

CITY OF POWERS LAKE CHAPTER NINE

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CHAPTER NINE

TRAFFIC

ARTICLE 1 – Adoption of and Definitions

9.0101 Adoption of Title 39 of ND Century Code

The City of Powers Lake adopts Title 39 of ND Century Code and also establishes certain limitations and rules for the regulation of traffic.

9.0102 Definitions

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

ARTICLE 2 – Traffic Control Devices

9.0201 Designation of Walks, Lanes, etc.

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

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 City 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 City 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.

ARTICLE 3 – Speed Regulations and Care Required

9.0301 When Local Authorities May or Shall Alter Maximum Speed – Limits – Signs Posted

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

1. Whenever the City, on the basis of an engineering and traffic investigation, determines that the maximum speed permitted under this title is greater or less than is reasonable and safe under the conditions found to exist upon a highway or part of a highway, the City may determine and declare a reasonable and safe maximum limit thereon which:
 - a. Decreases the limit at intersections;
 - b. Increases the limit within an urban district but not to more than fifty-five (55) miles per hour; or
 - c. Decreases the limit outside an urban district.

2. The City shall determine by an engineering and traffic investigation the proper maximum speed for arterial streets and shall declare a reasonable and safe maximum limit thereon which may be greater or less than the minimum speed permitted under this chapter for an urban district.
3. Any altered limit established as hereinabove authorized shall be effective at all times or during hours of darkness or at other times as may be determined when appropriate signs giving notice thereof are erected upon such street or highway.
4. Any alteration of maximum limits on state highways or extensions thereof in the City may not be effective until such alteration has been approved by the director of the North Dakota Department of Transportation.
5. Not more than six such alterations as hereinabove authorized shall be made per mile along a street or highway except in the case of reduced limits at intersections, and the difference between adjacent limits shall not be more than ten (10) miles per hour.

ARTICLE 4 – Turning Movements

9.0401 J Turns Prohibited

It shall be unlawful for any person operating a motor vehicle to make a left hand turn into or out of a parking position on a public street within the City of Powers Lake. It shall not make any difference if the parking is done in a parallel manner or a diagonal manner.

9.0402 Penalty

For a violation, the fine shall be in the minimum amount of \$25.00 for the first offense within a two year period, and a minimum of \$50 for all subsequent offenses within a two year period.

ARTICLE 5 – Miscellaneous Driving Rules

9.0501 Funeral Processions to be Identified

A funeral procession composed of a procession of vehicles shall be identified as such by headlights burning in daylight hours on all vehicles in the procession. (Source: North Dakota Century Code section 39-10-72 (3))

9.0502 When Permits Required for Parades and Processions

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

9.0503 Restrictions on Use of Controlled-Access Roadway

The provisions of North Dakota Century Code section 39-10-21 and all subsequent amendments are hereby incorporated by reference in this ordinance.

The director of the North Dakota Department of Transportation may by order, and the City governing body may by ordinance, with respect to any controlled-access roadway under their respective jurisdictions, prohibit the use of any such roadway by any class or kind of traffic which is found incompatible with the normal and safe movement of traffic.

The director of the North Dakota Department of Transportation or the City governing body, as the case may be, shall erect and maintain official signs on the controlled-access roadway on which such regulations are applicable and when so erected no person may disobey the restrictions stated on such signs.

9.0503.1 Closing Road Because of Hazardous Conditions – Posting of Official Traffic-Control Devices-
Entering Closed Road Prohibited

1. The City may close a road temporarily due to hazardous conditions for the protection and safety of the public. If such a closing is made, the City shall make every reasonable attempt to notify the public and, when practical, may post appropriate official traffic-control devices to advise motorists of the closing.
2. An individual, while operating a motor vehicle, may not knowingly enter a road closed which is posted with an appropriate traffic-control device at the point of entry.

ARTICLE 6 – Angle Parking

9.0601 Angle Parking

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

9.0602 Angle Parking – Where

Angle parking shall also be permitted on the following streets: Main Street and 1st Ave from Ledene Street to Garness Street. _____

9.0603 Close to Curb

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

9.0604 Method of Parking - Penalty

A violation of the provisions of this article in respect to the method of parking is punishable by a fine of not to exceed twenty dollars (\$20.00). (Source: North Dakota Century Code section 39-06.1-06)

ARTICLE 7 - Stopping, Standing or Parking Prohibited in Specific Places

9.0701 Additional Parking Regulations

The provisions of North Dakota Century Code section 39-10-50 and all subsequent amendments are hereby incorporated by reference in this ordinance.

1. Except as otherwise provided in this ordinance, every vehicle stopped or parked upon a two-way roadway must be so stopped or parked with the right-hand wheels of such vehicle parallel to and within twelve (12) inches of the right-hand curb or as close as practicable to the right edge of the right-hand shoulder.
2. Except where otherwise provided by ordinance, every vehicle stopped or parked upon a one-way roadway must be so stopped or parked parallel to the curb or edge of the roadway, in the direction

of authorized traffic movement, with its right-hand wheels within twelve (12) inches of the right-hand curb or as close as practicable to the right edge of the right-hand shoulder, or with its left-hand wheels within twelve (12) inches of the left-hand curb or as close as practicable to the left edge of the left-hand shoulder.

3. The City governing body may permit angle parking on any roadway, except that angle parking is not permitted on any federal-aid or state highway without first obtaining the written authorization of the director of the North Dakota Department of Transportation.
4. The North Dakota Department of Transportation with respect to highways under its jurisdiction may place official traffic-control devices prohibiting or restricting the stopping, standing or parking of vehicles on any highway where in its opinion such stopping, standing or parking is dangerous to those using the highway or where the stopping, standing or parking of vehicles would unduly interfere with the free movement of traffic thereon. No person may stop, stand or park any vehicle in violation of the restrictions indicated by such devices.

9.0702 Stopping - Parking - Certain Purposes Prohibited

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

1. Displaying such vehicle for sale;
2. Washing, greasing or repairing such vehicle except when repairing such vehicle is necessitated by an emergency.

9.0703 Stopping - Parking - Congested - Hazardous Places

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

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

9.0704 Stopping - Parking - In Alleys

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

9.0705 Stopping - Parking - Over 72 Hours

It shall be unlawful for anyone to park or leave standing on any public street or highway in the City any vehicle for a period longer than seventy-two (72) hours consecutively, provided this section shall not include any area where a shorter time is provided for parking.

ARTICLE 8 - Parking & Locating Of Trailers, Motor Vehicles, And Other Moveable Materials

9.0801 Definitions

Whenever used in this article unless a different meaning appears from the context:

1. "Automobile Trailer", "Trailer Coach" or "Trailer" means any vehicle or structure so designed and constructed in such manner as will permit occupancy thereof as sleeping quarters for one or more persons, or the conduct of any business or profession, occupation or trade (or use as a selling or ad-

vertising device), and so designed that it is or may be mounted on wheels and used as a conveyance on highways or city streets, propelled or drawn by its own or other motive power, excepting a device used exclusively upon stationary rails or tracks.

2. "Trailer Camp" means any park, trailer park, trailer court, camp site, lot, parcel, or tract of land designed, maintained or intended for the purpose of supplying a location or accommodations for any trailer coach or trailer coaches and upon which any trailer coach or trailer coaches are parked and shall include all buildings used or intended for use as part of the equipment thereof whether a charge is made for the use of the trailer camp and its facilities or not. "Trailer Camp" shall not include automobile or trailer sales lots on which unoccupied trailers are parked for purposes of inspection and sale.
3. "Tourist Camp" means any park, tourist park, tourist court, camp, court, site, parcel, or tract of land upon which one or more camp cottages or cabins are located and Maintained for the accommodation of transients by the day, week, or month whether a charge is made or not.
4. "Unit" means a section of ground in a trailer camp of not less than 800 square feet of unoccupied space in an area designated as the location for only one automobile and one trailer.
5. "Motor Vehicle" includes every vehicle that is self-propelled and has a motor vehicle registration, title registration, and operator's licenses; motorized bicycles.
6. "Other Moveable Materials" means any object or item that is able to be moved.(examples – wood, metal, basketball hoops, dirt, rock)

9.0802 Parking Of Trailers

When and Where Permitted:

1. It shall be unlawful, within the limits of the City of Powers Lake, for any person to park any trailer longer than 72 hours between April 2 and October 31 on any residential street or highway, or other public place, or on any tract of land owned by any other person without permission, provided in this article. It shall be unlawful to park any trailer on any residential street or highway between November 1 and April 1. (See seasonal parking – 9.0805). This section does not include city owned trailers.
2. Emergency or temporary stopping or parking is permitted on any street or highway for not longer than one hour subject to any other and further prohibitions, regulations, or limitations imposed by the traffic and parking regulations or ordinances for that street or highway.
3. No person shall park or occupy any trailer on the premises of any occupied dwelling or on any lot which is not a part of the premises of any occupied dwelling either of which is situated outside an approved trailer camp; except, the parking of only one unoccupied trailer in any accessory private garage building, or in a rear yard in any district is permitted providing no living quarters shall be maintained or any business practiced in said trailer while such trailer is so parked or stored.

9.0803 Parking Of Motor Vehicles

1. It shall be unlawful, within the limits of the City of Powers Lake, for any person to park any motor vehicle longer than 72 hours on any street or highway, or other public place, or on any tract of land owned by any other person without permission, excluding city business district provided in this article. This section does not include city owned motor vehicles.

2. Emergency or temporary stopping or parking is permitted on any street or highway for not longer than 1 hour subject to any other and further prohibitions, regulations, or limitations imposed by the traffic and parking regulations or ordinances for that street or highway.
3. Semi tractor trailers are limited to parking in commercial and designated areas.

9.0804 Placing Of Other Moveable Materials

It shall be unlawful, within the limits of the City of Powers Lake, for any person to place any “other moveable materials” longer than 48 hours on any street or highway, or other public place, or on any tract of land owned by any other person without permission, provided in this article. This section does not include city owned or maintained materials.

9.0805 Seasonal Parking

It shall be unlawful, within the limits of the City of Powers Lake, for any person to park any trailer, motor vehicle, or place any “other moveable materials” upon any residential street or highway during between November 1 and April 1; from April 2 to October 31 parking is limited to two weeks except during street maintenance/cleaning. Owners of said item(s) must move said item(s) within 1 hour of verbal notice or within 4 hours upon receipt of a certified letter notifying owner to do so, or said item(s) may be forcibly removed and owner will be responsible for any fees and fines that may have been acquired. If owner is unknown or unable to move said item(s) then said item(s) will be declared abandoned and may be forcibly removed at owner(s) expense along with any fine(s) that may have been acquired.

9.0806 Enforcement

The Burke County Sheriff, City Police Department and the Chief of the Fire Department are hereby designated as the Board to enforce all of the provisions of this article. The City Auditor of the City of Powers Lake shall be secretary for said Board.

9.0807 License

It shall be unlawful for any person to maintain or operate within the City of Powers Lake any trailer camp unless such person shall first obtain a license therefore. All trailer camps in existence upon the effective date of this ordinance shall, within 90 days thereafter obtain such license, and in all other respects comply fully with the requirements of this article and the Basic Building Code.

9.0808 Register Of Occupants

- a. It shall be the duty of the licensee to keep a register containing a record of all trailer coach owner and occupants located within a trailer camp. The register shall contain the following information:
 - i. Name and address of each occupant.
 - ii. Make, model and year of all automobiles and trailer coaches.
 - iii. License number and owner of each trailer coach and automobile by which it is towed.
 - iv. The State issuing such license.
 - v. The dates of arrival and departure of each trailer coach.
- b. The trailer camp shall keep the register available for inspection at all times by law enforcement officials, public health officials and other officials whose duties necessitate acquisition of the information contained in the register.

9.0809 Application For License

(A) Applications for a trailer camp license shall fee filed with City Auditor and issued by the City Council upon recommendations made by the Board. (See Enforcement). Applications shall be made in writing signed by the applicant and shall contain the following information:

- (1) Name and address of the applicant.

- (2) The location and legal description of the trailer camp.
- (3) A complete plan of the camp showing compliance with the provisions of this chapter and the Basic Building Code.
- (4) Plans and Specifications of all buildings and other improvements constructed or to be constructed within the limits of the trailer camp.
- (5) Such other information as may be requested by the City Council or the Board to enable it to determine if the proposed will comply with legal requirements.

(B) The Board as hereinbefore established shall investigate the applicant and inspect the proposed plans and specifications. If the applicant is found to be of good moral character, and the proposed trailer camp will be in compliance with all provisions of this article and the Basic Building Code and all other application and upon completion of the trailer camp according to plans shall issue the license.

(C) Upon application for a transfer of the license, The Board shall issue a transfer if it is determined that the transferee is of good moral character.

9.0810 Revocation Of License

The City Council may revoke any license to maintain and operate a trailer camp when the licensee has been found guilty by a court of competent jurisdiction of violating any provision of this article. After such conviction the license may be reissued if trailer camp is being maintained and operated in full compliance with the law.

9.0811 Posting Of License

The license certificate shall be conspicuously posted in the office or on the premises of the trailer camp at all times.

9.0812 Penalty

Any person, firm, or corporation violating any of the provisions of the ordinance, upon conviction thereof, shall be punished by forced removal of said item(s) and/or a fine not to exceed \$500.00, with first offense a minimum fine of \$50.00, second offense a minimum fine of \$100.00, third offense and subsequent offenses a minimum fine of \$500.00

ARTICLE 10 - Reserved Parking Areas

9.1001 Reserved Parking Areas

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

The chief of police may establish from time to time areas for loading and unloading, bus parking, guest parking, taxi parking, emergency parking, no parking or police and fire use on such public streets in such places and in such number as the chief shall determine or as the governing body may specifically designate to be of greatest benefit and convenience to the public. These areas shall be designated by appropriate signs.

ARTICLE 11 - Time Limit Parking Zones

9.1101 Time Limit Parking Zones

When signs are erected giving notice thereof, no person, firm or corporation shall park or leave standing, either attended or unattended any motor vehicle for more than the amount of time posted.

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

ARTICLE 12 - Equipment of Vehicles

9.1201 Windshield - Must be Unobstructed and Equipped with Wipers - Tinted Windows

1. Every motor vehicle must be equipped with a windshield. No person may drive any motor vehicle with any sign, poster or other nontransparent material upon the front windshield, side wings or side or rear windows which obstructs the driver's clear view of the highway or any intersection highway.
2. The windshield on every motor vehicle must be equipped with a device for cleaning rain, snow or other moisture from the windshield, which must be so constructed as to be controlled or operated by the driver of the vehicle.
3. Every windshield wiper upon a motor vehicle must be maintained in good working order.
4. A person may not operate a motor vehicle with any object or any material displayed, affixed or applied on the front windshield or on any side window where that material alters the color or reduces the light transmittance, or reduces the clear and unobstructed view through the windshield or window. This subsection does not apply to windows behind the driver or to tinted windows or windshields in compliance with the Federal Motor Vehicle Safety Standards.

ARTICLE 13 - Regulating the Kinds and Classes of Traffic on Certain Roads

9.1301 Load Restrictions Upon Vehicles Using Certain Roadways

When signs are erected giving notice thereof, no person may operate any vehicle with a gross weight in excess of the maximum indicated weight at any time upon any street or part of a street so designated.

9.1302 Commercial Vehicles Prohibited from Using Certain Streets

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

9.1303 Size Restrictions Upon Vehicles Using Certain Highways

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

9.1304 Restrictions Upon Use of Streets by Certain Vehicles

1. The city traffic engineer or authorized person may determine and designate those streets upon which shall be prohibited the use of the roadway by off-highway vehicles, all-terrain vehicles, snowmobiles, bicycles, horse-drawn vehicles or other types of traffic and shall erect appropriate signs giving notice thereof.
2. When signs are so erected giving notice thereof, no person may disobey the restrictions stated on such signs.

ARTICLE 14 - Truck Route

9.1401 Definitions

For the purposes of this article the following terms, phrases, words and their derivations shall have the following meaning given herein:

1. The "Destination Point" shall be a point of stoppage to load or unload property being transported and to be delivered or picked up at the point.
2. A "Deviating Truck" is a truck which leaves and departs from a truck route while traveling inside the City.
3. "Farm Truck" is any truck which is used for the transportation of agricultural products from the farm to a point of destination within the City, or the transportation of any commodity from the City to the farm.
4. "Truck" is any vehicle designed or operated for the transportation of property, and whose body weight or whose combined body and load weight exceeds twenty-five thousand (25,000) pounds registered gross weight.
5. "Truck Route" is a way over certain streets, as designated in this article over and along which trucks coming into and going out of the City must operate.

9.1402 Application Generally

All trucks within the City shall be operated only over and along the truck routes established in this article and on the other designated streets over which truck travel is permitted.

9.1403 Enforcement

The police department shall keep and maintain any truck maps setting out truck routes and streets upon which truck traffic is permitted; the map shall be kept in the office of the Police Department and shall be available to the public.

9.1404 Chief of Police & Police Department - Authority to Weigh Trucks

The Chief of Police and police department shall have the authority to require any persons driving or in control of any commercial vehicle not proceeding over a truck route or street over which the truck traffic is permitted to proceed to any public or private scale for the purpose of weighing and determining whether this article has been complied with.

9.1405 Penalty

Any Person, firm, or corporation violating any of the provisions of the ordinance, upon conviction thereof, shall be punished by a fine not to exceed \$500.00, with the first offense a minimum fine of \$50.00, second offense a minimum fine of \$100.00 and the third offense and subsequent offense a minimum of \$500.00.

9.1406 Exceptions

This article shall not prohibit:

1. Operation on street of destination. Operation of trucks on any street or alley that is necessary to conduct a business at a destination point, provided streets upon which said traffic is permitted are used until reaching the intersection nearest the destination point.
2. Emergency vehicles. The operation of emergency vehicles upon any street in the City.
3. Detoured trucks. The operation of trucks upon an officially established detour in any case where such truck can lawfully be operated upon the street for which such detour is established.
4. Loading or unloading. The operation of trucks in the City for the purpose of loading or unloading any cargo or part of cargo.
5. Service or repair. The operation of a truck for the purpose of having such truck serviced or repaired.
6. Farm trucks. The operation of unloaded farm trucks within the City except on Lake Side Ave.

9.1407 Designated Routes

1. Peterson Street is designated as a truck route between December to April.
2. Railroad Ave.
3. First Ave east to Main Street
4. East Lake Side Ave.
5. Main Street south of Railroad Ave

ARTICLE 15 - Snowmobiles

9.1501 Operation of Snowmobiles

The provisions of North Dakota Century Code section 39-24-01 and all subsequent amendments are hereby incorporated by reference in this ordinance.

For the purpose of this article, the following definitions are hereby adopted:

1. "Operate" means to ride in or on and control the operation of a snowmobile.
2. "Operator" means every person who operates or is in actual physical control of a snowmobile.
3. "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.
4. "Roadway" means that portion of a highway improved, designed or ordinarily used for vehicular travel.
5. "Snowmobile" means a self-propelled vehicle intended for off-road travel primarily on snow, having a curb weight of not more than one thousand two hundred pounds [544.31 kilograms], driven by track or tracks in contact with the snow, steered by a ski or skis in contact with the snow, and which is not wider than forty-eight inches [121.92 centimeters]. The term does not include an off-highway vehicle as defined in chapter 39-29 of the North Dakota Century Code converted to operate on tracks.

9.1502 Rules for Operation of Snowmobiles

The provisions of North Dakota Century Code section 39-24-09 and all subsequent amendments are hereby incorporated by reference in this ordinance.

1. No person may operate a snowmobile upon the roadway, shoulder or inside bank or slope of any road, street or highway in this City except as provided pursuant to this article. No snowmobile shall be operated at any time within the right of way of any interstate highway except for emergency purposes.
2. A snowmobile may make a direct crossing of a street or highway provided:
 - a. The crossing is made at an angle of approximately ninety (90) degrees to the direction of the highway and at a place where no obstruction prevents a quick and safe crossing;
 - b. The snowmobile is brought to a complete stop before crossing the shoulder or main traveled way of the highway;
 - c. The driver yields the right of way to all oncoming traffic which constitutes an immediate hazard; and
 - d. In crossing a divided highway, the crossing is made only at an intersection of such highway with another public street or highway.
3. No snowmobile may be operated unless it is equipped with at least one (1) headlamp, 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.

4. The emergency conditions under which a snowmobile may be operated other than as provided by this article shall be such as to render the use of an automobile impractical under such conditions at such period of time and location.
5. It is unlawful for any person to drive or operate any snowmobile in the following ways which are declared to be unsafe and a public nuisance:
 - a. At a rate of speed greater than reasonable or proper under all the surrounding circumstances.
 - b. In a careless, reckless or negligent manner so as to endanger the person or property of another or to cause injury or damage to such person or property.
 - c. While under the influence of intoxicating liquor or a drug as defined in Section 39-24.1-01 of the North Dakota Century Code, or a combination thereof.
 - d. Without a lighted headlamp and tail lamp when required for safety.
 - e. In any tree nursery or planting in a manner which damages or destroys growing stock.
 - f. Without a manufacturer-installed or equivalent muffler in good working order and connected to the snowmobile exhaust system.
 - g. Upon any private land when the private land is posted by the owner or tenant prohibiting trespassing. The name of the person posting the land must appear on each sign in legible characters. The posted signs shall be readable from the outside of the land and shall be placed conspicuously at a distance of not more than eight hundred eighty (880) yards (804.68 meters) apart, provided further that as to land entirely enclosed by a fence or other enclosure, posting of signs at or on all gates through the fence or enclosure constitutes posting of all the enclosed lands.
6. It is unlawful for any person to operate a snowmobile pursuant to Chapter 39-24 of the North Dakota Century Code without having in possession a valid driver's license or permit, except as provided by section 39-24-09.1 of the North Dakota Century Code.
7. When snowmobiles are operated within the right of way of any road, street or highway of this state pursuant to this chapter, during times or conditions that warrant the use of lights, such snowmobiles shall travel in the same direction as the direction of motor vehicles traveling on the side of the roadway immediately adjacent to the side of the right of way traveled by the snowmobile.
8. It is unlawful for any person to operate a snowmobile within a highway right of way as defined in subsection 38 of section 24-01-01.1 of the North Dakota Century Code between April 1 and November 1 of any year.
9. No snowmobile may be operated at any time within the right of way of any highway within this state while towing a sled, skid or other vehicle, unless the sled, skid or other vehicle is connected to the snowmobile by a hinged swivel and secure hitch.
10. No person under the age of eighteen years may operate, ride or otherwise be propelled on a snowmobile unless the person wears a safety helmet meeting United States Department of Transportation standards.

9.1503 Driving Without a License

A person may not drive any motor vehicle upon a highway in this City unless such person has a valid license as an operator, or is expressly exempted from licensing requirements, by the laws of this state.

9.1504 Penalty

Any person who violates any provision of this ordinance for which a specific penalty is not provided may be assessed a fee of up to one hundred dollars.

ARTICLE 16 – Jake Braking

9.1601 Jake Braking

It shall be unlawful for the driver of any vehicle, including but not limited to motor carriers, trucks, semi-trailers and tractor trailers, to cause their vehicles to brake or slow by any method which increases the noise emission levels of engine, including but not limited to the use of compression brakes, commonly known as “Jake Braking” which use the vehicle’s engine compression to reduce the engine’s revolutions per minute.

9.1602 Notice

Notice of this section shall be placed at the corporate limits.

9.1603 Penalty

The penalty for violation of this article is a minimum of twenty-five dollars (\$25.00) for the first offense and a minimum of fifty dollars (\$50.00) for the second and each subsequent offense.

ARTICLE 17 – Golf Carts Allowed on City Streets

9.1701 Definitions

The following words, terms and phrases, when used in this article, shall 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.

9.1702 Exemption

Exempt from registration and equipment provisions of N.D.C.C. title 39. Golf carts operating on the streets, avenues, roadways, and alleys in the city and which meet the requirements of this article shall be exempt from title, registration, and equipment provisions applicable to motor vehicles under N.D.C.C. title 39.

9.1703 Penalty

Any person who violates any provision of this article not constituting a misdemeanor shall be assessed a minimum fine of \$ 20.00 for the first violation, a minimum of \$50.00 for the second violation, and a minimum of \$150 for each additional violation(s).

9.1704 Enforcement

The Chief of Police or his respective duly authorized representatives, are hereby authorized to enforce the provisions of this article.

9.1705 Operating rules

The following rules apply to the operation of golf carts pursuant to this article:

- (1) No person shall operate a golf cart upon any street, avenue, roadway, or alley in the city except as provided by this article.
- (2) No person owning or having custody or control of a golf cart shall 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) An operator must be in possession of a valid driver's license/driver's permit.
- (4) Any person who rides as a passenger on a golf cart must be seated.
- (5) A golf cart being operated on any street, avenue, roadway, or alley in the city shall have no more than three persons in the front seat & two in the back seat, including the operator, on the golf cart.
- (6) A golf cart shall be operated only during daylight hours, between sunrise and sunset, 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 N.D.C.C. title 39.
- (7) The operator of a golf cart shall take the most direct route between the golf cart's place of storage within the city and the golf course.
- (8) The operator of a golf cart shall observe all traffic laws, except as provided in this article.
- (9) 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.
 - c. A golf cart may make a direct crossing of a street or highway provided: 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; The operator yields the right-of-way to all oncoming and crossing traffic which constitutes an immediate hazard; and in crossing a divided highway, the crossing is made only at an intersection of such highway with another public street or highway.

It shall be unlawful for any person to operate any golf cart in the following ways which are declared to be unsafe and a public nuisance:

1. 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.
2. 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.
3. While under the influence of intoxicating liquor or a controlled substance.
4. Without head lights, tail lights, and turn signals required for operating the golf cart after day light.
5. 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.
6. 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 N.D.C.C. § 39-16.1-11, which provisions govern the level of liability coverage and all subsequent amendments thereto.

9.1706 Operation on private property

It shall be 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.

9.1707 Operation on public property other than highways, streets and alleys

It shall be 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, or recreational areas.

9.1708 Manner of operation

- (1) It shall be 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.

9.1709 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 article, or as otherwise specifically authorized by this chapter.

9.1710 Operation on street

When operating a golf cart upon a street, avenue, or roadway, such operation shall 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.

9.1711 Pedestrians have right-of-way

The operator of a golf cart shall 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.

9.1712 Operation in group

When two or more golf carts are operated together as a group, they shall stay in single file while operating upon any street, avenue, or roadway and not more than three golf carts shall proceed in any single group.

9.1713 Parental responsibility

It shall be 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 shall, therefore, be no defense that a parent was completely indifferent to the activities, conduct or whereabouts of such juvenile and/or golf cart.

ARTICLE 18 - Severability Clause

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

ARTICLE 19 - Penalties

Any person who is convicted of violating or of failing to comply with any of the provisions of this ordinance may be punished by a fine of not more than one thousand dollars (\$1,500.00) or by imprisonment not to exceed thirty (30) days, or both.