffic in the opposite direction is prohibited.

13-0503. **ONE-WAY STREETS AND ALLEYS**. Upon one-way streets and alleys, vehicular traffic shall move only in the indicated direction when signs indicating the direction of traffic are erected and maintained.

13-0504. **AUTHORITY TO ESTABLISH PLAY STREETS**. The City Council may declare any street or part thereof a play street and to place appropriate signs or devices in the roadway indicating and helping to protect the same.

13-0505. **PLAY STREETS - DRIVING RESTRICTED**. Whenever authorized signs are erected indicating any street or part thereof as a play street, no person shall drive a vehicle upon any such street or portion thereof except drivers of vehicles having business or whose residences are within such closed area, and then any said driver shall exercise the greatest care in driving upon any such street or portion thereof.

13-0506. **DUMPING OF SNOW ON CITY STREET PROHIBITED**. It shall be unlawful for any person, association, partnership, corporation, or other entity to deposit, place or dump, or permit or authorize the depositing, placing or dumping of any snow removed from parking lots, from filling station areas, or from other private property upon any City street.

CHAPTER 13-06

OPERATOR OF VEHICLE

SECTIONS:

13-0601. Care Required in Operating Vehicle.
13-0602. Operation of Motor Vehicles by Certain Minors Forbidden.
13-0603. Registration Card to be Carried in or on Vehicle: Inspection of Card.
13-0604. Proper Display of License Upon Vehicle.
13-0605. Driver's License.
13-0606. Restricted Licenses.
13-0607. Unlawful Use of License.
13-0608. Registration Number Prima Facie Evidence.
13-0609. Open Bottle Law-Penalty.
13-0610. Careless Driving.
13-0611. Exhibition Driving and Racing - Definitions -Penalty.

13-0601. **CARE REQUIRED IN OPERATING MOTOR VEHICLE**. The provisions of N.D. Cent. Code § 39-09-01.1 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

13-0602. **OPERATION OF MOTOR VEHICLE BY CERTAIN MINORS FORBIDDEN**.

1. The driving or operation of any automobile within the City limits of Mapleton by any person under the age of fourteen (14) years is prohibited. The driving or operation of other motor vehicles, including motorcycles, motor-driven cycles, taxi-cabs, trucks and delivery cars, within the limits of Mapleton by any person under the age of sixteen (16) years is prohibited.

2. Any owner or other person having charge of or having within his control or supervision, a motor vehicle, and who knowingly allows or permits such motor vehicle to be driven or operated within the City of Mapleton by a minor under the age of fourteen (14), shall be guilty of a misdemeanor and shall be deemed to have violated the provisions of this chapter and shall upon conviction thereof be subject to the penalty provided by this title.

13-0603. **REGISTRATION CARD TO BE CARRIED IN OR ON VEHICLE: INSPECTION OF CARD**. The registration card issued for a vehicle shall be carried in the driver's compartment of the vehicle or, in the case of a house trailer or mobile home or trailer or semi-trailer, regardless of when such vehicle was acquired, inside or on the vehicle, at all times when the vehicle is being operated upon the streets of the City. Such card shall be subject to inspection by any peace officer. Any person violating this section must be assessed a fee of Twenty Dollars ($20). However, a person cited for violation of this ordinance may not be found to have committed the violation if the person, within forty-eight (48) hours after being cited, produces and

displays to any peace officer, or to the hearing official before whom the person was to appear, a registration card valid at the time the person was cited. A peace officer, upon citing a person for violating this person, shall inform the person that a violation will be considered as not having occurred if the person produces and displays a valid registration card in the manner provided in this section. A peace officer receiving evidence of the existence of a valid registration card as herein provided shall notify the hearing official of the appropriate jurisdiction of that fact.

13-0604. **PROPER DISPLAY OF LICENSE UPON VEHICLE**. It shall be unlawful for any person to commit any of the following acts:

1. To operate, or for the owner of the vehicle to knowingly permit anyone to operate, upon a highway any vehicle, the registration of which has been canceled or revoked, or which is not registered, or which does not have attached thereto and displayed thereon a current number plate, plates, or validation tabs assigned thereto by the Registrar of the Motor Vehicle Department of the State of North Dakota, or his appropriate counterpart from another state, subject to the exemptions allowed in this chapter;

2. To display or cause to be displayed, or to have in possession any registration card, registration number plate, or validation tabs knowing the same to be fictitious or to have been canceled, revoked, suspended, or altered; and

3. To lend any registration number plate, registration card, or validation tabs to any person not entitled thereto, or knowingly permit the use of any registration number plate or registration card by any person not entitled thereto.

13-0605. **DRIVER'S LICENSE**.

1. A person, unless exempted by state law, may not drive any motor vehicle on a public or private area to which the public has the right of access for vehicular use in the City unless the person has a valid license as an operator under the provisions of Chapter 39-06 of the North Dakota Century Code, or a temporary operator's permit issued under Chapter 39-20 of the North Dakota Century Code.

2. Every licensee shall have his operator's license or permit in his immediate possession at all times when operating a motor vehicle and shall display the same, upon demand of any court, police patrolman, peace officer or a field deputy or inspector of the Highway Department. However, no person charged with violating this section shall be convicted if he produces in court or the office of the arresting officer, an operator's license or permit heretofore issued to him and valid at the time of his arrest.

13-0606. **RESTRICTED LICENSES**. No person shall operate a motor vehicle in any manner in violation of the restrictions imposed in a restricted license issued to him.

13-0607. **UNLAWFUL USE OF LICENSE**. It shall be unlawful for any person:

1. To display, or cause, or permit to be displayed or have in his possession any canceled, revoked, suspended, fictitious, or fraudulently altered operator's or chauffeur's license;

2. To lend his operator's or chauffeur's license to any other person or knowingly permit the use thereof by another;

3. To display or represent as one's own any operator's or chauffeur's license not issued to him;

4. To fail or refuse to surrender to the State upon lawful demand any operator's or chauffeur's license which has been suspended, revoked or canceled;

5. To permit any unlawful use of an operator's or chauffeur's license issued to him.

13-0608. **REGISTRATION NUMBER PRIMA FACIE EVIDENCE**. In any proceeding for a violation of the provisions of this title or any local ordinance, rule or regulation, the registration plate displayed on such vehicle or tractor shall be prima facie evidence that the owner of such vehicle or tractor was then operating the same. If in any hearing or proceeding, the owner shall testify, under an oath or affirmation, that he was not operating the said vehicle or tractor at the time of the alleged violation of this title or any local ordinance, rule or regulation, and shall submit himself to an examination as to who at that time was operating such a vehicle or tractor, and reveal the name of the person, if known to him or, if the information is made in a county other than that of his own residence, shall forward to the magistrate an affidavit setting forth these facts, then the prima facie evidence arising from the registration plate shall be overcome and removed and the burden of proof shifted.

13-0609. **OPEN BOTTLE LAW-PENALTY**. The provisions of N.D. Cent. Code § 39-08-18 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

13-0610. **CARELESS DRIVING**. The provisions of N.D. Cent. Code § 39-09-01 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

13-0611. **EXHIBITION DRIVING AND DRAG RACING - DEFINITIONS - PENALTY**. The provisions of N.D. Cent. Code § 39-08-03.1 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

CHAPTER 13-07

CRIMINAL VIOLATIONS

SECTIONS:

13-0701. Reckless Driving.
13-0702. Driving While License Suspended or Revoked.
13-0703. Persons Under the Influence of Intoxicating Liquor or Narcotic Drugs not to Operate Vehicle: Declaring What Constitutes Being Under the Influence of Intoxicating Liquor or Narcotic Drugs - Penalty.
13-0704. Accidents Involving Damage to Vehicle - Penalty.
13-0705. Duty Upon Striking Highway Fixtures or Other Property.
13-0706. Operating a Snowmobile in a Reckless or Careless Manner.
13-0707. Persons Under the Influence of Intoxicating Liquor or Narcotic Drugs Not to Operate Snowmobile.
13-0708. Harassment of Domestic Animals.
13-0709. Driving Without Liability Insurance Prohibited.

13-0701. **RECKLESS DRIVING**. The provisions of N.D. Cent. Code § 39-08-03 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

13-0702. **DRIVING WHILE LICENSE SUSPENDED OR REVOKED**. The provisions of N.D. Cent. Code § 39-06-42 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

13-0703. **PERSONS UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR NARCOTIC DRUGS NOT TO OPERATE VEHICLE: DECLARING WHAT CONSTITUTES BEING UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR NARCOTIC DRUGS - PENALTY**. The provisions of N.D. Cent. Code § 39-08-01 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

13-0704. **ACCIDENTS INVOLVING DAMAGE TO VEHICLE - PENALTY**. The driver of any vehicle involved in an accident resulting only in damage to a vehicle which is driven or attended by any person shall immediately stop such vehicle at the scene of such accident or as close thereto as possible but shall forthwith return to and in every event shall remain at the scene of such accident until he has fulfilled the requirement of giving information and aid as set out by state law.

13-0705. **DUTY UPON STRIKING HIGHWAY FIXTURES OR OTHER PROPERTY**. The driver of any vehicle involved in an accident resulting only in damage to highway fixtures or other property shall take reasonable steps to locate and notify the owner or person in charge of such property of such fact and of his name and address and of the registration number of the vehicle he is driving and shall upon request and if available exhibit his operator's or chauffeur's license and shall make report of such accident when and as required by state law.

13-0706. **OPERATING A SNOWMOBILE IN A RECKLESS OR CARELESS MANNER**. The provisions of N.D. Cent. Code § 39-24-09(5)(b) and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

13-0707. **PERSONS UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR NARCOTIC DRUGS NOT TO OPERATE SNOWMOBILE**. The provisions of N.D. Cent. Code § 39-24-09(5)(c) and all subsequent amendments shall be and are hereby incorporated by reference ln this ordinance.

13-0708. **HARASSMENT OF DOMESTIC ANIMALS**. The provisions of N.D. Cent. Code § 39-08-19 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

13-0709. **DRIVING WITHOUT LIABILITY INSURANCE PROHIBITED**. Provisions of N.D. Cent. Code § 39-08-20, and all subsequent amendments thereto shall be and hereby are incorporated by this reference.

CHAPTER 13-08

MISCELLANEOUS REGULATIONS

SECTIONS:

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

13-0801. **OPERATION OF MOTOR VEHICLE, TRACTOR OR OTHER VEHICLE PROHIBITED ON FLOOD PROTECTIVE WORKS: EXCEPTION**. Unless authorized by the authority in charge thereof, no person shall operate a motor vehicle, tractor or other vehicle upon or across any flood protective works, including but not limited to dike or flood protective works constructed by a state or federal agency, or by a municipality or local subdivision of the state. Any person violating the provisions of this section shall be liable to the city municipality or political subdivision suffering injury for the full amount sustained thereby and in addition thereto shall be guilty of a misdemeanor.

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

13-0803. **WHEN PERMITS REQUIRED FOR PARADES AND PROCESSIONS**. No processions or parade containing fifty or more persons or twenty or more vehicles, except for the forces of the United States Army or Navy, the military forces of this state, the forces of the police and fire department, shall occupy, march or proceed along any street except in accordance with a permit issued by the City Council and other pertinent regulations, statutes and ordinances.

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

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

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

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

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

13-0809. **USE OF COASTERS, ROLLER SKATES AND SIMILAR DEVICES RESTRICTED**. No person upon roller skates, or riding in or by means of any coaster, toy vehicle, or similar device, shall go upon any roadway except while crossing a street on a crosswalk and when so crossing, such person shall be granted all of the rights and shall be subject to all of the duties applicable to pedestrians.

13-0810. **GARBAGE, GLASS, ETC. ON HIGHWAYS PROHIBITED**. The provisions of N.D. Cent. Code § 39-10-59 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

CHAPTER 13-09

GENERAL RULES OF THE ROAD

SECTION:

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

13-0901. **FOLLOWING TOO CLOSELY**. The driver of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of such vehicle and the traffic upon and the condition of the street, and in no event more closely than would permit the driver of the vehicle following another to stop within the space between the two vehicles in case the first vehicle stops upon the street.

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

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

2. The driver of any vehicle traveling at an unlawful speed shall forfeit any right of way which he might otherwise have hereunder.

3. The driver of a vehicle which is backing up shall yield the right of way to other vehicles.

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

1. The driver of a vehicle entering a public street or highway from a private road or drive shall yield the right of way to all vehicles approaching or on such public street or highway; and

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

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

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

2. The driver of a vehicle shall likewise come to a complete stop in obedience to a stop sign as required herein at an intersection where a stop sign is erected at one or more entrances thereto although not a part of a through street or highway shall use special care and caution in crossing the intersection of, or intercepting the line of traffic on, such stop intersection, until his way is clear of such traffic; provided that when the traffic at any intersection is regulated or controlled by traffic lights, or by a member of the police department on duty, the driver of any vehicle shall be regulated and controlled thereby, and shall act in accordance with the directions and regulations of such traffic lights or such traffic policeman, and in accordance with any traffic signs there in place affecting such traffic;

3. Every driver approaching a stop sign shall stop before entering the crosswalk on the near side of the intersection, or in the event there is not a crosswalk, shall stop at a clearly marked stop line, but if none, then at the point nearest the intersection roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection except when directed to proceed by police officer or a traffic-control signal.

13-0905. **VEHICLE ENTERING YIELD INTERSECTION**.

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

2. The driver of a vehicle approaching a yield sign if required for safety to stop shall stop before entering the crosswalk on the near side of the intersection or, in the event there is no crosswalk, at a clearly marked stop line, but if not, then at a point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway.

13-0906. **DRIVING ON DIVIDED STREET OR HIGHWAY**. Whenever any street or highway has been divided into two roadways by leaving an intervening space or by a physical barrier or clearly indicated dividing section so constructed as to impede vehicular traffic, every vehicle shall be driven only upon the right-hand roadway and no vehicle shall be over, across, or within any such dividing space, barrier, or section, except through an opening in such physical barrier or dividing section or space or at a crossover or intersection established by public authority.

13-0907. **RESTRICTED ACCESS**. No person shall drive a vehicle onto or from any controlled-access roadway except at such entrances and exits as are established by public authority.

13-0908. **RESTRICTIONS ON USE OF CONTROLLED-ACCESS ROADWAYS**. The provisions of N.D. Cent. Code § 39-10-21 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

13-0909. **DRIVE ON RIGHT SIDE OF ROADWAY: EXCEPTIONS**. The provisions of N.D. Cent. Code § 39-10-08 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

13-0910. **PASSING VEHICLES PROCEEDING IN OPPOSITE DIRECTIONS**. The provisions of N.D. Cent. Code § 39-10-09 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

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

13-0912. **OVERTAKING A VEHICLE ON THE LEFT**. The provisions of N.D. Cent. Code § 39-10-11 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

13-0913. **WHEN OVERTAKING ON THE RIGHT IS PERMITTED**. The provisions of N.D. Cent. Code § 39-10-12 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

13-0914. **LIMITATIONS ON OVERTAKING ON THE LEFT**. The provisions of N.D. Cent. Code § 39-10-13 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

13-0915. **FURTHER LIMITATIONS ON DRIVING TO LEFT OF CENTER OF ROADWAY**. The provisions of N.D. Cent. Code § 39-10-14 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

13-0916. **NO PASSING ZONES**. The provisions of N.D. Cent. Code § 39-10-15 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

13-0917. **DRIVING ON ROADWAYS LANED FOR TRAFFIC**. The provisions of N.D. Cent. Code § 39-10-17 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

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

1. No person shall park or leave standing any vehicle, whether attended or unattended, upon the main traveled portion of any street when it is practicable to park or leave such vehicle standing off the main traveled portion of the street; provided in no case shall any person park or leave standing attended or unattended, upon any street, a vehicle unless a clear and unobstructed width of not less than fifteen feet shall be left free for the passage of other vehicles thereon, and unless a clear view of such vehicle may be obtained from a distance of two hundred feet in both directions upon such streets;

2. No driver of any vehicle shall stop the same on any street, avenue, lane or alley of the city in such manner as to prevent or hinder other vehicles or persons from passing at all times, unless in case of absolute necessity, nor shall any driver of any vehicle stop the same at any regular crossing of said street, alley, lane or avenue so as to prevent the free passage of persons traveling or passing on foot.

3. Whenever any peace officer shall find a vehicle standing upon a street or highway in violation of the provisions of this section, he is hereby authorized to move such vehicle, or require the driver or person in charge of such vehicle to move such vehicle, to a position permitted under this section, or to impound it at the expense of the owner or driver.

4. Provisions of this section shall not apply to the driver of any vehicle which is disabled while upon the main traveled portion of a street in such manner and to such extent that it is impossible to avoid stopping temporarily leaving such vehicle in such position.

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

13-0920. **AUTHORIZED EMERGENCY VEHICLES**. The provisions of N.D. Cent. Code §§ 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.

13-0921. **OPERATION OF VEHICLES ON APPROACH OF AUTHORIZED EMERGENCY VEHICLES**. The provisions of N.D. Cent. Code § 39-10-26 and all subsequent amendments shall be and are incorporated by reference in this ordinance.

CHAPTER 13-10

MISCELLANEOUS DRIVING RULES

SECTIONS:

13-1001. Following Fire Apparatus Prohibited, Parking Within Block Where Fire Apparatus Used Prohibited: Driving Over Fire Hose or Through Street Barricade Prohibited.
13-1002. Driving Through Parade, Funeral or Procession.
13-1003. Drivers in a Procession.
13-1004. Vehicle Shall Not Be Driver on a Sidewalk.
13-1005. Limitations on Backing.
13-1006. Opening and Closing Vehicle Doors.
13-1007. Motorcycles - Helmet.
13-1008. Starting Parked Vehicles.
13-1009. Boarding or Alighting From Vehicles.
13-1010. Unlawful Riding.
13-1011. Cruising About Streets Forbidden.
13-1012. Towing Sleds and Carts.
13-1013. Obstruction to Driver's View or Driving Mechanism.
13-1014. Coasting Prohibited.
13-1015. Child Restraint Devices - Penalty - Evidence.
13-1016. Overtaking and Passing of School Bus.
13-1017. Use of Safety Belts Required in Certain Motor Vehicles.

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

1. To follow any fire apparatus traveling in response to a fire alarm closer than five hundred feet;

2. To drive into or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm;

3. To drive over any fire hose without the consent of the fire department official in command;

4. To drive through or around any street barricade.

13-1002. **DRIVING THROUGH PARADE, FUNERAL OR PROCESSION**. No vehicle except an authorized emergency vehicle as defined in Section 13-0101(1)(a) may drive through any parade, funeral or procession except with the permission or upon the signal of a police officer.

13-1003. **DRIVERS IN A PROCESSION**. Each driver in a funeral or other procession shall drive as near to the right-hand edge of the roadway as practicable and shall follow the vehicle ahead as close as is practicable and safe. The headlights of all vehicles shall be turned on so that identification of vehicles in such procession is easily established.

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

13-1005. **LIMITATIONS ON BACKING**.

1. The driver of a vehicle shall not back the same unless such movement can be made with safety and without interfering with other traffic.

2. The driver of a vehicle shall not back the same upon any shoulder or roadway of any controlled-access highway.

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

13-1007. **MOTORCYCLES - HELMET**.

1. No person under the age of eighteen (18) years shall operate or ride upon a motorcycle unless protective headgear, which complies with standards established by the North Dakota Highway Department, is being worn on the head of the operator and rider, except when participating in a lawful parade. If the operator of a motorcycle is required to wear protective headgear, any passenger must also wear protective headgear regardless of the age of the passenger.

2. This section shall not apply to persons riding within an enclosed cab or on a golf cart.

3. No person shall operate a motorcycle if a person under the age of eighteen (18) years is a passenger upon that motorcycle and is not wearing protective headgear as provided in subsection 1.

13-1008. **STARTING PARKED VEHICLES**. The provisions of N.D. Cent. Code § 39-10-37 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

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

13-1010. **UNLAWFUL RIDING**. No person shall ride on any vehicle or any portion thereof not designated or intended for the use of passengers. This provision shall not apply to an

employee engaged in the necessary discharge of a duty or to persons riding within truck bodies in space intended for merchandise.

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

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

13-1013. **OBSTRUCTION TO DRIVERS' VIEW OR DRIVING MECHANISM**. The provisions of N.D. Cent. Code § 39-10-54 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

13-1014. **COASTING PROHIBITED**. The provisions of N.D. Cent. Code § 39-10-56 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

13-1015. **CHILD RESTRAINT DEVICES - PENALTY - EVIDENCE**. The provisions of N.D. Cent. Code § 39-21-41.2 and all subsequent amendments shall be and are hereby incorporated by this reference.

13-1016. **OVERTAKING AND PASSING OF SCHOOL BUS**.

1. The driver of a vehicle meeting or overtaking from either direction any school bus stopped on the highway shall stop the vehicle before reaching such school bus when there is in operation on said school bus the, flashing red lights specified in Section 39-21-18, N.D. Cent. Code, and said driver shall not proceed until such school bus resumes motion or he is signaled by the school bus driver to proceed or the flashing red lights are no longer actuated.

2. Every school bus shall bear upon the front and rear thereof plainly visible signs containing the word "SCHOOL BUS" in letters not less than eight inches [20.32 centimeters] in height. When a school bus is being operated upon a highway for purposes other than the actual transportation of children either to or from school or for a school sanctioned activity, all markings thereon indicating "SCHOOL BUS" shall be covered or concealed.

3. The operator of a school bus equipped with amber caution lights may activate those lights at a distance of not less than three hundred feet [91.44 meters] nor more than five hundred feet [152.4 meters] from the point where school children are to be received or discharged from the bus.

4. Every school bus shall be equipped with red visual signals meeting the requirements of Section 39-21-18, N.D. Cent. Code, which may be actuated by the driver of said school bus whenever, but only whenever, such vehicle is stopped on the highway for the purpose of receiving or discharging school children. A school bus driver shall not actuate said special visual signals:

a. On city streets on which the receiving or discharging of school children is prohibited by ordinance;

b. At intersections or other places where traffic is controlled by traffic-control signals of police officers; or

c. In designated school bus loading areas where the bus is entirely off the roadway.

5. The driver of a vehicle upon a highway with separate roadways need not stop upon meeting or passing a school bus which is on a different roadway or when upon a controlled-access highway and the school bus is stopped in a loading zone which is a part of or adjacent to such highway and where pedestrians are not permitted to cross the roadway.

The provisions of N.D. Cent. Code § 39-10-46 and all subsequent amendments shall be and are hereby incorporated by this reference.

13-1017. **USE OF SAFETY BELTS REQUIRED IN CERTAIN MOTOR VEHICLES**. The provisions of N.D. Cent. Code §§ 39-21-41.4 and 39-21-41.5 of the North Dakota Century Code, and all subsequent amendments thereto, shall be and hereby are incorporated by reference in this ordinance.

CHAPTER 13-11

SPEED

SECTIONS:

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

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

1. Twenty-five miles per hour on all streets and avenues of this city unless otherwise posted.

2. Fifteen miles an hour when passing a school which is in session or while children are going to or leaving school during opening or closing hours.

3. Fifteen miles an hour in traversing or going around curves or traversing a grade upon a highway or street when the driver's view is obstructed within a distance of one hundred feet along such street in a direction in which he is proceeding; or at any intersection.

4. Fifteen miles per hour when passing any public playground, park, swimming pool, tennis court, or other similar recreational area during the hours when said facility is in use.

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

13-1102. **SPEED LIMITATIONS INAPPLICABLE TO WHOM: LIABILITY OF EXEMPT DRIVER FOR RECKLESS DRIVING**. The speed limitations provided for in this Title shall not apply to operators of vehicles designated in Section 13-0920 while in the performance of their duties. The exemption provided for in this section shall not protect the driver of any such vehicle from the consequences of reckless disregard of the safety of others.

13-1103. **INCREASE OR DECREASE OF SPEED LIMITS**. The City Council, by resolution, may increase or decrease the speed limits as set by Section 13-1101 above, providing signs giving notice of such changes are properly placed and maintained.

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

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

13-12

TURNING MOVEMENTS

SECTIONS:

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

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

1. Right turn. Both approach for a right turn and a right turn shall be made as close as practicable to the right-hand curb or edge of the roadway;

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

3. Left turns on other than two-way roadways. At any intersection where traffic is restricted to one direction on one or more of the roadways, the driver of the vehicle intending to turn left at any such intersection shall approach the intersection in the extreme left-hand lane lawfully available to traffic moving in the direction of travel of such vehicle and after entering the intersection the left turn shall be made so as to leave the intersection, as nearly as practicable, in the left-hand lane lawfully available to traffic moving in such direction upon the roadway being entered; and

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

13-1202. **TURNING MOVEMENTS AND REQUIRED SIGNALS**.

1. No person shall turn a vehicle or move right or left upon a roadway unless or until such movement can be made with reasonable safety without giving an appropriate signal in the manner hereinafter provided.

2. A signal of intention to turn right or left when required shall be given continuously during not less than the last one hundred feet traveled by the vehicle before turning. Signal either by an approved mechanical or electrical device or by means of hand and arm in the manner hereinafter specified. Whenever the signal is given by means of hand and arm, the driver shall indicate his intention to turn left by extending the hand and arm horizontally; to indicate a right turn by extending the forearm and hand upward and to indicate a stop by extending the arm outward and down; in each case, from and beyond the left side of the vehicle.

3. No person shall stop or suddenly decrease the speed of the vehicle without first giving an appropriate signal in the manner provided herein to the driver of any vehicle immediately to the rear when there is opportunity to give such signal.

13-1203. **VEHICLE TURNING LEFT AT INTERSECTION**. The driver of a vehicle intending to turn left within an intersection or into an alley, private road, or driveway shall yield the right-of-way to any vehicle approaching from the opposite direction which is within the intersection or so close thereto as to constitute an immediate hazard. Said driver shall use special care and caution in entering the intersection and completing the left turn.

13-1204. **AUTHORITY TO PLACE RESTRICTED TURN SIGNS**. The City Council shall determine those intersections at which drivers of vehicles shall not make a right, left or "U" turn, and shall place proper signs at such intersections. The making of such turns may be prohibited between certain hours of any day and permitted at other hours, in which event the same shall be plainly indicated on the signs or they may be removed when such turns are permitted.

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

13-1206. **LIMITATIONS ON TURNING AROUND**.

1. No "U" turn shall be made at any mid-block location or at any signalized intersection in the City. The City Council may by means of signs forbid "U" turns.

2. No vehicle shall be turned so as to proceed in the opposite direction upon any curve, whereupon the approach to or near the crest of a grade, where such vehicle cannot be seen by the driver of any other vehicle approaching from either direction within five hundred feet.

13-1207. **AUTHORITY TO PLACE AND OBEDIENCE TO TURNING MARKERS**. The City Council may cause markers, buttons or signs to be placed within or adjacent to intersections and thereby require and direct that a different course from that specified in this section

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

CHAPTER 13-13

PEDESTRIANS

SECTIONS:

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

13-1301. **PEDESTRIANS SUBJECT TO TRAFFIC-CONTROL SIGNALS**. Pedestrians shall be subject to traffic-control signals and heretofore declared in Section 13-0404 and 13-0405 of this title, but at all other places pedestrians shall have those rights and be subject to the restrictions stated in this title.

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

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

1. Where traffic control signals are not in place or in operation, the driver of a vehicle shall yield the right-of-way, slowing down or stopping if need be to yield to a pedestrian crossing a roadway within a crosswalk when the pedestrian is upon the half of the roadway which the vehicle is traveling, or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger.

2. No pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close that it is impossible for the driver to yield.

3. Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake or pass such stopped vehicle.

13-1304. **CROSSING AT OTHER THAN CROSSWALKS**.

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

2. Any pedestrian crossing a roadway at a point where a pedestrian tunnel or overhead crossing has been provided shall yield the right-of-way to all vehicles on the roadway.

3. Between adjacent intersections at which traffic-control devices are in operation, pedestrians shall not cross at any place except in a marked crosswalk.

4. No pedestrians shall cross a roadway other than on a crosswalk in any business district in the City of Mapleton.

5. No pedestrian shall cross a roadway intersection diagonally unless authorized by official traffic-control devices; and, when authorized to cross diagonally, pedestrians shall cross only in accordance with the official traffic-control devices pertaining to such crossing movements.

13-1305. **PEDESTRIANS TO USE RIGHT HALF OF CROSSWALK**. The provisions of N.D. Cent. Code § 39-10-32 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

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

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

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

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

13-1307. **OBEDIENCE OF PEDESTRIANS TO RAILROAD SIGNALS**. The provisions of N.D. Cent. Code § 39-10-33.5 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

13-1308. **PEDESTRIANS WALKING ALONG ROADWAYS**.

1. Where a sidewalk is provided and its use practicable, it shall be unlawful for any pedestrian to walk along or upon an adjacent roadway.

2. Where a sidewalk is not available, any pedestrian walking along or upon a highway shall walk only on a shoulder facing traffic which may approach from the opposite direction, as far as practicable from the edge of the roadway.

3. Where neither a sidewalk nor a shoulder is available, any pedestrian walking along and upon a highway shall walk as near as practicable to the outside edge of the roadway, and, if on a two-way roadway, shall walk only the left side of the roadway.

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

13-1309. **PEDESTRIANS SOLICITING RIDES OR BUSINESS**. The provisions of N.D. Cent. Code § 39-10-34 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

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

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

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

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

13-1314. **DRIVERS TO EXERCISE DUE CARE**. Notwithstanding the foregoing provisions of this Chapter, every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian upon any roadway and shall give warning by sounding the horn when necessary and shall exercise proper precaution upon observing any child or any confused or incapacitated person upon a roadway.

CHAPTER 13-14

ACCIDENTS

SECTIONS:

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

13-1401. **IMMEDIATE NOTICE OF ACCIDENTS**. The provisions of N.D. Cent. Code § 39-08-09 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

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

13-1403. **WRITTEN REPORT OF AN ACCIDENT TO STATE**. The provisions of N.D. Cent. Code § 39-08-09 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

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

13-1405. **WHEN DRIVER UNABLE TO REPORT**. The provisions of N.D. Cent. Code § 39-08-11 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

13-1406. **GARAGES TO REPORT**. The person in charge of any garage or repair shop located in the City of Mapleton to which is brought any motor vehicle which shows evidence of being involved in a reportable accident as provided in Section 13-0801 of this title or of being struck by any bullet, if said vehicle does not have a "damaged car release sticker" attached thereto or if said vehicle has a bullet hole therein, shall immediately make a report to the Sheriff of Cass County. Said report shall include the license plate number and the name and address of owner or operator of such vehicle. If said vehicle does have a "damaged car release sticker" attached thereto

no report is necessary. Stickers on such vehicles are not to be removed until repairs are completed but must be removed before the vehicle is released to the owner or operator.

13-1407. **FALSE REPORTS**. No person shall give information reports as required in Sections 13-1401, 13-1404, 13-1406, 13-0704 and 13-0705 of this Chapter knowing or having reason to believe that such information is false.

CHAPTER 13-15

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

SECTIONS:

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

Subsections:

13-1524.1. Impounding Overweight Vehicle
13-1524.2. Impounding Receipt - Information
13-1524.3. Impounding Notice - Perishables
13-1524.4. Civil Complaint
13-1524.5. Voluntary Statement of Extraordinary Road Use Fee Charges
13-1524.6. Mailing Complaint
13-1524.7. Cash Bond - Holding
13-1524.8. Trial - Charges
13-1524.9. Payment of Charges - Confiscation - Sale
13-1524.10 Payment - Effect

13-1524.11 Proceeds of Sale
13-1525. Restrictions Upon the Use of Streets by Certain Vehicles.
13-1526. Load Restrictions Upon Vehicles Using Certain Highways.
13-1527. Modification of Motor Vehicle.

13-1501. **LAMP OR FLAG ON PROJECTING LOAD**. The provisions of N.D. Cent. Code § 39-21-13 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

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

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

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

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

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

13-1505. **MIRRORS**. The provisions of N.D. Cent. Code § 39-21-38 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

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

1. No person shall drive a motor vehicle with any sign, poster, frost, condensation, or other nontransparent material upon or in place of the front windshield, sidewings, side or rear windows of such motor vehicle, other than a certificate or other paper required to be so displayed by law.

2. The windshield on every motor vehicle shall be equipped with a device for cleaning rain, snow or other moisture from the windshield, which device shall be so constructed as to be controlled or operated by the driver of the vehicle.

3. Every windshield wiper upon a motor vehicle shall be maintained in good working order.

13-1507. **MUFFLERS REQUIRED. PREVENTION OF NOISE**. The provisions of N.D. Cent. Code § 39-21-37 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

13-1508. **VEHICLE TO BE CONSTRUCTED TO PREVENT SIFTING OR LEAKING LOADS**. The provisions of N.D. Cent. Code § 39-21-44.1 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

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

13-1510. **FRONT AND REAR LAMPS TO BE LIGHTED AT CERTAIN TIMES**. The provisions of N.D. Cent. Code § 39-21-01 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

13-1511. **ARREST FOR IMPROPERLY ADJUSTED HEADLAMPS - CERTIFICATE OF CONFORMANCE A DEFENSE**. The provisions of N.D. Cent. Code § 39-21-24 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

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

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

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

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

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

13-1517. **PROPER EQUIPMENT REQUIRED ON VEHICLES**. It is an infraction, which shall subject the violator to the penalties set forth in Section 1-0211, for any person to drive or move or for the owner to cause or knowingly permit to be driven or moved on any highway any vehicle or combination of vehicles which is in such unsafe condition as to endanger any person, or which does not contain those parts or is not at all times equipped with such lamps and other equipment in proper condition and adjustment as required in this chapter, or the North Dakota Century Code, or which is equipped in any manner in violation of this chapter, or any provision of the North Dakota Century Code, or for any person to do any act forbidden or fail to perform any act required under this chapter, or under the North Dakota Century Code.

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

1. Ride or stand upon the running board or exterior of any moving vehicle. This provision shall not apply to police officers, firemen or other City employees, while in performance of their duties.

2. Drive a vehicle containing more passengers than the seating capacity of such vehicle.

3. Allow any part of the body to protrude beyond the limits of the vehicle while the vehicle is in motion, except to signal change of direction as provided in this title.

4. Drive a vehicle loaded with iron or other material likely to produce an annoying sound without using proper precautions to minimize such annoying sound.

13-1519. **SIZE, WEIGHT AND LOAD RESTRICTIONS OF VEHICLES OPERATED WITHIN THE CITY**. Provisions of N.D. Cent. Code §§ 39-12-04 and 39-12-05.3 and all subsequent amendments thereto shall be and hereby are incorporated by reference in this ordinance, except where more stringent limitations are set forth otherwise in these ordinances, or in a resolution adopted by the City Council. Such resolution, in addition to the size and weight restrictions, may set forth other restrictions and guidelines, as well as a fee schedule for permits for overweight and oversized vehicles.

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

13-1521. **PERMITS FOR EXCESSIVE SIZE AND WEIGHT**. The City Agent may, under such policies as the City may establish by resolution or ordinance, upon application in writing and good cause being shown therefor, issue a special permit in writing authorizing the applicant to operate or move a vehicle of a size and weight exceeding the maximum specified in this title upon any street or highway under the jurisdiction of and for the maintenance of which the body granting permit is responsible. Every such permit shall be issued for a single trip and may designate the route to be traversed and contain other restrictions or conditions deemed necessary by the body granting such permit. Every such permit shall be carried in the vehicle to which it refers and shall be opened to inspection by any peace officer, and it shall be unlawful for any person to violate any of the terms and conditions of such special permit. The fees for such special permit shall be established by resolution by the City Council.

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

1. No truck or commercial vehicle exceeding in weight ten thousand pounds per axle, or total weight of eighty thousand pounds shall be operated in the City of Mapleton, except upon truck routes designated as hereinafter provided in subsection 2 of this section; provided, that this ordinance shall not prohibit:

    a. Such vehicles from operating upon other City streets when delivering or picking up materials or merchandise, provided entrance or exit to or from such street is made at the nearest intersection; through streets as established elsewhere in the Mapleton City Ordinances shall be considered as secondary truck routes and must be used in preference to other streets whenever possible.

    b. The operation of trucks owned or operated by the City of Mapleton; trucks owned or operated by power companies and telephone companies franchised in Mapleton or trucks owned and operated by any contractor or material supplier while under contract with the City and engaged in the repair, maintenance or construction of streets, street improvements or street utilities within the City.

    c. The operation of class A emergency vehicles, as defined in the traffic ordinances of the City of Mapleton, upon any street in the City.

d. Trucks making more than one delivery on any one trip may take the most direct route between one delivery and the next.

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

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

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

In addition, the City, will set weight restrictions by resolution which will automatically apply City-wide when Cass County imposes its spring weight limit road restrictions. These restrictions shall be posted at the main entrances to the City at the discretion of the City Agent.

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

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

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

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

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

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

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

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

13-1524.8. **TRIAL - CHARGES**. At the trial of the action, the court shall hear testimony concerning the facts, and if it is found that such vehicle or vehicles were moved upon the highways, streets, alleys or other public roadways of the City at a weight in excess of the limitations imposed

under the provisions of this section, charges for the extraordinary use of the highways, streets, alleys, or roadways must be assessed as follows:

1. The storage charges and costs of the action must be assessed; and

2. An additional charge must be assessed as follows:

   a. One cent per pound (453.59 grams) for each pound (453.59 grams) of weight in excess of the legal limit, up to three thousand pounds (1,360.77 kilograms) of excess weight;

   b. Four cents per pound (453.59 grams) for each pound (453.59 grams) which exceeds the legal limit by over three thousand bounds (1,360.77 kilograms) but is less than five thousand pounds (2,267.96 kilograms) of excess;

   c. Eight cents per pound (453.59 grams) for each pound (453.59 grams) which exceeds the legal limit by over five thousand pounds (2,267.96 kilograms), but is not more than ten thousand pounds (4,535.92 kilograms);

   d. Ten cents per pound (453.59 grams) for each pound (453.59 grams) which exceeds the legal limit by over ten thousand pounds (4,535.92 kilograms) but is less than twenty thousand pounds (9,071.84 kilograms) of excess weight; and

   e. Twenty cents per pound (453.59 grams) for each pound (453.59 grams) which exceeds the legal limit by more than twenty thousand pounds (9,071.84 kilograms).

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

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

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

13-1525. **RESTRICTIONS UPON THE USE OF STREETS BY CERTAIN VEHICLES**. The City Auditor or police department is hereby authorized, subject to a resolution of approval by the City Council, to determine and designate those heavily traveled streets upon

which shall be prohibited the use of the roadway by bicycles, horsedrawn vehicles or other non-motorized traffic and shall erect appropriate signs giving notice thereof. A disobedience of any restriction and any sign so posted shall be a violation of this title.

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

13-1527. **MODIFICATION OF MOTOR VEHICLE**. Provisions of N.D. Cent. Code § 39-21-45.1 and all subsequent amendments shall be and hereby are incorporated by reference in this ordinance.

CHAPTER 13-16

PARKING

SECTIONS:

13-1601. Parallel Parking and Diagonal Parking.
13-1602. Obedience to Angle Parking Signs or Markings.
13-1603. Stopping, Standing or Parking Prohibited in Specified Places.
13-1604. Parking of Trucks, Delivery Cars and Service Cars Regulated.
13-1605. Loading and Unloading Regulations for Trucks.
13-1606. Winter Parking. Source: Ord. 264-23, Sec. 1
13-1607. City Council May Designate Ten Minute Parking Areas.
13-1608. RESERVED FOR FUTURE USE.
13-1609. Parking in Area Designated for Mobility Impaired Without Certificate.
13-1610. Motor Vehicle Left Unattended, Brakes to be Set.
13-1611. Unlawful to Park on Private Property.
13-1612. Restricted Parking in Recreation Areas.
13-1613. Parking Not to Obstruct Traffic.
13-1614. Parking for Certain Purposes Prohibited.
13-1615. No Stopping, Standing or Parking Near Hazardous or Congested Places.
13-1616. Stopping, Standing and Parking of Buses and Taxi Cabs Regulated.
13-1617. Restricted Use of Bus and Taxi Cab Stands.
13-1618. Parking Prohibited During Certain Hours on Certain Streets.
13-1619. Parking Prohibited on Sidewalks or Boulevards.
13-1620. Parking Signs Required.
13-1621. Application of Chapter.
13-1622. Parking Privileges for Mobility Impaired - Certificate Revocation.
13-1623. Regulations Not Exclusive.
13-1624. Penalty.
13-1625. Delinquent Tickets -- Impoundment of Vehicle.
13-1626. Appeals.

13-1601. **PARALLEL PARKING AND DIAGONAL PARKING**. The owner, driver or person operating or in charge of any vehicle shall not permit the same to stand or be parked upon any street where there are adjacent curbs unless such vehicle is parallel with the street and the inside wheels not to exceed 18 inches from the right-hand curb or street line. Vehicles must be so parked as to economize parking space for all cases and be so placed as to form, where possible, continuous lines. The City may, by signs, markers, paint or other devices, limit the parking area, and no vehicle shall be parked wholly or partly outside the indicated and permitted parking area; provided that all vehicles shall be parked diagonally to the curb or any street or avenue if said street or avenue is posted or marked for said diagonal parking.

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

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

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

1. On a sidewalk;

2. Within an intersection;

3. In front of a public or private driveway;

4. Within ten feet of a fire hydrant;

5. On a crosswalk;

6. Within ten feet of a crosswalk at an intersection, except on through streets where it shall not be within 20 feet of a crosswalk;

7. Within 20 feet upon the approach to any flashing beacon, stop sign or traffic-control signal located at the side of the roadway;

8. Between a safety zone and the adjacent curb or within 15 feet of points immediately opposite the ends of a safety zone, unless the State Highway Department or local authority indicates a different length by signs or markings;

9. Within 15 feet of the nearest rail of a railroad crossing;

10. Within 20 feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within seventy-five feet of said entrance when proper sign posted;

11. Along side or opposite any street excavation or obstruction when stopping, standing of parking would obstruct traffic;

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

13. Upon any bridge or other elevated structure upon a street or highway or within a street or highway tunnel;

14. At any place where official signs prohibit stopping.

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

1. No truck, truck tractor, or semi-trailer shall be parked on any street, boulevard, or alley in any residential district of the City of Mapleton for a longer period than one hour; nor shall any such vehicle be parked overnight on any street, avenue, boulevard, or alley in any residential district of the City, or within 100 feet of any residence, condominium, or apartment building; provided, however, that such vehicles loading or unloading cargo may be parked on the streets or alleys long enough to complete their loading or unloading; and provided further that such restrictions shall not apply to any vehicle in use on any repair, maintenance, or construction project in progress on any such street, boulevard, or alley.

2. No semi-trailer shall be dollied down, or detached from the truck tractor on any street, avenue, boulevard, or alley in any district of the City of Mapleton.

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

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

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

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

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

In any case it shall be unlawful to load or unload freight or merchandise from a semi-trailer backed into the curb unless the owner operator of the unit involved shall have first secured a written permit to do so from the City; such a written permit must also be secured before any semi-trailer

unit may be driven across the center line of the street in order to back the same into a loading stall, and such permit may be issued for reasonable periods of time, not to exceed one year.

It shall be unlawful for any person, firm or corporation to drive or permit to be driven any semi-trailer or truck of more than one ton capacity by backing the same into a curb, unless such person, firm or corporation shall provide a person or arrange with some person, in addition to the driver, to act as flagman during all operations, and said flagman shall station himself in such a position so that he can warn both pedestrians and moving traffic and so that the driver can back the vehicle in a safe manner.

13-1606. **WINTER PARKING**. Parking of any vehicle is prohibited on all public streets, avenues and alleys within the city limits of the City of Mapleton between the hours of 11:00 p.m. and 7:00 a.m., from November 1 through April 1. Vehicles in violation of this section will be towed at owner's expense.

Source: Ord. 264-23, Sec. 1

13-1607. **CITY COUNCIL MAY DESIGNATE TEN MINUTE PARKING AREAS**. The City Council may designate ten minute parking areas in the business or residential district of the City, and may also extend, change or adjust any of the present ten minute zone now in existence. Each ten minute period during which any vehicle is parked in such area shall constitute a separate and additional violation provided such areas shall be properly posted or marked.

13-1608. **RESERVED FOR FUTURE USE**.

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

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

13-1611. **UNLAWFUL TO PARK ON PRIVATE PROPERTY**. It shall be unlawful to trespass upon, drive or park a motor vehicle or trailer or vehicle of any kind upon private property within the city limits of the City of Mapleton, where there is displayed permission in writing from the owner or lessee thereof.

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

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

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

1. Displaying such vehicle for sale;

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

13-1615. **NO STOPPING, STANDING OR PARKING NEAR HAZARDOUS OR CONGESTED PLACES**. The City Council may determine and designate, by having signs placed, places not exceeding one hundred feet in length in which the stopping, standing or parking would create an especially hazardous condition or would cause unusual delay to traffic.

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

The City Council may determine the location of passenger and freight loading zones and shall place and maintain appropriate signs indicating the same.

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

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

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

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

The operator of a taxi cab shall not stand or park such vehicle upon any street at any place other than in a taxi cab stand so designated as provided herein. This provision shall not prevent the operator of a taxi cab from temporarily stopping in accordance with other stopping or parking

regulations at any place for the purpose of and while actually engaged in the expeditious loading or unloading of passengers.

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

13-1618 **PARKING PROHIBITED DURING CERTAIN HOURS ON CERTAIN STREETS**. When signs are erected in each block giving notice thereof, no person shall park a vehicle between the hours specified on the sign, on any day except Sundays, and public holidays upon any of the streets so posted.

13-1619. **PARKING PROHIBITED ON SIDEWALKS OR BOULEVARDS**. No person shall stop, stand or park any automobile, truck or other vehicle, whether attended or unattended, on a sidewalk or on any boulevard or berm between the sidewalk and the roadway in the City of Mapleton.

13-1620. **PARKING SIGNS REQUIRED**. Whenever by this title, or any ordinance of this City any parking time limit is imposed or parking is prohibited on designated streets it shall be the duty of the City to erect appropriate signs giving notice thereof and no such regulations shall be effective unless such signs are erected and in place at the time of any alleged offense subject to specific exceptions as stated in this title.

13-1621. **APPLICATION OF CHAPTER**. The provisions of this Chapter prohibiting the standing or parking of a vehicle shall apply at all time or at those times herein specified or as indicated on official signs except when it is necessary to stop a vehicle to avoid conflict with other traffic or in compliance with the directions of a police officer of official traffic-control device.

13-1622. **PARKING PRIVILEGES FOR MOBILITY IMPAIRED -CERTIFICATE - REVOCATION**. The provisions of Section 39-01-15 of the North Dakota Century Code, and all subsequent amendments thereto, shall be and are hereby incorporated by reference in this ordinance.

13-1623. **REGULATIONS NOT EXCLUSIVE**. The provisions of this Chapter imposing a time limit on parking shall not relieve any person from the duty to observe other and more restrictive provisions prohibiting or limiting the stopping, standing or parking of vehicles in specified places or at specified times.

13-1624. **PENALTY**. Violations of the provisions of this chapter shall be a fine of Fifteen Dollars ($15), unless a specific section provides for another penalty. If the parking violation is not paid within five (5) days of the issuance of the ticket, the penalty shall be Seventeen Dollars ($17). Any person who fails to answer to a parking citation or pay the fees specified within thirty (30) days as required is guilty of an offense.

Source: Ord. 205-11, Sec. 1 (2011)

13-1625. **DELINQUENT TICKETS -- IMPOUNDMENT OF VEHICLE**. Any vehicle found unoccupied on any public way, public property or property to which the general public has a right of access, and against the registered owner of which vehicle there are three (3) or more unsettled traffic violation notices, warrants for such violations, or parking tickets, is subject to the following procedure:

1. Notice of Pending Impoundment. The City Auditor, or his designated agent, shall mail written notice to the last known address of the registered owner of the vehicle (as determined by the address on file with the Registrar of Motor Vehicles of the State of North Dakota, or other similarly situated person for vehicles licensed in a state other than North Dakota) of the fact that there are three (3) or more unsettled traffic violation notices, warrants for such violations, or parking tickets outstanding, and of the pending impoundment of the vehicle. Additionally, this written notice must include a description of the right of the registered owner to request a hearing on the propriety of the impoundment, as set forth in subsection 3 below. Notice is hereby deemed effective and complete by being placed in the mail.

2. Impoundment. After five (5) days from mailing the notice of pending impoundment, and unless the owner of the vehicle has complied with subsection 3(A) herein, the vehicle may be towed and impounded. Unless the impoundment of the vehicle is determined to be unwarranted, as provided in subsection 3(B) herein, all impoundment and storage fees and costs shall be paid prior to the release of the vehicle. Within twenty-four (24) hours after the vehicle is impounded, the City Auditor, or a person designated by the City Auditor, shall mail written notice to the last known address of the registered owner of the vehicle (as determined by the address on file with the Registrar of Motor Vehicles of the State of North Dakota, or other similarly situated person for vehicles licensed in a state other than North Dakota) of the fact that the vehicle has been impounded, the reasons why the vehicle has been impounded, the method for releasing the vehicle, and where and when the person may obtain a hearing to contest the propriety of the impoundment of the vehicle. Notice is hereby deemed effective and complete by being placed in the mail.

3. Hearing to Determine Propriety of Impoundment.

   A. Prior to Impoundment. Any person receiving a notice pursuant to subsection 1 of this section may request a hearing on the propriety of the pending impoundment of his vehicle within five (5) days from the date of the mailing of the notice. The scope of such a hearing shall be limited to whether or not the owner of the vehicle has the minimum number of unsettled traffic violation notices, warrants for such violations, or parking tickets as set forth herein. The hearing shall not be determinative of, nor adjudicate, any citations issued to the vehicle or its owner. The hearing shall be conducted by the City Auditor or his/her designee.

B. Subsequent to Impoundment. Any person whose vehicle has been impounded may request a hearing on the propriety of the impoundment of the vehicle. The hearing shall not be determinative of, nor adjudicate, any citations issued to the vehicle or its owner. The hearing must be requested within fifteen (15) days after the vehicle is impounded. The hearing shall be conducted by the City Auditor or his/her designee.

4. Release of Impounded Vehicle. A vehicle impounded pursuant to this section shall be released to the registered owner, or any other authorized person, only upon the occurrence of one of the following circumstances:

A. The City Auditor or his/her designee, determines, in a hearing pursuant to subsection 3 above, that the impoundment is not warranted; or

B. The registered owner of the vehicle, or other authorized person, pays all outstanding fines, fees, penalties, costs and surcharges for all outstanding or otherwise unsettled traffic violations and parking tickets, and either pays or posts bond pending a hearing as described in subsection 3 above, all fees and costs relating to the impoundment of the vehicle, as set forth in the schedule contained below; or

C. The registered owner of the vehicle, or other authorized person, posts bond or deposits collateral to ensure appearance to answer for each violation, and either pays or posts bond pending a hearing as described in subsection 3 above, all fees and costs relating to the impoundment of the vehicle as set forth in the schedule contained below.

5. Schedule of Fees. The following fees shall be applicable for purposes of this section:

A. Impoundment Fees. The fee for the impoundment of a vehicle shall be an additional Twenty-five and no/100 Dollars ($25.00).

B. The owner, or any other authorized person of a vehicle shall be responsible for all costs of towing and/or storage of a vehicle.

Source: Ord. 259-22, Sec. 1

13-1626. **APPEALS**. Any person who receives a parking ticket issued pursuant to this Chapter may appeal said ticket to the Cass County Sheriff or his designee. The Cass County Sheriff or his designee shall keep a record of said appeals, including the arguments of the appellant and the disposition of the parking ticket. The Cass County Sheriff or his designee shall have the authority to affirm or vacate the issuance of any ticket pursuant to this Chapter. Any person aggrieved by the decision of the Cass County Sheriff or his designee may appeal such decision to the Cass County District Court, sitting as the City of Mapleton municipal court.

Source: Ord. 205-11, Sec. 2 (2011).

CHAPTER 13-17

RAILROAD CARS AND CROSSINGS

SECTIONS:

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

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

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

1. Whenever any person driving a vehicle approaches a railroad grade crossing under any of the circumstances stated in this section, the driver of such vehicle shall stop within 50 feet but not less than 15 feet from the nearest rail of such railroad, and shall not proceed until he can do so safely. The foregoing requirement shall apply when:

    a. A clearly visible electric or mechanical device gives warning of the immediate approach of a railroad train;

    b. A crossing gate is lowered or when a human flagman gives or continues to give a signal of the approach or passage of a railroad train;

    c. A railroad train within approximately 1,320 feet of the highway crossing emits a signal audible from such distance and such railroad train, by reason of its speed or nearness to such crossing, is an immediate hazard; or

    d. An approaching railroad train is plainly visible and is in hazardous proximity to such crossing.

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

13-1703. **ALL VEHICLES MUST STOP AT CERTAIN RAILROAD GRADE CROSSINGS**. The City Council, with respect to highways under its jurisdiction, may designate particularly dangerous highway grade crossings of railroads and cause to be erected stop signs thereat. When such stop signs are erected, the driver of any vehicle shall stop within fifty feet but

not less than fifteen feet from the nearest rail of such railroad and shall proceed only upon exercising due care.

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

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

2. No stop need be made at any such crossing at which traffic is controlled by a peace officer. For the purposes of this Section, a United States marshal shall be considered a peace officer.

CHAPTER 13-18

BICYCLES

SECTIONS:

13-1801. Effective Regulations.
13-1802-13-1821 Repealed by Ord. 259-22

13-1801. **EFFECTIVE REGULATIONS**. The provisions of N.D. Cent. Code § 39-10.1 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

Source: Ord. 259-22, Sec. 5

CHAPTER 13-19

TRANSPORTATION BY MOTOR VEHICLES OF EXPLOSIVES WITHIN CITY

SECTIONS:

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

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

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

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

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

1. The route through the City of Mapleton which will be followed;

2. The time of the movement of hauling and the type of escort to be provided;

3. The name of the driver of the vehicle, a description of the vehicle, and the name of the owner or lessor of the vehicle.

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

1. A North Dakota State Highway Patrolman; or

2. A police officer of the Mapleton, North Dakota; or

3. A fireman from the City of Mapleton, North Dakota; or

4. A sheriff or authorized deputy from Cass County, North Dakota.

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

CHAPTER 13-20

SNOWMOBILES

SECTIONS:

13-2001. Definitions.
13-2002. General Rules of Operation.
13-2003. Severability.
13-2004. *Reserved for Future Use*. Source: Ord. 269-25, Sec. 1

13-2001. **DEFINITIONS**.

1. Snowmobile. For purposes of this Chapter "snowmobile" shall mean a self-propelled vehicle designed for travel on snow or ice or natural terrains steered by wheels, skis or runners.

2. Off-highway Vehicle. For purposes of this Chapter, the definition of "off-highway vehicle" as set forth in Section 39-29-01 of the North Dakota Century Code, and all subsequent amendments thereto, shall be and are hereby incorporated by reference in this ordinance.

Source: Ord. 168-02, Sec. 1 (2002); Ord. 259-22, Sec. 2; Ord. 269-25, Sec. 1 (2025)

13-2002. **GENERAL RULES OF OPERATION**. The provisions Sections 39-24-09 and 39-29-09 of the North Dakota Century Code, and all subsequent amendments thereto, relating to the operation of snowmobiles and off-highway vehicles, shall be and are hereby incorporated by reference in this ordinance. These provisions shall apply to the operation of snowmobiles and off-highway vehicles within city limits. Further, snowmobiles and off-highway vehicles are permitted to be operated within the city limits of the City of Mapleton only from the residence of the registered owner to the city limits, taking the shortest route practicable.

Source: Ord. 168-02, Sec. 2 (2002); Ord. 259-22, Sec. 3

13-2003. **SEVERABILITY**. Invalidity of any section clause, sentence or any provision of this chapter shall not affect the validity of any part of this ordinance which can be given effect without such invalid part or parts.

13-2004. **RESERVED FOR FUTURE USE.** (Repealed by Ord. 269-25)

CHAPTER 13-21

ARREST PROCEDURE

SECTIONS:

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

13-2101. **HALTING PERSON FOR VIOLATING TRAFFIC REGULATIONS: DUTY OF OFFICER HALTING**. The provisions of N.D. Cent. Code § 39-07-07 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

13-2102. **HEARING - TIME - PROMISE OF DEFENDANT TO APPEAR - FAILURE TO APPEAR - PENALTY**. The provisions of N.D. Cent. Code § 39-07-08 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

13-2103. **OFFENSES UNDER WHICH PERSON HALTED MAY NOT BE ENTITLED TO RELEASE UPON PROMISE TO APPEAR**. The provisions of N.D. Cent. Code § 39-07-09 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

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

Whenever any person is arrested under the provisions of this section, he shall be taken without unnecessary delay before the proper magistrate.

13-2105. **FINES AND FORFEITURES, DISPOSITION OF**. All fines or forfeitures collected upon conviction, or upon forfeiture of bail of any person charged with the violation of

any provision of this title shall be disposed of as provided by law. The municipal judge shall file with the City Auditor a schedule in writing, subscribed by the municipal judge, indicating the amount of bail fixed by such municipal judge for the release of persons arrested or charged with any violation of this title and based on the offense charged, which schedule shall be applicable for the bail to be furnished in his absence from the municipal court, and any person who pays or delivers such bail to the arresting officer or the appropriate law enforcement agency, but during the absence of the municipal judge in municipal court, shall be immediately released from custody. Provided, that the payment of delivery of such bail shall be immediately released from custody. Provided, that the payment of delivery of such bail shall be a waiver of any defect or irregularity or any previous defect or irregularity in such proceedings, including the arrest of such person; and provided further, that the municipal judge may in all cases where he is present in municipal court fix bail in such amount whereupon such conditions as may be provided by law, and within his discretion and without regard to the bail schedule provided and applicable in his absence from municipal court.

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

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

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

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

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

time of such parking, the registered owner of such vehicle, shall constitute in evidence a prima facie presumption that the registered owner of such vehicle, was the person who parked or placed such vehicle at the point where, and for the time during which, such violation occurred.

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

CHAPTER 13-22

CLASSIFICATION AND DISPOSITION OF TRAFFIC OFFENSES.

SECTIONS:

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

13-2201. **DEFINITIONS**. The provisions of N.D. Cent. Code § 39-06.1-01 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

13-2202. **JUDICIAL PROCEDURE - CRIMINAL**. Disposition of traffic offenses designated as criminal, herein Section 13-2203, shall be in accordance with Title 29 North Dakota Century Code, JUDICIAL PROCEDURE, CRIMINAL, with appeals therefrom to the District Court or County Courts of Increased Jurisdiction in accordance with the statute providing therefore.

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

13-2204. **TRAFFIC VIOLATIONS NON-CRIMINAL - EXCEPTIONS - PROCEDURES**. The provisions of N.D. Cent. Code § 39-06.1-02 and all subsequent amendments shall be and are hereby incorporated by reference and all sections of the North Dakota Century Code referred to therein and all subsequent amendments thereto shall be and are hereby incorporated by reference in this ordinance.

13-2205. **NOTIFICATION OF PARENT OR GUARDIAN OF JUVENILE TRAFFIC OFFENDERS**. The provisions of N.D. Cent. Code § 39-06.1-02.1 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

13-2206. **ADMINISTRATIVE HEARING - PROCEDURES - APPEALS - STATE ORDERS**. The provisions of North Dakota Century Code § 39-06.1-03 and all subsequent

amendments shall be and are hereby incorporated by reference and all sections of the North Dakota Century Code referred to therein and all subsequent amendments thereto shall be and are hereby incorporated by reference in this ordinance.

13-2207. **FAILURE TO APPEAR, PAY STATUTORY FEE, POST BOND - PROCEDURE**. The provisions of N.D. Cent. Code § 39-06.1-04 and all subsequent amendments shall be and are hereby incorporated by reference and all sections of the North Dakota Century Code referred to therein and all subsequent amendments thereto shall be and are hereby incorporated by reference in this ordinance.

13-2208. **OFFENSES EXCEPTED**. The provisions of N.D. Cent. Code § 39-06.1-05 and all subsequent amendments shall be and are hereby incorporated by reference and all sections of the North Dakota Century Code referred to therein and all subsequent amendments thereto shall be and are hereby incorporated by reference in this ordinance.

13-2209. **AMOUNT OF STATUTORY FEE**. The provisions of N.D. Cent. Code § 39-06.1-06 and all subsequent amendments shall be and are hereby incorporated by reference and all sections of the North Dakota Century Code referred to therein and all subsequent amendments thereto shall be and are hereby incorporated by reference in this ordinance.

CHAPTER 13-23

GOLF CARTS

Source: Ord. 269-25, Sec. 1

SECTIONS:

13-2301. Definitions.
13-2302. Exempt from Registration and Equipment Provisions of NDCC Title 39.
13-2303. Penalty.
13-2304. Enforcement.
13-2305. Operating Rules.
13-2306. Unattended Golf Carts.
13-2307. Operation on Private Property.
13-2308. Operation on Public Property Other Than Highways, Streets and Alleys.
13-2309. Manner of Operation.
13-2310. Operation on Sidewalks and Boulevards Prohibited.
13-2311. Operation on Street.
13-2312. Pedestrians Have Right-of-Way.
13-2313. Operation in Group.
13-2314. Parental Responsibility.

13-2301. **DEFINITIONS.** The following words, terms and phrases, when used in this chapter, have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

1. "Golf cart" means a gas or electric three or four wheel vehicle commonly used to transport golfers and their golfing equipment while playing the sport of golf.

2. "Operate" means to ride in or on and control the operation of a golf cart.

3. "Operator" means every person who operates or is in actual physical control of a golf cart.

4. "Owner" means a person, other than a lienholder, having the property in or title to a golf cart and is entitled to the use or possession thereof.

5. "Person" includes an individual, partnership, corporation, limited liability company, association, the state and its departments, agencies, and political subdivisions, and any body of persons, whether incorporated or not.

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

13-2302. **EXEMPT FROM REGISTRATION AND EQUIPMENT PROVISIONS OF NDCC TITLE 39**. Golf carts operating on the streets, avenues, roadways, and alleys in the

city and which meet the requirements of this chapter are exempt from title, registration, and equipment provisions applicable to motor vehicles under N.D.C.C. title 39.

13-2303. **PENALTY**.

1. Any person who violates subsection 13-2305(6)(b) or (c) is guilty of a class B misdemeanor.

2. Any person who violates any provision of this chapter not constituting a class B misdemeanor will be assessed a fee as established by resolution of the City Council.

13-2304. **ENFORCEMENT**. Peace officers of the City or of this State, and their respective duly authorized representatives, are hereby authorized to enforce the provisions of this chapter.

13-2305. **OPERATING RULES**. The following rules apply to the operation of golf carts pursuant to this chapter:

1. No person may operate a golf cart upon any street, avenue, roadway, or alley in the City except as provided by this chapter.

2. No person owning or having custody or control of a golf cart may operate, or permit the operation of, such golf cart upon any real property or land within the City not owned or leased by such person except for golf carts which are owned or leased by a City resident and regularly stored or garaged in the City.

3. No person owning, leasing or having custody or control of a golf cart may operate or permit to be operated any golf cart upon any street, avenue, roadway, or alley within the City, except as permitted hereafter and under the following circumstances and conditions:

    a. An operator must be at least 16 years of age and have in the operator's possession a valid driver's license.

    b. A golf cart being operated on any street, avenue, roadway, or alley in the City shall have no more than the seating configuration allows, including the operator, on the golf cart.

    c. A golf cart must be operated only during daylight hours, and not at night, unless the golf cart is equipped with headlights, taillights, and turn signals, all in working order, and which conform to standards for motor vehicles prescribed under NDCC Title 39.

    d. The operator of a golf cart must observe all traffic laws, except as provided in this chapter.

4. Notwithstanding the circumstances and conditions set forth in subsection (3) of this section, no golf cart shall be operated, or permitted to be operated:

   a. On a street, avenue, roadway, or alley which has been designated as prohibited for such operation, except crossing at an intersection.

   b. On any federal, state, or county highways in the City, except that a golf cart may be operated for the perpendicular crossing of any such highways, except as otherwise provided.

5. A golf cart may make a direct crossing of a street or highway provided:

   a. The crossing is made at an angle of approximately 90 degrees to the direction of the highway and at a place where no obstruction prevents a quick and safe crossing;

   b. The operator yields the right-of-way to all oncoming and crossing traffic which constitutes an immediate hazard; and

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

6. It is unlawful for any person to operate any golf cart 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; in any case, no golf cart shall be operated within the City at a speed greater than 15 miles per hour.

   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 another person or the property of another.

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

   d. Without head lights, taillights, and turn signals required for operating the golf cart at night.

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

   f. If the golf cart is gas operated and without a manufacturer-installed or equivalent muffler in good working order and connected to the golf cart exhaust system.

7. A person may not operate a golf cart in the City without a valid policy of liability insurance in effect in order to respond to damages for liability arising out of the ownership, maintenance or use of that golf cart in the amount not less than that

required by NDCC § 39-16.1-11, which provisions govern the level of liability coverage and all subsequent amendments thereto.

13-2306. **UNATTENDED GOLF CARTS**. No person shall leave or allow any golf cart owned or operated by such person to be or remain unattended while the motor is running or with the starting key left in the ignition.

13-2307. **OPERATION ON PRIVATE PROPERTY**. It is unlawful for any person to operate a golf cart, or to permit the operation of a golf cart owned by such person, on private property of another without the express permission to do so by the owner or occupant of said property.

13-2308. **OPERATION ON PUBLIC PROPERTY OTHER THAN HIGHWAYS, STREETS AND ALLEYS**. It is unlawful for any person to operate a golf cart, or to permit any person to operate a golf cart owned by such person, on public school grounds, park property, playgrounds, recreational areas, or on or upon any flood levies or flood control works of the City, without express provision or permission to do so by the proper public authority.

13-2309. **MANNER OF OPERATION**. It is unlawful for any person to operate a golf cart in a manner so as to create loud, unnecessary or unusual noise so as to disturb or interfere with the peace and quiet of other persons.

13-2310. **OPERATION ON SIDEWALKS AND BOULEVARDS PROHIBITED**. No person shall operate a golf cart on or within any sidewalk, pedestrian way, bike path, walking path, shared use path, boulevard or grass areas except on a permanent driveway which is directly abutting the owner's residence, or for the purpose of legally crossing a street, avenue, or roadway where specifically authorized under this chapter, or as otherwise specifically authorized by this chapter.

13-2311. **OPERATION ON STREET.** When operating a golf cart upon a street, avenue, or roadway, such operation must be at the extreme right side of the street, avenue or roadway, and as near to the curb or shoulder thereof as practicable under the circumstances but in all cases on the pavement or concrete, except if on a graveled alley or when making left turns.

13-2312. **PEDESTRIANS HAVE RIGHT-OF-WAY**. The operator of a golf cart must yield to pedestrians whether or not a cross-walk is at the point the pedestrian is crossing or about to cross the street, avenue, roadway, or alley.

13-2313. **OPERATION IN GROUP**. When two or more golf carts are operated together as a group, they must stay in single file while operating upon any street, avenue, or roadway and not more than three golf carts may proceed in any single group.

13-2314. **PARENTAL RESPONSIBILITY**. It is unlawful for a parent having legal custody of a juvenile knowingly to allow or permit, or by insufficient control to allow or permit, the juvenile under the age of 16 years or who has attained the age of 16 years or older but who has not obtained a valid driver's license to operate a golf cart as defined herein in the City limits. The term "knowingly" includes knowledge that a parent should reasonably be expected to have concerning any golf cart owned or in the possession of members of the parents' family and its

custody and control. This requirement is intended to hold and collect for a careless parent up to a reasonable community standard of parental responsibility through an objective test. It is no defense that a parent was completely indifferent to the activities, conduct or whereabouts of such juvenile and/or golf cart.

CHAPTER 13-24

SCOOTERS

SECTIONS:

13-2401. Definitions.
13-2402. Operating Rules.
13-2403. Yielding and Stopping While Operating a Motorized Scooter on a Roadway.
13-2404. Penalty. (Source: Ord. 273-25, Sec. 1)
13-2405. Pocket Bikes Prohibited on a Roadway.
13-2406. Exceptions.

13-2401. **DEFINITIONS.** The following words, terms and phrases, when used in this chapter, have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

1. A "motorized scooter" is a footboard mounted between two tandem wheels with an upright steering bar attached to the front wheel. A motorized scooter is powered by an electric motor or a gas combustion engine and is operated with the operator standing on the footboard. A motorized vehicle that fails to meet all the criteria of this section will be considered to be an off-road vehicle or other motor vehicle and may not travel on public right-of way as allowed by this chapter.

13-2402. **OPERATING RULES**. A person may operate a motorized scooter on the public sidewalks and streets within the City of Mapleton, subject to the following conditions:

1. A motorized scooter is permitted on all roadways with a posted speed limit of thirty (30) mph or less, bike lanes, and sidewalks. A motorized scooter must operate in the same direction as other motor vehicles traveling on the side of the roadway immediately adjacent to the side of the right-of-way traveled by the motorized scooter.

2. When operating a motorized scooter upon any street, avenue, or roadway, such operation shall be at the right side of the street, avenue or roadway and as nearest to the curb or shoulder thereof as practicable under the circumstances.

3. An operator of a motorized scooter must be at least 10 years of age.

4. An operator of a motorized scooter under 18 years of age must wear a helmet.

5. A motorized scooter may have only one occupant. A motorized scooter must not tow any person or object.

6. A motorized scooter may not be operated during the hours between a half hour after sunset and a half hour before sunrise unless it is equipped with at least one head lamp, one tail lamp and brakes, all in working order, which conform to standards prescribed by rule of the director of the North Dakota Department of Transportation.

7. Operators of motorized scooters must in all situations yield the right-of-way to pedestrians.

8. A motorized scooter must not exceed a maximum speed of 20 miles per hour.

9. All gas-powered motorized scooters must be equipped with factory-supplied OEM stock mufflers and exhaust systems and braking systems.

10. No person may operate a motorized scooter in a careless, reckless, or negligent manner so as to endanger the person or the property of another or cause injury or damage to another person or the property of another.

11. No person shall operate a motorized scooter while under the influence of intoxicating liquor or a controlled substance.

12. No person shall operate a motorized scooter in a manner to create loud, unnecessary or unusual noise so as to disturb or interfere with the peace and quiet of a reasonable person.

13. An operator of a motorized scooter may make a direct crossing of a street, avenue, roadway, alley or highway otherwise prohibited herein if:

    a. The crossing is made at an angle of approximately ninety (90) degrees to the direction of the roadway where no obstruction prevents a safe crossing or at a crosswalk;

    b. The operator yields the right-of-way to all on-coming and crossing traffic which constitutes an immediate hazard; and

    c. Any crossing is made in accordance with traffic control devices existing at the point of crossing.

14. Operators of a motorized scooter shall yield to pedestrians whether or not a crosswalk is at the point the pedestrian is crossing or about to cross the street, avenue, roadway or alley.

15. All persons operating a motorized scooter must comply with all applicable traffic laws and requirements and will be subject to the same restrictions, regulations, penalties, fees and fines as operators of other motor vehicles pursuant to City Code and state law.

16. Every person operating a motorized scooter upon a street is granted all of the rights and is subject to all of the duties applicable to a vehicle driver, except operators of motorized scooters are not required to have a driver's license or liability insurance, and motorized scooters are not required to have vehicle equipment, except as provided in this chapter.

17. A person must not operate a motorized scooter on any public or private property signed to prohibit those activities.

18. No person shall operate a motorized scooter upon any park property, playgrounds, recreational areas, or on or upon any flood levees or flood control works of the city.

19. Operators of motorized scooters must park scooters upright outside of the pedestrian pathway of sidewalks or in such a manner so as not to interfere with the reasonable use or access to or from any building.

13-2403. **YIELDING AND STOPPING WHILE OPERATING A MOTORIZED SCOOTER ON A ROADWAY**.

1. An individual operating a motorized scooter who is approaching a stop sign at an intersection shall reduce speed and, if required for safety, stop before entering the intersection. After slowing to a reasonable speed or stopping, the individual 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 the individual is moving across or within the intersection, except that an individual, after slowing to a reasonable speed and yielding the right-of-way if required, cautiously may make a turn, or proceed through the intersection without stopping.

2. An individual operating a motorized scooter who is approaching an intersection shall yield the right-of-way to any vehicle that already has entered the intersection.

3. When an individual operating a motorized scooter and a vehicle enter an intersection from different roadways at approximately the same time, the operator of the vehicle or the motorized scooter on the left shall yield the right-of-way to the vehicle or the motorized scooter on the right.

4. If the individual operating a motorized scooter is involved in a collision with a vehicle in the intersection or junction of roadways after proceeding past a stop sign without stopping or past a steady red traffic-control light, the collision is deemed prima facie evidence of the individual's failure to yield the right-of-way.

13-2404. **PENALTY**. Any violation of this chapter will result in a minimum penalty of fifty dollars ($50). The parent, guardian, or any adult providing supervision of an operator under 18 years of age who violates any provision of this chapter will be responsible for paying the penalty amount.

Source: Ord. 273-26, Sec. 1

13-2405. **POCKET BIKES PROHIBITED ON A ROADWAY**. Motorized vehicles known as "pocket bikes" are specifically excluded from the definition of motorized scooters and the provisions of this chapter and may not be operated on the public right-of-way.

13-2406. **EXCEPTIONS.** This chapter does not apply to the use of motorized scooters or other vehicles for local government purposes including, but not limited to, law enforcement, fire and rescue, public health, mosquito control, public works, or traffic control.