

CHAPTER TEN – TRAFFIC

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CHAPTER TEN

TRAFFIC

ARTICLE 1- In General

10.0101 Intent and Purpose

The governing body has the power and authority granted to it in Titles 39 and 40 of the North Dakota Century Code (NDCC) in order to adopt and enforce the following traffic regulations. In so doing it is the intent of this ordinance to parallel the provisions of state law to the maximum extent feasible. However, all of Title 39 of the NDCC is not adopted in its entirety by this city for the following reasons:

Parts of Title 39 pertain to matters of statewide concern which are to be enforced primarily or exclusively by state officials, such as the laws pertaining to motor vehicle dealer licensing or vehicle weight regulations with respect to interstate highways.

Some provisions of Title 39 pertain to municipal court procedure or requirements.

Some provisions of Title 39 constitute a grant authority to municipalities to regulate certain matters. These provisions are adopted by reference and the City may assert such authority under and by virtue of such provisions by enacting restrictions such as setting speed limits, traffic control signage, and parking.

10.0102 Traffic Control Established by City

Speed limits

Stop signs;

School flashers;

Traffic lights;

Yield signs

Vehicle weight and load restrictions

Routing of vehicles carrying hazardous materials

Designate mobility-impaired parking spaces

Designating parking restrictions

ARTICLE 2- Parking

10.0201 Angle Parking

Angle parking shall only be permitted on the following streets:

Both side of Main Street from Third (3rd) Street to twelfth (12th) Street

10.0202 Parking Prohibited - All Times

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

1. On a sidewalk;
2. In front of a public or private driveway;
3. Within an intersection;
4. Within ten (10) feet of a fire hydrant;
5. On a crosswalk;
6. Within ten (10) feet of a crosswalk at an intersection;
7. Within fifteen (15) feet upon the approach to any flashing beacon, stop sign, or traffic-control signal located at the side of a roadway;
8. Between a safety zone and the adjacent curb or within fifteen (15) feet of points on the curb immediately opposite the ends of a safety zone, unless the Department of Transportation or the city indicates a different length by signs or markings;
9. Within fifteen (15) feet of the nearest rail of a railroad crossing;
10. Within twenty (20) feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within seventy-five (75) feet of said entrance when properly signposted;
11. Alongside or opposite any street excavation or obstruction when stopping, standing, or 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 highway or within a highway tunnel; or
14. At any place where official signs prohibit stopping.
15. Within fifteen (15) feet of the corner or curb corner of any intersecting street, road, highway, or alley.
16. In front of a residential sidewalk so as to block the area where a walkway intersects and extends from the curb toward the entrance of a residence.

10.0203

Parking Prohibited – On Public Right-Of-Way

No person shall park or leave standing any vehicle, or trailer (over 1500 lbs. Gross Vehicle Weight) that is in violation of NDCC Section 39-04-11 not displaying number plates on any public right-of-way within the City.

No person shall park or leave standing any vehicle, trailer, camper, motorhome, boat, implement, or any other such device on any berm or boulevard within the public right-of-way. "Berm" is defined as that part of the public right-of-way from the curb to the adjacent property line.

A violation of this Section shall be an infraction and subject to a fine of twenty-five dollars (\$25). If the violation continues for more than ten (10) days, the aforesaid items shall be considered "abandoned" and may be impounded or disposed of at the discretion of the police department.

10.0204 Stopping - Parking - Certain Purposes Prohibited

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

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

10.0205 Stopping - Parking - In Alleys

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

10.0206 Parking Adjacent to Schools

1. The City Engineer or authorized person may erect signs indicating no parking upon either or both sides of any street adjacent to any school property when such parking would, in his opinion, interfere with traffic or create a hazardous situation.
2. When official signs are erected indicating no parking upon either side of a street adjacent to any school property as authorized herein, no person shall park a vehicle in any such designated place.

10.0207 Stopping - Parking - Over 48 Hours

1. It shall be unlawful for anyone to park or leave standing on any public street or highway in the city any vehicle, trailer, camper, motorhome, boat, implement, or any other such device for a period longer than forty-eight (48) hours consecutively, provided this Section shall not include any area where a shorter time is provided for parking, nor shall this Section be construed to permit parking for a longer time than is provided in such areas. Any person violating this Section is guilty of an infraction and subject to a fine.
2. Any vehicle, trailer, camper, motor home, boat, implement, or any other such device as described in Section 39-01-01 of the North Dakota Century Code and is in violation of Section 10.0207(1), and after a reasonable attempt to contact the owner, and remains unmoved from a public street or alley for more than ten (10) days shall be considered “abandoned” and it may be impounded at the discretion of the police department.
3. Notwithstanding paragraph 1 of this Section, it is unlawful for any person to park or leave standing any boat, snowmobile, bumper pull travel trailer, fifth wheel trailer, pull type camper, pickup camper, motor home, house car, bus, mini motor home, utility or horse trailer on the public right-of-way in any residentially zoned area from November 1st to March 31st. Any person violating this Section is guilty of an infraction and subject to a fine.

10.0208 RV, motor home, pull travel trailer, fifth wheel trailer parking

All recreational vehicles (RV), motor homes, pull travel trailers, fifth wheel trailers, or horse trailers parking on residential property shall comply with setback requirements for streets set by the City of New England Zoning Commission. Any person violating this Section is guilty of an infraction subject to a fine.

10.2009 Parking of Trucks

1. On Street Parking

- a. No truck-tractor, semitrailer, or other heavy vehicles (e.g. dump trucks) shall be parked on any street, alley, or public right-of-way in the City; provided, that such vehicles may be parked while loading or unloading cargo; provided, further, that such restrictions shall not apply to any truck in use on any repair, maintenance, or construction project in progress on any such street.
- b. When a vehicle is parked in violation of this Section, and it cannot be reasonably ascertained who the driver who parked the vehicle was, being the registered owner of the vehicle shall constitute prima facie evidence that the registered owner of such vehicle was the person who parked or placed such vehicle at the point where the violation occurred.
- c. The City Council may designate on-street truck parking areas and any additional considerations that the council may find relevant to designating and area for truck parking.
- d. A violation of this Subsection shall be a non-criminal traffic violation and punishable by a fine. If any vehicle damages any City street, the driver shall be liable for the cost to repair/replace the damaged property.

2. Parking of Trucks on Private Property

An unloaded truck tractor, trailer, semitrailer, or combination thereof may be only be parked or stored on private property in a totally enclosed building. This must be accessed by the shortest possible route from a designated truck route.

3. Penalty

Any person who shall violate this subsection shall be deemed guilty of an infraction and, upon conviction, shall be fined in an amount not to exceed one hundred dollars (\$100.00)

ARTICLE 3 - Filing of Ordinance

Incident to the adoption of certain portions of Title 39 of the North Dakota Century Code by reference, the text of the adopted code shall be made available in the office of the City Auditor as required by Section 40-05-01(1) of the North Dakota Century Code for use and examination by the public.

ARTICLE 4 - Adoption of Amendments by Reference

The adoption of certain portions of Title 39 by reference shall be construed to incorporate such amendments thereto as may be made therein from time to time, and such adopted portions of Title 39 filed as required in ARTICLE 3 shall at all times be made available in the office of the City Auditor of this city.

ARTICLE 5 - Severability Clause

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

ARTICLE 6 - Penalties

Any person who is convicted of violating or of failing to comply with any of the provisions of this Chapter may be punished by a fine of not more than five hundred dollars (\$500). If a statutory penalty is provided, such penalty cannot be exceeded.