

TITLE 4
TRAFFIC

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CHAPTER 4-01
DEFINITIONS

Section

4-0101 Definitions

4-0101. Definitions. Words and phrases used in this chapter shall have the meanings and be defined as provided in the North Dakota Century Code in Title 39, and NDCC 39-01-01 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

In this chapter unless the context or subject matter otherwise requires:

0.1 "Appropriate licensed addiction treatment program" means an addiction treatment program conducted by an addiction facility licensed by the department of human services.

1. Authorized emergency vehicles:

a. Class A authorized emergency vehicles shall mean:

1. Vehicles of a governmentally owned fire department.

2. Vehicles when operated by or under the control of a police officer having authority to enforce the provisions of this chapter or by a salaried employee of any municipal police department within the municipality or by any sheriff or deputy sheriff not to include special deputy sheriffs, or by the warden of the state penitentiary and his authorized agents.
 3. Ambulances.
 4. Vehicles operated by or under the control of the commissioner, and district deputy game warden of the North Dakota game and fish department.
 5. Vehicles owned or leased by the United States Government used for law enforcement purposes.
 6. Vehicles designated for the use of the adjutant general and assistant adjutant general cases of emergency.
 7. Vehicles operated by or under the control of the director, assistant director, and park superintendents of the North Dakota parks and recreation department.
- b. Class B authorized emergency vehicles shall mean wreckers and such other emergency vehicles as are authorized by the local authorities.
 - c. Class C authorized emergency vehicles means those vehicles authorized by state and local disaster emergency services organizations and those vehicles used by volunteer firemen while performing their assigned disaster and emergency responsibilities.
2. "Bicycle" means every device propelled solely by human power upon which any person may ride, having two tandem wheels either of which is more than twenty inches [50.8 centimeters] in diameter.
 3. "Bus" means every motor vehicle designed for carrying more than ten passengers and used for the transportation of persons, and every motor vehicle, other than a taxicab, designed and used for the transportation of persons for compensation. Provided, every motor vehicle designed for carrying not more than fifteen persons and used for a ride-sharing arrangement, as defined in NDCC 8-02-07 is not a "bus".
 4. "Business district" shall mean the territory continuous to a highway when fifty percent or more of the frontage thereon for distance of three hundred feet [91.44 meters] or more is occupied by buildings in use for business.
 5. "Commercial freighting" shall mean the carriage of things other than passengers, for hire, except that such terms shall not include:
 - a. The carriage of things other than passengers within the limits of the same city;
 - b. Carriage by local dray lines of baggage or goods to or from a railroad station from or to places in such city or in the immediate vicinity thereof, in this state, and not to exceed two miles [3.22 kilometers] from the corporate or recognized limits of said city; or

- c. Hauling done by farmers for their neighbors in transporting agricultural products to or from market.
6. "Commercial passenger transportation" means the carriage of passengers for hire, except that the term shall not include:
 - a. The carriage of passengers within the limits of a city;
 - b. The carriage by local buslines of passengers to or from a railroad station from or to places within any city or within two miles [3.22 kilometers] of the limits of the city.
 - c. The carriage of passengers under a ride-sharing arrangement, as defined in NDCC 8-02-07, within two miles [3.22 kilometers] of the limits of the city.
7. "Commissioner" shall mean the commissioner of the North Dakota State Highway Department, acting directly or through his authorized agents.
8. "Controlled-access highway" shall mean every highway, street, or roadway in respect to which owners or occupants of abutting lands and other persons have no legal right of access to or from the same except at such points only and in such manner as may be determined by the public authority having jurisdiction over such highway, street, or roadway.
9. "Crosswalk" shall mean that part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs, or, in the absence of curbs, from the edges of the traversable roadway; or any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.
10. "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 cities or in several locations within a city shall be considered a separate dealer in each such location.
11. "Department" shall mean the motor vehicle department of this state.
12. "Director" shall mean the director of the Division of Public Safety of this state.
13. "Division" shall mean the Division of Public Safety of this state.
14. "Driver" shall mean every person who drives or is in actual physical control of a vehicle.
15. "Essential parts" shall mean all integral and body parts of a vehicle of a type required to be registered here-under, the removal, alteration or substitution of which would tend to conceal the identity of the vehicle or substantially alter its appearance, model, type or mode of operation.
16. "Explosives" shall mean any chemical compound or mechanical mixture that is commonly used or intended for the purpose of producing an explosion

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

17. "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.
18. "Farm trailer" shall include those trailers and semi-trailers towed by a bona fide resident farmer hauling his own agricultural, horticultural, dairy, and other farm products if the gross weight, not including the towing vehicle, does not exceed twenty-four thousand pounds [10,886.22 kilograms].
19. "Flammable liquid" shall mean any liquid which as a flash point of seventy degrees Fahrenheit [21.11 degrees Celsius], or less, as determined by a tagliabue or equivalent closed-cup test device.
20. "Gross weight" shall mean the weight of a vehicle without load plus the weight of any load thereon.
21. "Guest" shall mean and include a person who accepts a ride in any vehicle without giving compensation therefor.
22. "Highway" shall mean the entire width between the boundary lines of every public maintained when any part thereof is open to the use of the public for purposes of vehicular travel and of every way privately maintained within a mobile home park, trailer park, or campground containing five or more lots for occupancy by mobile homes, travel trailers, or tents when any part thereof is open for purposes of vehicular travel.
23. "House car" shall mean a motor vehicle which has been reconstructed or manufactured for private use as sleeping or living quarters.
24. "Implement of husbandry" shall mean every vehicle designed and adapted exclusively for agricultural, horticultural or livestock raising operations or for lifting or carrying an implement of husbandry and in either case not subject to registration if used upon the highway.
25. "Intersection" shall mean the area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadways of two highways which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict. Where a highway includes two roadways thirty feet [9.14 meters] or more apart, then every crossing of each roadway of such divided highway by an intersection highway shall be regarded as a separate intersection.
26. "Intoxicating liquor" shall mean and include any beverage containing alcohol.
27. "Judgment" shall mean any judgment which shall have become final by

expiration without appeal of the time within which an appeal might have been perfected, or by final affirmation on appeal, rendered by court of competent jurisdiction of any state of the United States, upon a cause of action arising out of ownership, maintenance, or use of any motor vehicle, for damages, including damages for care and loss of services, because of bodily injury to or death of any person, or for damages because of injury to or destruction of property, including the loss of use thereof, or upon a cause of action on an agreement of settlement for such damages.

28. "Legal owner" shall mean a person who holds the legal title to a vehicle.
29. "Lienholder" shall mean a person holding a security interest in a vehicle.
30. "Local authorities" shall include every county, municipal, and other local board or body having authority to adopt local police regulations under the constitution and laws of this state.
31. "Mail" shall mean to deposit mail properly addressed and with postage prepaid with the United States postal service.
- 31.1 "Manifest injustice" means a specific finding by the court that the imposition of sentence is unreasonably harsh or shocking to the conscience of a reasonable person, with due consideration of the totality of circumstances.
32. "Manufacturer" shall mean any person who manufactures, assembles, or imports and sells new motor vehicles to new motor vehicle dealers for resale in the state; but such term shall not include a person who assembles or specifically builds interior equipment on a completed vehicle supplied by another manufacturer, distributor, or supplier.
33. "Metal tires" shall include all tires the surface of which in contact with the highway is wholly or partly of metal or other hard, non-resilient material except that this provision shall not apply to pneumatic tires.
34. "Motor vehicle" includes every vehicle which is self-propelled, every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails, and for purposes of motor vehicle registration, title registration, and operator's licenses, motorized bicycles.
35. "Motorcycle" shall mean every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding implements of husbandry.
36. "Motorized bicycle" means a vehicle equipped with two or three wheels, foot pedals to permit muscular propulsion or footrests for use by the operator, a power source providing up to a maximum piston or rotor displacement of 3.05 cubic inches [49.98 milliliters] if a combustion engine is used, which will propel the vehicle, unassisted, at a speed not to exceed thirty miles [48.28 kilometers] per hour on a level road surface, and a power drive system that function directly or automatically only, not requiring clutching or shifting by the operator after the drive system is engaged, and the vehicle may not have a width greater than thirty-two inches [81.28 centimeters].

37. "Nonresident" shall mean any person who is not a resident of this state.
38. "Nonresident's operating privilege" shall mean the privilege conferred upon a nonresident by the laws of this state pertaining to the operation by such person of a motor vehicle, or the use of a vehicle owned by such person, in this state.
39. "Official traffic-control devices" shall mean all signs, signals, markings, and devices not inconsistent with this title placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning, or guiding traffic.
40. "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.
41. "Owner" shall mean a person, other than a lienholder, having the property in or title to a vehicle. The term includes a person entitled to the use and possession of a vehicle subject to a securing interest in another person, but excludes a lessee under a lease not intended as security.
42. "Park", when prohibited, shall mean the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading.
- 42.1 "Passenger motor vehicle" means every motor vehicle designed principally for the transportation of persons and includes vehicles which utilize a truck chassis, but have a seating capacity for four or more passengers.
43. "Pedestrian" shall mean any person a foot.
44. "Person" shall include every natural person, firm, co-partnership, association, or corporation.
45. "Pneumatic tires" shall include all tires inflated with compressed air.
46. "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.
47. "Police officer" shall mean every officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.
48. "Private road or driveway" shall mean every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.
49. "Proof of financial responsibility" shall mean proof of ability to respond in damages for liability, on account of accidents occurring subsequent to the effective date of said proof, arising out of the ownership, maintenance or use of a motor vehicle, in the amount of twenty-five thousand dollars because of bodily injury to or death of one person

in any one accident, and, subject to said limit for one person, in the amount of fifty thousand dollars because of bodily injury to or death of two or more persons in any one accident, and in the amount of ten thousand dollars because of injury to or destruction of property of others in any one accident.

50. "Railroad" shall mean a carrier of persons or property upon cars, other than streetcars, operated upon stationary rails.
51. "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.
52. "Reconstructed vehicle" shall mean every vehicle of a type required to be registered hereunder materially altered from its original construction by the removal, addition or substitution of essential parts, new or used.
53. "Residence district" shall mean territory contiguous to a highway not comprising a business district, when the frontage on such highway for a distance of three hundred feet [91.44 meters] or more is occupied mainly by dwellings, or by dwellings and buildings in use for business.
54. "Right of way" shall mean the privilege of the immediate use of a roadway.
55. "Road tractor" shall mean every motor vehicle designed and used for drawing other vehicles and not so constructed as to carry any load thereon either independently or any part of the weight of a vehicle or load so drawn.
56. "Roadway" shall mean that portion of a highway improved, designed, or ordinarily used or vehicular travel, exclusive of the 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.
57. "Saddle mount" shall mean placing the front wheels of the drawn vehicle upon the bed of the drawing vehicle.
58. "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.
59. "Salvage certificate of title" shall mean a document issued by the department for purposes of proof of ownership of a salvage or destroyed vehicle and not acceptable for motor vehicles registration purposes.
60. "School bus" shall mean any motor vehicle owned by a public or governmental agency and operated for the transportation of children to or from school or to or from school-related activities, or privately owned and operated for compensation for the transportation of children to or from school or to or from school-related activities.
61. "Semitrailer" shall include every vehicle of the trailer type so designed and used in conjunction with a truck or truck tractor that some part of its own weight and that of its own load rests upon or is carried by a truck or truck tractor, except that it shall not include a "house

trailer" or "mobile home" as defined in subsection 68.

62. "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.
63. "Solid tire" shall include every tire made of rubber or other resilient material other than a pneumatic tire.
64. "Specially constructed vehicle" shall mean any vehicle under distinctive name, make, model, or type by a generally recognized manufacturer of vehicles and not materially altered from its original construction.
65. "Stand" or "standing" shall mean the halting of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in receiving or discharging passengers.
66. "State" shall mean a state, territory or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico or a province of the Dominion of Canada.
67. "Stop", when required, shall mean complete cessation from movement.
68. "Stop" or "stopping" when prohibited, shall mean any halting, even momentarily of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control sign or signal.
69. "Street" shall mean the entire width between boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.
70. "Through highway" shall mean every highway or portion thereof on which vehicular traffic is given preferential right of way, and at the entrances to which vehicular traffic from intersection highways is required by law to yield right of way to vehicles on such through highway and in obedience to either a stop sign or yield sign, when such signs are erected by law.
71. "Trackless trolley coach" shall mean every motor vehicle which is propelled by electric power obtained from overhead trolley wires but not operated upon rails.
72. "Traffic" shall mean pedestrians, ridden or herded animals, vehicles, streetcars, and other conveyances either singly or together while using any highway for purpose of travel.
73. "Traffic-control signal" shall mean any device, whether manually, electrically, or mechanically operated, by which traffic is alternately directed to stop and to proceed.
74. "Trailer" shall include every vehicle without motive power designed to carry property or passengers wholly on its own structure and to be drawn by a motor vehicle, except that it shall not include a "house trailer" or "mobile home", which terms shall mean a vehicle as defined in this subsection which is designed and intended for use as living or sleeping quarters for people and which is not used for commercial

hauling of passengers.

75. "Truck" shall include every motor vehicle designed, used or maintained primarily for transportation of property.
76. "Truck tractor" shall include every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.
77. "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 less than one hundred feet [30.48] meters for a distance of a quarter of a mile [402.34] meters or more.
78. "Vehicle" shall include every device in, upon, or by which any person or property may be transported or drawn upon a public highway, except devices moved by human power or used exclusively upon stationary rails or tracks.

CHAPTER 4-02
TRAFFIC ADMINISTRATION

Section

- 4-0201 Police Administration
- 4-0202 Duty of Traffic Division
- 4-0203 Records of Traffic Violations
- 4-0204 Traffic Division to Investigate Accidents
- 4-0205 Traffic Accident Studies
- 4-0206 Traffic Accident Reports
- 4-0207 Traffic Division to Designate Method of Identifying Funeral Processions

4-0201. Police Administration. There is hereby established in the police department of this city a traffic division to be under the control of an officer of police appointed by and directly responsible to the chief of police.

4-0202. Duty of Traffic Division. It shall be the duty of the traffic division with such aid as may be rendered by other members of the police department to enforce the street traffic regulations of this city and all of the State vehicle laws, to make arrests for traffic violations, to investigate accidents and to cooperate with the city traffic engineer and other officers of the city in the administration of the traffic laws and in developing ways and means to improve traffic conditions, and to carry out those duties specially imposed upon said division by this ordinance and the traffic ordinances of this city.

4-0203. Records of Traffic Violations.

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

serially numbered. For each month and year a written record shall be kept available to the public showing the disposal of such form.

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

4-0204. Traffic Division to Investigate Accidents. It shall be the duty of the traffic division, assisted by other police officers of the department, to investigate traffic accidents, to arrest and to assist in the prosecution of those persons charged with violations of law causing or contributing to such accidents.

4-0205. Traffic Accident Studies. Whenever the accidents at any particular location become numerous, the traffic division shall cooperate with the city traffic engineer in conducting studies of such accidents and determining remedial measures.

4-0206. Traffic Accident Reports. The traffic division shall maintain a suitable system of filing traffic accident reports. Accident reports or cards referring to them shall be filed alphabetically by location. Such reports shall be available for the use and information of the city traffic engineer.

4-0207. Traffic Division to Designate Method of Identifying Funeral Processions. The traffic division shall designate a type of pennant or other identifying insignia to be displayed upon, or other method to be employed to identify, the vehicles in funeral processions.

CHAPTER 4-03

ENFORCEMENT AND OBEDIENCE TO TRAFFIC REGULATIONS

Section

- 4-0301 Authority of Police and Fire Department Officials
- 4-0302 Obedience to Traffic Ordinance
- 4-0303 Obedience to Police Officers or Fireman
- 4-0304 Certain Nonmotorized Traffic to Obey Traffic Regulations
- 4-0305 Use of Coasters, Roller Skates, and Similar Devices Restricted
- 4-0306 Public Employees to Obey Traffic Regulations
- 4-0307 Emergency Vehicles
- 4-0308 Operation of Vehicles on Approach of Authorized Emergency Vehicles
- 4-0309 Immediate Notice of Accident

4-0301. Authority of Police and Fire Department Officials.

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

4-0302. Obedience to Traffic Ordinance. It shall be unlawful for any person to do any act forbidden or fail to perform any act required by the provisions of this Chapter, and upon conviction of a violation of any of the provisions of this Chapter every person, firm or corporation shall be punished as provided in 20-11 of this Chapter.

4-0303. Obedience to Police Officers or Fireman. No person shall willfully refuse to comply with any lawful order or direction of any police officer or fireman invested by law with authority to direct, control, or regulate traffic.

4-0304. Certain Nonmotorized Traffic to Obey Traffic Regulations.

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

4-0305. Use of Coasters, Roller Skates, and Similar Devices Restricted. No person upon roller skates, or riding in or by means of any coaster, toy vehicle, or similar device, shall go upon any roadway except while crossing a street on a crosswalk and when so crossing such person shall be granted all of the rights and shall be subject to all of the duties applicable to pedestrians. This section shall not apply upon any street while set aside as a play street as authorized herein.

4-0306. Public Employees to Obey Traffic Regulations. The provisions of this ordinance shall apply to the drivers of all vehicles owned or operated by the United States, this State, or any county, town, district, or any other political subdivision of the State, subject to such specific exceptions as are set forth in this ordinance or in the State vehicle code.

4-0307. Emergency Vehicles. The provisions of NDCC 39-10-03, 39-10-03.1, and 39-10-03.2 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

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

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

4-0308. Operation of Vehicles on Approach of Authorized Emergency Vehicles.
The provisions of NDCC 39-10-26 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

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

4-0309. Immediate Notice of Accident.

1. Immediate notice and written report of accident. The driver of a vehicle involved in an accident resulting in injury to or death of any person or property damage to an apparent extent of our hundred dollars or more shall immediately give notice of such accident to the local police department if such accident occurs within a municipality, otherwise to the office of the county sheriff or the state highway patrol. The name of the motor vehicle insurance policy carrier and the policy number of the driver, or if the driver is not the owner of the vehicle, then the motor vehicle insurance policy carrier and the policy number of the owner of the vehicle, must be furnished to the law enforcement officer investigating the accident. If the driver does not have the required information concerning insurance to furnish to the investigating law enforcement officer, then within five days of the accident the driver shall supply that information to the driver's license division in the form the division requires.
2. When it shall appear to the magistrate that any person has failed to file a written report in compliance with this section he shall notify the highway commissioner of such failure so that appropriate action may be taken pursuant to NDCC 39-08-09.
3.
 - a. An accident notice is not required from any person who is physically incapable of making the report during the period of such incapacity.
 - b. Whenever the driver of a vehicle is physically incapable of giving an immediate notice of an accident and there was another occupant in the vehicle at the time of the accident capable of doing so, such occupant shall make or cause to be given the notice not given by the driver.
 - c. Whenever the driver is physically incapable of giving notice of an accident and such driver is not the owner of the vehicle, then the owner of the vehicle involved shall within five days after learning of the accident give such notice and insurance information not

given by the driver.

4. Garages to report. The person in charge of any garage or repair shop to which is brought any motor vehicle which shows evidence of having been involved in a reportable accident as provided in section 3-9 (1) or of being struck by any bullet, shall report or cause a report to be made to a police officer within twenty-four hours after such motor vehicle is received, and before any repairs are made to such vehicle, giving the registration number and the name and address of the owner, operator, or person in control of such vehicle with a description of the location and type of damage to the vehicle, or any missing parts, if the vehicle does not have a sticker on a window thereof issued by a police officer, sheriff or highway patrolman bearing information to show that the accident in which the vehicle was involved had been investigated. If the vehicle does bear such a sticker the garage or repair shop need not make the report this section requires and may begin repairs immediately. After repairs have been made and before the vehicle is released, the sticker provided herein shall be removed. (NDCC 39-07-12)

CHAPTER 4-04
TRAFFIC CONTROL DEVICES

Section

- 4-0401 Authority to Install
- 4-0402 Specifications For
- 4-0403 Traffic-control Signal Legend
- 4-0404 Flashing Signals
- 4-0405 Pedestrian Control Signals
- 4-0406 Designation of Walks, Lanes, etc.
- 4-0407 Obedience to and Required Traffic-control Devices
- 4-0408 Unauthorized Signs
- 4-0409 Interference with Official Traffic-control Devices or Railroad Signs or Signals

4-0401. Authority to Install. The city engineer or any person authorized by the governing body shall place and maintain traffic-control signs, signals, and devices when and as required under the traffic ordinances of this city to make effective the provisions of said ordinances, and may place and maintain such additional traffic-control devices as he may deem necessary to regulate traffic under the traffic ordinances of this city or under state law, or to guide or warn traffic.

4-0402. Specifications For. All traffic-control signs, signals, and devices shall conform to the specifications approved by the state highway commissioner pursuant to NDCC 39-13-06. All signs and signals required hereunder for a particular purpose shall so far as practicable be uniform as to type and location throughout the city. All traffic-control devices so erected and not inconsistent with the provisions of state law or this article shall be official traffic-control devices.

4-0403. Traffic-control Signal Legend. The provisions of NDCC 39-10-05 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

Whenever traffic is controlled by traffic-control signals exhibiting different colored lights, or colored lighted arrows, successively one at a time or in combination, only the colors green, red, and yellow shall be used, except for special pedestrian signals carrying a word of legend, and said lights shall

indicate and apply to drivers of vehicles and pedestrians as follows:

1. Green indication:
 - a. Vehicular traffic facing a circular green signal may proceed straight through or turn right or left unless a sign at such places prohibits either such turn. But vehicular traffic, including vehicles turning right or left, shall yield the right of way to other vehicles and to pedestrians lawfully within the intersections or and adjacent crosswalks at the time such signals exhibited.
 - b. Vehicular traffic facing a green arrow signal, shown along or in combination with another indication, may cautiously enter the intersection only to make the movement indicated by such other movement as is permitted by other indications shown at the same time. Such vehicular traffic shall yield the right of way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.
 - c. Unless otherwise directed by a pedestrian-control signal as provided for in 4-5, pedestrians facing any green signal, except when the sole green signal is a turn arrow, may proceed across the roadway within any marked or unmarked crosswalk.
2. Steady yellow indication:
 - a. Vehicular traffic facing a steady yellow signal is thereby warned that the related green movement is being terminated or that a red indication will be exhibited immediately thereafter when vehicular traffic shall not enter the intersection.
 - b. Pedestrians facing a steady yellow signal unless otherwise directed by a pedestrian-control signal as provided for in 4-0405 are thereby advised that there is insufficient time to cross the roadway before a red indication is shown and no pedestrian shall then start to cross the roadway.
3. Steady red indication:
 - a. Vehicular traffic facing a steady red signal along shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or if none, then before entering the intersection and shall remain standing until an indication to proceed is shown, except as provided for in subdivision b. of this subsection.
 - b. Except when a sign is in place prohibiting a turn, vehicular traffic facing a steady red signal may cautiously enter the intersection to turn right, or to turn left from a one-way street into a one-way street, after stopping as required by subdivision a. of this subsection. Such vehicular traffic shall yield the right of way to pedestrians lawfully within adjacent crosswalk and to other traffic lawfully using the intersection.
 - c. Unless otherwise directed by a pedestrian-control signal as provided for in 4-0405, pedestrians facing a steady red signal along shall not enter roadway.
4. In the event an official traffic-control signal is erected and maintained at a place other than an intersection, the provisions of this section

shall be applicable, except as to those provisions which by their nature can have no application. Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of any such sign or marking, the stop shall be made at the signal.

4-0404. Flashing Signals. The provisions of NDCC 39-10-07 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

1. Whenever an illuminated flashing red or yellow light is used in a traffic signal or with a traffic sign, it shall require obedience by vehicular traffic as follows:
 - a. Flashing red (stop signal). When a red lens is illuminated with rapid intermittent flashes, drivers of vehicles shall stop at a clearly marked stop line, or, if none, before entering the crosswalk on the near side of the intersection, or, if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering it, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.
 - b. Flashing yellow (caution signal). When a yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles may proceed through the intersection or past such signal only with caution.
2. This section shall not apply at railroad grade crossings. Conduct of drivers of vehicles approaching railroad grade crossings shall be governed by the rules as set forth in 4-0805.

4-0405. Pedestrian Control Signals. The provisions of NDCC 39-10-06 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

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

4-0406. Designation of Walks, Lanes, etc. The city engineer or any person shall when authorized by the governing body:

1. Designate and maintain, by appropriate devices, marks or lines upon the surface of the roadway, crosswalks at intersections where there is particular danger to pedestrians crossing the roadway, and at such other places as directed by the governing body.
2. Establish safety zones of such kind and character and at such places as may be deemed necessary for the protection of pedestrians as determined by the governing body.
3. Mark traffic lanes upon the roadway of any street or highway where a regular alignment of traffic is necessary. Where such traffic lanes have been marked, it shall be unlawful for the operator of any vehicle

to fail or refuse to keep such vehicle within the boundaries of any such lane except when lawfully passing another vehicle or preparatory to making a lawful turning movement or performing other lawful traffic movements.

4-0407. Obedience to and Required Traffic-control Devices. The provisions of NDCC 39-10-04 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

1. The driver of any vehicle shall obey the instruction of any official traffic-control device applicable thereto placed in accordance with the provisions of this chapter, unless otherwise directed by a traffic or police officer, subject to the exceptions granted the driver of an authorized emergency vehicle in this chapter.
2. No provision of this chapter for which traffic-control devices are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official device is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a state statute does not state the devices are required, such statute shall be effective even though no devices are erected or in place.
3. Whenever official traffic-control devices are placed in positions approximately conforming to the requirements of this title, such devices shall be presumed to have been so placed by the official act or direction of lawful authority, unless the contrary shall be established by competent evidence.
4. Any official traffic-control device placed pursuant to the provisions of this title and purporting to conform to the lawful requirements pertaining to such devices shall be presumed to comply with the requirements of this title, unless the contrary shall be established by competent evidence.

4-0408. Unauthorized Signs. No person shall place, maintain, or display upon or in view of any street any unauthorized sign, signal, marking, or device which purports to be or is in imitation of or resembles an official traffic-control device or railroad sign or signal, or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of any official traffic-control device or any railroad sign or signal.

4-0409. Interference with Official Traffic-control Devices or Railroad Signs or Signals. The provisions of NDCC 39-10-07.3 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

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

CHAPTER 4-05 SPEED REGULATIONS AND CARE REQUIRED

Section

4-0501 Basic Rule

4-0502 Speed Limitations

4-0503 When Local Authorities May or Shall Alter Maximum Speed - Limits - Signs Posted