

CHAPTER NINE

TRAFFIC

ARTICLE 1 - LAWS AND REGULATIONS

9.0101 The City of Medora hereby adopts all laws and regulations regarding driving, motor vehicles, and traffic offenses of the State of North Dakota and any amendments that may be made to those laws and regulations in the future.

ARTICLE 2 - TRAFFIC ADMINISTRATION

9.0201 Duty of Police Department

It shall be the duty 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 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 the traffic ordinances of the City of Medora.

Source: North Dakota League of Cities Model Municipal Ordinance Code 1987 and Sections 40-05-01 (1, 17, 18) and 4-05-02 (9, 14) 40-20-05, and 44-08-20 NDCC

ARTICLE 3 - TRAFFIC CONTROL DEVICES

9.0301 Authority to Install Traffic Control Devices

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 deemed necessary to regulate traffic under the traffic ordinances of this City or under state law, or to guide or warn traffic.

Source: Sections 39-10-04, 40-05-01 (1), and 40-05-02 (9, 14) NDCC

ARTICLE 4 - CRIMINAL TRAFFIC VIOLATIONS

9.0401 Rules for Operation of Snowmobiles

1. No person shall operate a snowmobile upon the roadway, shoulder, or inside bank or slope of any road, trail, alley, street, or highway in this City except as provided pursuant to this section.

Except as herein specifically permitted and authorized, it is unlawful for any person to operate a snowmobile within the limits of the City of Medora:

a. On the portion of any right-of-way of any public highway, street, road, trail or alley used for motor vehicles travel, except the most right-hand lane (except in passing) which is used for vehicle traffic on any public thoroughfare. Such use of the City streets, roads, and alley is permissible only:

(1) When traveling to and from operational areas outside the City limits;

(2) When traveling to and from a job or job site;

(3) When the emergency necessitates the use of a snowmobile;

b. On a public sidewalk provided for pedestrian travel;

c. On boulevards within any public right-of-way;

d. On private property of another without specific permission of the owner or person in control of said property;

e. On any other public place except as may be specifically permitted by other provisions of the City ordinances.

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 degrees (90°) 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;

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

e. If the crossing is made before sunrise and after sunset or, in conditions of reduced visibility, only if both front and rear lights are on.

3. No snowmobile shall be operated unless it is equipped with at least one (1) head lamp, one tail lamp, and brakes, all in working order, which conform to standards prescribed by rule of the Commissioner pursuant to the authority vested in him by this code and this chapter.

4. The emergency conditions under which a snowmobile may be operated other than as provided by this chapter 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 controlled substance.

d. Without a lighted head lamp 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.

6. It is unlawful for any person to operate a snowmobile pursuant to Chapter 39-24 without having in possession a valid driver's license or permit, except as provided by Section 39-24-09.1 NDCC.

7. When snowmobiles are operated within the right-of-way of any road, street, or highway of this City 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 shall be 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 between April 1st and November 1st of any year.

9. No snowmobile shall 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 may operate, ride, or otherwise be propelled on a snowmobile unless the person wears a safety helmet meeting the United States Department of Transportation standards.

11. The City ordinances shall apply as to traffic to the operation of snowmobiles upon streets and highways, except those relating to required equipment and except those which by their nature have no application.

12. It is unlawful for any person to operate a snowmobile any place within the limits of the City of Medora unless it is equipped as follows:

a. Standard mufflers which are properly attached and which reduce the noise of operation and no person shall use a muffler cut-out, by-pass, straight pipe or similar device on a snowmobile motor.

b. Brakes adequate to control the movement of and to stop and hold the snowmobile under any condition of operation.

c. A safety of so-called "deadman" throttle in operating condition. A safety or "deadman" device is defined as a device which, when pressure is removed from the engine accelerator or throttle, causes the motor to be disengaged from the driving track.

d. When operated before sunrise and after sunset, or at times of reduced visibility, at least one clear lamp attached to the front, with sufficient intensity to reveal persons and vehicles at a distance of

at least 100 feet ahead during the hours of darkness under normal atmospheric conditions. Such head lamp shall be so aimed that glaring rays are not projected into the eyes of oncoming snowmobile operators. It shall also be equipped with at least one red tail lamp having a minimum candlepower of sufficient intensity to exhibit a red light plainly visible from a distance of 500 feet to the rear during hours of darkness under normal atmospheric conditions.

e. Every person leaving a snowmobile on a public place shall lock the ignition, removing the key and taking it with him.

f. Notwithstanding any prohibitions in this ordinance, a snowmobile may be operated on a public thoroughfare in an emergency during the period of time when and at locations where snow upon the roadway renders travel by automobile impractical.

g. It is unlawful to intentionally drive, chase, run over or kill any animal with a snowmobile.

13. Any person who violates subdivision b, c, or g of subsection 5 is guilty of an offense. Any person who violates any other provision of this section must be assessed a fee of twenty dollars. Any person, unless specifically exempted, who fails to register as required by Section 39-24-02 must be assessed a fee of fifty dollars. If the person provides proof of registration since the violation, the fee may be reduced by one-half. Any person who violates any other provision of Sections 9.2109 and 9.2108, for which a specific penalty is not provided, must be assessed a fee of ten dollars.

Source: Sections 39-24-08 (4), 39-24-09 and 39-24-11 NDCC, and Medora Ordinance No. 16-13

ARTICLE 5 - SEVERABILITY CLAUSE

If any provision of this ordinance or Title 39, North Dakota Century Code, or its application to any person or circumstance is held invalid, the remainder of the ordinance or the application of the provision to other persons or circumstances is not affected.

Source: North Dakota League of Cities Model Municipal Ordinance Code 1987

ARTICLE 6 - PENALTIES

9.0601- Unless otherwise specified, any person who is convicted of violating or of failing to comply with any of the provisions of this chapter may be punished as a Class B Misdemeanor, and in the case of Persons Under the Influence of Intoxicating Liquor or Narcotic Drugs Not to Operate Vehicle - Penalty, or Penalty for Driving While License Suspended or Revoked, the court may order the number plate of the motor vehicle owned and operated by the offender at the time of the offense to be impounded by the Sheriff or chief law enforcement officer of the City of Medora, as is appropriate, for the duration of the period of suspension of the offender's driver's license or driving privilege by the licensing authority, which shall include any penalties or amended penalties included in Title 39, North Dakota Century Code, as amended, but such penalties shall be limited by the statutory limits for City Ordinances.

Source: North Dakota League of Cities Model Municipal Ordinance Code 1987 and subsequent amendments to NDCC.