

**CHAPTER NINE
TRAFFIC**

ARTICLE 1 –Adoption of NDCC Title 39 code

- 9.0101 Adoption of Title 39
- 9.0102 Penalty
- 9.0103 Definitions

ARTICLE 2 – Additional Traffic Regulations

- 9.0201 Restrictions on the transport and storage of anhydrous ammonia
- 9.0202 Regulation of Vehicles
- 9.0203 Regulation on the Sale and Storage of Anhydrous Ammonia
- 9.0204 Penalty
- 9.0205 Off-highway Vehicles
- 9.0206 Operation of Off-highway Vehicles
- 9.0207 Operation by persons under age Sixteen
- 9.0208 Penalty
- 9.0209 Snowmobiles
- 9.0210 Parent or Guardian’s Responsibility
- 9.0211 Penalty
- 9.0212 Driving without liability insurance prohibited - Penalty
- 9.0213 Penalty

ARTICLE 3 – Additional Parking Regulations

- 9.0301 Definitions
- 9.0302 Stopping – Parking –Over 72 hours
- 9.0303 Loaded Commercial Vehicles Prohibited from Using Certain Streets
- 9.0304 Parking Prohibited – Truck Tractor/Semi-trailer Combination
- 9.0305 Parking Allowed – Truck Tractor and Unloaded Truck
- 9.0306 Parking Prohibited – Semi-trailer
- 9.0307 Stopping – Parking – Certain Purposes Prohibited
- 9.0308 Officer Authorized to Remove/Impound
- 9.0309 Penalty

ARTICLE 1 – Adoption of Title 39 – Penalty - Definitions

9.0101 Adoption of Title 39

The current provisions of Title 39 of the North Dakota Century Code, and all subsequent amendments, shall be and are hereby adopted and incorporated by reference in Chapter 9 of the Revised Ordinances of the City of Cando and in this ordinance

9.0102 Penalty

Any person violating the provisions of Title 39 of the North Dakota Century Code, which is incorporated in its entirety by reference in Chapter 9, shall be punished as provided in Title 39 of the North Dakota Century Code, and all subsequent amendments.

9.0103 Definitions

For the purpose of this Section:

1. The terms “vehicle” shall include any vehicle, trailer, or semi-trailer propelled by mechanical, motor, or muscular power.
2. Tank truck: Any motor vehicle used for the transportation of anhydrous ammonia, which for such purpose is provided with a tank or tanks mounted on the frame or chassis of such vehicle.
3. Tank trailer: Any vehicle without its own motor power, but drawn by a motor vehicle used for the transportation of anhydrous ammonia, and which for such purpose is provided with a tank or tanks mounted thereon.
4. Tank semi-trailer: A vehicle of the trailer type having one or more axles and two or more wheels, so designed and used in conjunction with a motor vehicle that some parts of its own weight and that of its own load rests upon or is carried by another vehicle; used for the transportation of anhydrous ammonia for which purpose is provided with a tank or tanks mounted thereon.
5. Anhydrous ammonia tank: Any vehicle, tank truck, tank trailer, or tank semi-trailer which can be used to store, haul, or dispense anhydrous ammonia.

ARTICLE 2 – Additional Traffic Regulations

9.0201 Restrictions on the Transport and Storage of Anhydrous Ammonia

The following approved routes shall pertain to any anhydrous ammonia tank, which is carrying anhydrous ammonia. Any anhydrous ammonia tank, which has been located or filled with anhydrous ammonia, shall be allowed to travel or be within the city limits, only upon the following approved routes:

North Dakota State Highway #17
North Dakota State Highway #281

No anhydrous ammonia tank shall be parked or permitted to stand anywhere in the city, except in the case that if the standing of such vehicle is made necessary by mechanical trouble, traffic conditions, accident, or in obedience to the direction of a policeman or traffic signals then said vehicle shall not be considered a violation of this article.

9.0202 Regulation of vehicles.

Every tank truck, tank trailer, anhydrous ammonia tank, and tank semi trailer operated within the corporate limits of the city shall be in good repair, clean and free from leaks.

If a vehicle is required to be lighted pursuant to the applicable laws of the State of North Dakota, then every tank truck, tank trailer, and tank semi-trailer operated within the corporate limits of the city shall be equipped only with electric lights, and lighting circuits shall have suitable over-current protection with fuses and automatic circuit breakers and the wiring shall have sufficient carrying capacity and mechanical strength and shall be suitably secured, insulated, and protected against physical damage.

9.0203 Regulation on the sale and storage of anhydrous ammonia

It shall be unlawful to store, handle or offer for sale anhydrous ammonia within the city limits.

It shall be unlawful to store, sell, or dispense anhydrous ammonia on railroad cars that are located on rails.

9.0204 Penalty

The maximum penalty for any person, co-partnership or corporation violating any of the provisions of this article, shall upon conviction thereof, be a fine of not more than three Hundred dollars (\$300.00) or by imprisonment not exceeding thirty (30) days or both such fine and imprisonment.

9.0205 Off-highway Vehicles (OHV's)

For the purpose of this Section, unless the context otherwise requires:

1. "Off-highway vehicle" means any wheeled motorized vehicle not designed for use on a highway and capable of cross-country travel on land, snow, ice, marsh, swampland, or other natural terrain. An off-highway vehicle must be classified into one of the following categories:

A. Class I off-highway vehicle is a vehicle that does not qualify as road capable under chapters 39-21 and 39-27, has a seat or a saddle designed to be straddled by the operator, and has handlebars for steering control of two wheels.

B. Class II off-highway vehicle is less than fifty inches [1,270.00 millimeters] in width, travels on three or more low-pressure tires, has a saddle designed to be straddled by the operator, and has handlebars for steering control.

C. Class III off-highway vehicle weighs less than eight thousand pounds, travels on four or more tires, has a seat and a wheel for steering control, and is designated for or capable of cross-country on or over land, water, sand, snow, ice, marsh, swampland, or other natural terrain, unless registered by the North Dakota Motor Vehicle Department under chapter 39-04 of the North Dakota Century Code.

2. "Dealer" means any person engaged in the business of buying, selling, or exchanging off-highway vehicles or who advertises, or holds out to the public as engaged in the buying, selling, or exchanging of off-highway vehicles, or who engages in the buying of off-highway vehicles for resale.

3. "Operate" means to ride in or on and control the operation of an off-highway vehicle.

4. "Operator" means a person who operates or is in actual physical control of an off-highway vehicle.

5. "Owner" means a person, other than a lien holder, having the property in or title to an off-highway vehicle and entitled to its use or possession.

6. "Register" means the act of assigning a registration number to an off-highway vehicle. Source: 39-29-01 N.D.C.C.

9.0205 Off-highway vehicle Registration

Except as provided in N.D.C.C. Chapter 39-29, a person may not operate an off-highway vehicle unless it has been registered under that chapter. Source: 39-29-02 N.D.C.C.

9.0206 Operation of Off-highway Vehicles

A person may not operate an off-highway vehicle on the roadway, shoulder, or inside bank or slope of any road, street, or highway except as provided in this chapter. Except in emergencies, a person may not operate an off-highway vehicle within the right of way of any controlled access highway. An individual may operate a registered off-highway vehicle on a city street at a speed not exceeding fifteen miles [24.14 kilometers] per hour.

The operator of an off-highway vehicle may make a direct crossing of a street or highway only if:

1. The crossing is made at an angle of approximately ninety degrees to the direction of the highway and at a place where no obstruction prevents a quick and safe crossing;
2. The off-highway vehicle is brought to a complete stop before crossing the shoulder or main traveled way of the highway;
3. The operator yields the right of way to all oncoming traffic which constitutes an immediate hazard; and
4. In crossing a divided highway, the crossing is made only at an intersection of the highway with another public street or highway.

A person may not operate an off-highway vehicle unless it is equipped with at least one headlamp, one tail lamp, and brakes, all in working order, which conform to standards prescribed by rule of the highway commissioner.

The emergency conditions under which an off-highway vehicle may be operated other than as provided by this chapter are only those that render the use of an automobile impractical under the conditions and at the time and location in question.

A person may not operate an off-highway vehicle in the following ways, which are declared to be unsafe and a public nuisance:

1. 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.
2. While under the influence of intoxicating liquor or a controlled substance.
3. Without a lighted headlamp and tail lamp.
4. In any tree nursery or planting in a manner that damages growing stock.
5. Without a manufacturer-installed or equivalent muffler in good working order and connected to the off-highway vehicles exhaust system.
6. On any private land where the private land is posted prohibiting trespassing. The name and address of the person posting the land and the date of posting must appear on each sign in legible characters. The posted signs must be readable from outside the land and be placed conspicuously at a distance of not more than eight hundred eighty yards [804.68 meters] apart. Land entirely enclosed by a fence or other enclosure is sufficiently posted by posting of such signs, at or on all gates through the fence or enclosure.

Except as provided in section 39-29-10 of the North Dakota Century Code (City Section 9.0207), a person may not operate an off-highway vehicle without having in possession a valid driver's license or permit.

When an off-highway vehicle is operated within the right of way of any road, street, or highway, during times or conditions that warrant the use of lights by other motor vehicles, the off-highway vehicle must be operated in the same direction as the direction of other motor vehicles traveling on the side of the roadway immediately adjacent to the side of the right of way traveled by the off-highway vehicle.

A person may not operate an off-highway vehicle within the right of way of any highway while towing a sled, skid, or other vehicle, unless the object towed is connected to the off-highway vehicle by a hinged swivel and secure hitch.

A person under the age of eighteen years may not operate, ride, or otherwise be propelled on an off-highway vehicle unless the person wears a safety helmet meeting United States Department of Transportation standards.

An operator of an off-highway vehicle may not carry a passenger while operating the vehicle unless the off-highway vehicle is equipped and recommended by the manufacturer to carry a passenger and the passenger is carried as recommended by the manufacturer. Source: 39-29-09 N.D.C.C.

9.0207 Operation by persons under age sixteen

Except as otherwise provided in this Article, a person under sixteen years of age who is not in possession of a valid operator's license or permit to operate an off-highway vehicle may not, except upon the lands of the person's parent or guardian, operate an off-highway vehicle. A person at least twelve years of age may operate an off-highway vehicle if the person has completed an off-highway vehicle safety training course prescribed by the director of the state parks and recreation department and has received the appropriate off-highway vehicle safety certificate issued by the commissioner. The failure of an operator to exhibit an off-highway vehicle safety certificate on demand to any official authorized to enforce this chapter is presumptive evidence that that person does not hold such a certificate. Source: 39-29-10 N.D.C.C.

9.0208 Penalty

The driver or registered owner of such vehicle violating the provisions of this Article shall be guilty of an infraction, and upon conviction thereof by a court of competent jurisdiction, shall be subject to a fine of not exceeding five hundred dollars (\$500.00) for each violation.

9.0209 Snowmobiles

For the purpose of this section:

1. "Snowmobile" means a self-propelled vehicle designed for travel on snow, ice, or a natural terrain and steered by skis or runners
2. "Operate" means to ride in or on and control the operation of the snowmobile.
3. "Operator" means every person who operates or is in actual physical of a snowmobile.
4. "Owner" means a person, other than the lien holder, having the property in or title to a snowmobile and who is entitled to the use and possession thereof.
5. "Person" means and includes an individual, firm, partnership, corporation, trustee, association, estate and its agencies and subdivisions and any body of persons, whether incorporated or not, and with respect to acts prohibited or required herein shall include employees and licensees.
6. "Roadway" means that portion of a highway, street, boulevard, avenue or alley improved, designed or ordinarily used for vehicular travel

7. "Street, highway, boulevard, avenue or alley" means the entire width between the boundary lines of the same.

It is unlawful for any person to drive or operate any snowmobile within the City of Cando. However the following exceptions shall apply to this chapter:

1. A law enforcement officer may operate a snowmobile for the purpose of enforcing this chapter.
2. In the event of an emergency the chief of police or his designate may authorize temporary use of a snowmobile within the city.
3. No person shall operate a snowmobile upon city streets, avenues, boulevards or alleys, except as necessary to go from his residence to outside the city limits and return thereto in a reasonable direct route, and then only subject to the following rules and regulations whereupon no person shall drive:
 - A. At a rate of speed greater than reasonable or proper under all the surrounding circumstances and in no event at a speed greater than fifteen miles and hour.
 - B. In a careless or reckless 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 alcohol 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, and brakes, all in good working order.
 - E. In any tree nursery or planting in a manner that damages or destroys growing tree or plants.
 - F. Without a manufacturer installed or equivalent muffler in good working order and connected to the exhaust system.
 - G. Operators of a snowmobile must yield right of way to all oncoming traffic that constitutes an immediate hazard.
 - H. Without observing all traffic signs, or controls, rules and regulations applying to motor vehicles when applicable to snowmobiles.
 - I. In any, City Park, golf course, or school grounds except when posted as open to snowmobiles and within hours permitted.
 - J. Operators of snowmobile must come to a complete stop before crossing an intersecting roadway, and must cross as close to 90 degrees as possible.
 - K. No person shall operate a snowmobile on any roadway except to cross the same or as far to the right as possible.
 - L. No person shall operate a snowmobile in any cemetery, on ND Highway 17 between the railroad tracks and US Highway 281, or on Main Street between the railroad track and 2nd avenue
 - M. Except as otherwise provided in this section, a person under sixteen years of age who is not in possession of a valid operator's license or permit to operate a snowmobile within the City of Cando, except upon lands of the person's parent or guardian thereof.
 - N. 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 DOT standards.

9.0210 Parents or Guardian's Responsibility

Any parent, person or guardian who knowingly does himself operate or allows his or her child or ward to operate his or her snowmobile upon or over the city roadways in violation of this chapter shall be subject to the same fine and penalty as if that parent, person, or guardian violated this section himself or herself.

9.0211 Penalty

The driver or registered owner of such vehicle violating the provisions of this section shall be guilty of an infraction, and upon conviction thereof by a court of competent jurisdiction, shall be subject to a fine of not exceeding five hundred(\$500.00) for each violation.

9.0212 Driving without liability insurance prohibited

A person may not drive, or the owner may not cause or knowingly permit to be driven, a motor vehicle in the city with out a valid policy of liability insurance in effect in order to respond in damages for liability arising out of the ownership, maintenance, or use of that motor vehicle in the amount required by chapter 39-16.1 of the North Dakota Century Code.

Upon being stopped by a law enforcement officer for the purpose of enforcing or investigating the possible violation of an ordinance or state law or during the investigation of an accident, the person driving the motor vehicle shall provide to the officer upon request satisfactory evidence of the policy required under this section. If unable to comply with the request, that person may be charged with a violation of this section if that person fails to submit satisfactory evidence of the policy to the officer or the officer's agency within twenty days of the date of the request. If that person produces satisfactory evidence of a valid policy of liability insurance in effect at the time of the alleged violation of this section to the officer, the officer's agency, or a court, that person may not be convicted or assessed any administration fee for violation of this section.

Notwithstanding section 26.1-30-18 1 of the North Dakota Century Code, a person may be convicted for failure to have a valid policy of liability insurance in effect under this section if the time of acquisition of the policy was after the time of the alleged incidence of driving without liability insurance. If the time of acquisition of the policy comes into question, the driver or owner has the burden of establishing the time of acquisition.

If the driver is not an owner of the motor vehicle, the driver does not violate this section if the driver provides the court with evidence identifying the owner of the motor vehicle and describing circumstances under which the owner caused or permitted the driver to drive the motor vehicle.

9.0213 Penalty

Violation of this section is a class B misdemeanor and the sentence imposed must include a fine of at least one hundred fifty dollars (\$150.00), which may not be suspended. A person convicted for a second or subsequent violation of driving without liability insurance within an eighteen-month period must be fined at least three hundred dollars (\$300.00), which may not be suspended.

It shall be the Municipal Judge's decision to use the sentencing defined in Article 5 of Chapter 13 of the Revised Ordinances of the City of Cando.

ARTICLE 3 – Additional Parking Regulations

9.0301 Definitions

For the purpose of this section:

1. “House car” or “motor home” means a motor vehicle which has been reconstructed or manufactured primarily for private use as a temporary or recreational dwelling and having at least four of the following permanently installed systems:

- A. Cooking facilities
- B. Icebox or mechanical refrigerator
- C. Potable water supply including plumbing and a sink with faucet either self-contained or with connections for an external source, or both
- D. Self-contained toilet or a toilet connected to a plumbing system with connection for external water disposal, or both
- E. Heating or air-conditioning systems, or both, separate from the vehicle engine or the vehicle engine electrical system

2. “Travel trailer” means a vehicular unit mounted on wheels, designed to provide temporary living quarters for recreational, camping, or travel use, and of such size or weight as not to require a special highway movement permit when towed by a motorized vehicle.

3. “Semi-trailer” includes 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 does not include a “house trailer” or “travel trailer”.

9.0302 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 motor vehicle, vehicle, recreational vehicle, trailer, motor home or travel trailer 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.

9.0303 Loaded Commercial Vehicles Prohibited from Using Certain Streets

No person may operate any loaded commercial vehicle at any time upon any street or part of a street, 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. This restriction shall not apply to 15th Street and Elevator Road.

9.0304 Parking Prohibited – Truck Tractor/Semi-Trailer Combination

No person shall park any truck tractor/semi-trailer combination at any time on any street or part of a street within the city, except that such vehicles may be parked 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. This restriction shall not apply to 15th Street and Elevator Road.

9.0305 Parking Allowed – Truck Tractor and Unloaded Truck

The parking of a truck tractor or any unloaded single, tandem or tri-axle truck shall be allowed on any street or part of a street within the city.

9.0306 Parking Prohibited – Semi-Trailer

No semi-trailer disconnected from a truck tractor (dollied) may be parked on any paved portion of any street or avenue within the City of Cando. This restriction shall not apply to Elevator Road.

9.0307 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 repairing such vehicle necessitated by an emergency.

9.0308 Officer Authorized to Remove / Impound

Whenever any police officer finds an illegally parked vehicle, truck tractor, semi-trailer, commercial vehicle, motor home or travel trailer in violation of any provisions of the sections of this chapter, such officer is hereby authorized to remove or cause to be removed such vehicle. In cases where the owner/driver of such vehicle cannot be located, the officer is authorized to impound or immobilize such vehicle until fees for such violation are paid in full.

9.0309 Penalty

The driver or registered owner of such vehicle violating the provisions of this section shall be guilty of an infraction, and upon conviction thereof by a court of competent jurisdiction, shall be subject to a fine of not exceeding five hundred dollars (\$500.00) for each violation.

It shall be the Municipal Judge's decision to use the sentencing defined in Article 5 of Chapter 13 of the Revised Ordinances of the City of Cando.