

ORDINANCE NO. 2025

AN ORDINANCE AMENDING AND RE-ENACTING SECTION 58-196, 58-613, 58-696, 58-102, 58-100, 58-161 AND 58-258 OF THE MUNICIPAL CODE OF THE CITY OF DICKINSON, NORTH DAKOTA, RELATING TO TRAFFIC AND VEHICLES

BE IT ORDAINED BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF DICKINSON, NORTH DAKOTA, AS FOLLOWS:

Section 1: Section 58-196 of the City Code of the City of Dickinson is hereby amended and re-enacted as follows:

Sec. 58-196. - Turning movements and required signals generally.

The provision of N.D.C.C. § 39-10-38, and all subsequent amendments, shall be and are hereby incorporated by reference in this section.

(a) No person shall turn a vehicle at an intersection unless the vehicle is in proper position upon the roadway as required in Section 58-193 or turn a vehicle to enter a private road or driveway, or otherwise turn a vehicle from a direct course, move right or left upon a roadway, or merge into or from traffic unless and until such movements can be made with reasonable safety. No person shall so turn any vehicle without giving an appropriate signal in the manner hereinafter provided.

(b) A signal of intention to turn, move right or left, or merge into or from traffic shall be given continuously during not less than the last 100 feet travelled by the vehicle before turning, moving right or left, or changing lanes.

(c) No person shall stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal in the manner provided herein to the driver of any vehicle immediately to the rear when there is opportunity to give such signal.

(d) The signals required on vehicles by Section 58-197(b) shall not be flashed on one side only on a disabled vehicle, flashed as a courtesy or do pass signal to operators of other vehicles approaching from the rear, nor be flashed on one side only of a parked vehicle except as may be necessary for compliance with this section.

(Code 1993, § 23.24.070; Ord. No. 866, § 1; Ord. No. 1723, § 1)

Section 2: Section 58-613 of the City Code of the City of Dickinson is hereby amended and re-enacted as follows:

Sec. 58-613. - Windshield, must be unobstructed and equipped with wipers, tinted windows.

(a) A motor vehicle must be equipped with a windshield. An individual may not 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 intersecting highway.

(b) The windshield on a motor vehicle must be equipped with a device for cleaning rain, snow, or other moisture from the windshield, which must be constructed as to be controlled or operated by the driver of the vehicle.

(c) The windshield wiper upon a motor vehicle must be maintained in good working order.

(d) An individual may not operate a motor vehicle with any object, material, or tinting displayed, affixed, or applied on the front windshield or any window unless the object, material, or tinting in conjunction with the windshield upon which it is displayed, affixed, or applied has a light transmittance of at least 70 percent or the object, material, or tinting in conjunction with the front seat side windows other than the windshield upon which it is displayed, affixed, or applied has a light transmittance of at least 35 percent.

(e) This subsection does not apply to windows behind the operator if the motor vehicle is equipped with outside mirrors on both sides that meet the requirements of N.D.C.C. § 39-21-38.

(f) Subsection (d) of this section does not apply to nonreflective sun screening or window tinting material above the AS-1 line or within the top five inches (12.7 centimeters) of the windshield.

(g) A windshield may not be shattered or in such a defective condition that the windshield materially impairs or obstructs the driver's clear view.

(Ord. No. 1783, § 8(23.68.060), 8-15-2023)

Section 3: Section 58-696 of the City Code of the City of Dickinson is hereby amended and re-enacted as follows:

Sec. 58-696. -Penalty for driving while license suspended or revoked.

The provisions of N.D.C.C. § 39-06-42, and all subsequent amendments, shall be and hereby are incorporated by reference in this section.

(a) Except as provided in N.D.C.C. § 39-06.1-11, an individual who operates a motor vehicle on a highway or on public or private areas to which the public has a right of access for vehicular use in the State while an individual's operator's license is suspended or revoked in any jurisdiction is guilty of a Class B misdemeanor for the first, second, or third offense within a five-year period. Any subsequent offense within the same five-year period is a Class A misdemeanor.

(b) If the suspension or revocation was imposed for violation of N.D.C.C. § 39-08-01 or equivalent ordinance or was governed by N.D.C.C. § 39-06-31 or N.D.C.C. Ch. 39-20, the sentence must be at least four consecutive days' imprisonment and a fine as the court deems proper. The execution of sentence may not be suspended or the imposition of sentence deferred under N.D.C.C. § 12.1-32-02(3) or (4). Forfeiture of bail is not permitted in lieu of the defendant's personal appearance in open court for arraignment on a charge under this subsection.

(c) A court may dismiss a charge under this section upon motion by the defendant if the defendant's operator's license is reinstated within 60 days of the date of the offense and the defendant provides to the court satisfactory evidence of the reinstatement. Alternatively, upon motion, a court may grant a motion to amend a charge under this section to a violation of 58-701.

(d) In addition to any other punishment imposed, the court may order the number plates of the motor vehicle owned and operated by the offender at the time of the offense to be destroyed by the sheriff. If a period of suspension has been extended under N.D.C.C. § 39-06-17(6), the court may order the number plates to be destroyed under this subsection. The offender shall deliver the number plates to the court without delay at a time certain as ordered by the court following the conviction. The court shall deliver the number plates to the sheriff and notify the Department of the order. An offender who does not provide the number plates to the court at the appropriate time is subject to revocation of probation.

(e) The City hereby authorizes its municipal judge to order impoundment of motor vehicle number plates in the manner provided by Subsection (d) of this section.

(Code 1993, § 23.76.050; Ord. No. 866, § 1; Ord. No. 873, § 2; Ord. No. 1027, § 3)

Section 4: Section 58-102 of the City Code of the City of Dickinson is hereby amended and re-enacted as follows:

Sec. 58-102. - "Moving violation" defined.

The provisions of N.D.C.C. § 39-06.1-09, and all subsequent amendments, shall be and are hereby incorporated by reference in this section.

For the purposes of N.D.C.C. §§ 39-06.1-06 and 39-06.1-13, the term "moving violation" means a violation of N.D.C.C. § 39-04-11, 39-04-22, 39-04-37(1), 39-04-55, , 39-06-04, 39-06-14, 39-06-14.1, 39-06-16, 39-06.2-07, 39-08-20, 39-08-23, 39-08-24, 39-08-25, 39-09-01, 39-09-01.1, 39-09-04.1, or 39-09-09, 39-12-02(1), 39-12-04, 39-12-05, 39-12-06, 39-12-09, 39-19-03, 39-21-45.1, 39-24-02, or 39-24-09, except 39-24-09(5)b and (5)c, or equivalent ordinances; or a violation of the provisions of N.D.C.C. Ch. 39-10, 39-10.2, 39-21, or 39-27, or equivalent ordinances, except N.D.C.C. §§ 39-10-26(5), 39-21-44, and 39-21-46(2) and (3), and those sections within those chapters which are specifically listed in N.D.C.C. § 39-06.1-08.

Section 5: Section 58-100 of the City Code of the City of Dickinson is hereby amended and re-enacted as follows:

Sec. 58-100. - Amounts of statutory fees.

The fees required for a noncriminal disposition pursuant to either Sections 58-96, 58-97, 58-701 shall be as follows:

(1) For a nonmoving violation as defined in N.D.C.C. § 39-06.1-08, a fee of \$20.00.

(2) For a moving violation as defined in N.D.C.C. § 39-06.1-09, a fee of \$20.00, except for:

- a. A violation of N.D.C.C. § 39-10-26, 39-10-26.2, 39-10-41, or 39-10-42 or equivalent municipal ordinance, a fee of \$50.00.
- b. A violation of N.D.C.C. § 39-10-05 (or equivalent municipal ordinance) involving failure to yield to a pedestrian or N.D.C.C. § 39-10-28(1) or equivalent municipal ordinance, a fee of \$50.00.
- c. A violation of N.D.C.C. § 39-21-41.2 or equivalent municipal ordinance, a fee of \$25.00.
- d. A violation of N.D.C.C. § 39-12-02(1), 39-08-23, or 39-08-25 (or equivalent municipal ordinances), a fee of \$100.00.
- e. A violation of Section 58-95(1)d or equivalent municipal ordinance, a fee of \$100.00.
- f. A violation of N.D.C.C. § 39-04-37(6) or equivalent municipal ordinance, a fee of \$100.00.
- g. A violation of N.D.C.C. § 39-10-21.1(2) or equivalent municipal ordinance, a fee of \$250.00.
- h. A violation of N.D.C.C. § 39-10-59 or equivalent municipal ordinance, a fee of \$500.00.
- i. A violation of N.D.C.C. § 39-09-01 or equivalent municipal ordinance, a fee of \$30.00.
- j. A violation of N.D.C.C. § 39-09-01.1 or equivalent municipal ordinance, a fee of \$30.00.
- k. A violation of N.D.C.C. § 39-10-46.1 or equivalent municipal ordinance, a fee of \$100.00.
- l. A violation of N.D.C.C. § 39-08-20(1) or equivalent municipal ordinance, \$150.00 for a first violation and \$300.00 for a second or subsequent violation in three years.
- m. A violation of N.D.C.C. § 39-10-24 or 39-10-44 or equivalent municipal ordinance, a fee of \$40.00.
- n. A violation of N.D.C.C. § 39-10-50.1 or equivalent municipal ordinance, a fee of \$50.00.
- o. A violation of N.D.C.C. § 39-19-03 or equivalent municipal ordinance, a fee of \$50.00.

(3) For a violation of N.D.C.C. § 39-21-44 or 39-10-46 or equivalent municipal ordinance or a rule adopted under that section, a fee of \$250.00.

(4) Except as provided in Subsections (b)(5) and (7) of this section, for a violation of N.D.C.C. § 39-09-02, or an equivalent ordinance, a fee established as follows:

<i>Miles Per Hour Over Lawful Speed Limit</i>	Fee
1—5	\$5.00
6—10	\$5.00, plus \$1.00/each mph over 5 mph over limit
11—15	\$10.00, plus \$1.00/each mph over 10 mph over limit
16—20	\$15.00, plus \$2.00/each mph over 15 mph over limit
21—25	\$25.00, plus \$3.00/each mph over 20 mph over limit
26—35	\$40.00, plus \$3.00/each mph over 25 mph over limit
36—45	\$70.00, plus \$3.00/each mph over 35 mph over limit
46 +	\$100.00, plus \$5.00/each mph over 45 mph over limit

(5) On a highway on which the speed limit is a speed higher than 55 miles (88.51 kilometers) an hour, for a violation of Section 39-09-02, or an equivalent ordinance, a fee established as follows:

<i>Miles per hour over lawful speed limit</i>	Fee
1—10	\$2.00/each mph over limit
11 +	\$20.00, plus \$5.00/each mph over 10 mph over limit

(6) For a violation of N.D.C.C. § 39-06.2-10.9 or 39-21-46(3) or equivalent municipal ordinance, a fee established as follows:

- a. Driving more than 11 hours since the last ten hours off duty, driving after 14 hours on duty since the last ten hours off duty, driving after 60 hours on duty in seven days or 70 hours in eight days, no record of duty status or logbook in possession, failing to retain previous seven-day record of duty status or logbook, or operating a vehicle with four to six out-of-service defects: \$100.00;
- b. False record of duty status or logbook or operating a vehicle with seven to nine out-of-service defects: \$250.00;

- c. Operating a vehicle after driver placed out of service, operating a vehicle with ten or more out-of-service defects, or operating a vehicle that has been placed out of service prior to its repair: \$500.00; and
- d. All other violations of motor carrier safety rules adopted under N.D.C.C. § 39-21-46(3): \$50.00.

(7) On a highway on which the speed limit is posted in excess of 65 miles (104.61 kilometers) an hour, for a violation of N.D.C.C. § 39-09-02, or equivalent municipal ordinance, a fee of \$5.00 for each mile per hour over the limit.

(8) For a violation of a school zone speed limit under N.D.C.C. § 39-09-02(1)b or equivalent municipal ordinance, a fee of \$40.00 for one through ten miles per hour over the posted speed; and \$40.00, plus \$1.00 for each additional mile per hour over ten miles per hour over the limit unless a greater fee would be applicable under this section.

(9) For a violation of a highway construction zone speed limit under N.D.C.C. § 39-09-02(2) or equivalent municipal ordinance, a fee of \$80.00 for one through ten miles per hour over the posted speed; and \$80.00, plus \$2.00 for each mile per hour over ten miles per hour over the limit, unless a greater fee would be applicable under this section. The fee in this subsection does not apply to a highway construction zone unless individuals engaged in construction are present at the time and place of the violation and the posted speed limit sign states "Minimum Fee: \$80.00."

(10) For a violation of operating a motor vehicle while not being licensed under section 58-701, a fee of one hundred fifty dollars.

(Code 1993, § 23.80.080; Ord. No. 866, § 1; Ord. No. 1202, § 8; Ord. No. 1352, § 1; Ord. No. 1590, § 9; Ord. No. 1679, § 4; Ord. No. 1723, § 8)

Section 6: Section 58-161 of the City Code of the City of Dickinson is hereby amended and re-enacted as follows:

Sec. 58-161. – Basic rule.

The provisions of N.D.C.C. § 39-09-01, and all subsequent amendments, shall be and are hereby incorporated by reference in this section.

(a) An individual may not drive a vehicle at a speed greater than is reasonable and prudent under the conditions and shall drive with regard to existing and potential hazards.. Consistent with the foregoing, An individual shall drive at a safe and appropriate speed when approaching and crossing an intersection or railroad grade crossing, when approaching and going around a curve, when approaching a hill crest, when traveling upon any narrow or winding roadway, and when special hazards exist with respect to pedestrians, other traffic, weather or highway conditions. Any individual who drives a vehicle upon a highway or private or public property open to the public for the operation

of motor vehicles in violation of the requirements or restrictions of this section is guilty of careless driving and must be assessed a fee of \$100.00.

(b) An individual is guilty of an infraction if the individual violates subsection 1 of this section and;

(1) Causes and inflicts injury on the person of an operator of snow removal equipment engaged in snow removal operations;

(2) Causes and inflicts injury on the person of:

- (a) A first responder acting within their official capacity and displaying a visible flashing, revolving, or rotating blue, white, or red light or hazard warning signal, while stationary on the side of a roadway;
- (b) The operator or occupant of an authorized emergency vehicle acting within their official capacity and displaying a visible flashing, revolving, or rotating blue, white, or red light or hazard warning signal, while stationary on the side of a roadway; or
- (c) An individual assisting another individual displaying a visible hazard warning light while stationary on the side of a roadway.

(3) Causes damage in excess of four thousand dollars to snow removal equipment engaged in snow removal or.

(4) Causes damage in excess of four thousand dollars to an authorized emergency vehicle.

(5) As used in this section, the term "snow removal equipment" means a vehicle that is operated by an individual employed by or on behalf of an authority in charge of the maintenance of the highway to perform winter maintenance snow and ice removal, including plowing, hauling away, salting, and sanding.

(Code 1993, § 23.20.010; Ord. No. 866, § 1)

Section 7: Section 58-258 of the City Code of the City of Dickinson is hereby amended and re-enacted as follows:

Sec. 58-258. – One-way roadways and rotary traffic island.

(a) The Director and local authorities with respect to highways under their respective jurisdictions may designate any highway, roadway, part of a roadway, or specific lanes upon which vehicular traffic shall proceed in one direction at all or such times as shall be indicated by official traffic control devices.

(b) Upon a roadway so designated for one-way traffic, a vehicle shall be driven only in the direction designated at all or at such times as shall be indicated by official traffic control devices.

(c) A vehicle passing around a rotary traffic island must be driven only to the right of such island.

(d) After a vehicle enters a rotary traffic island, the vehicle may exit from any position within the rotary traffic island without giving a signal of intention to exit the rotary traffic island.

Section 8: Repeal of Ordinances in Conflict. All Ordinances and parts of Ordinances in conflict herewith are hereby repealed.

Section 9: Severability. In the event any section of this Ordinance is held invalid by court of competent jurisdiction, the invalidity shall extend only to the section affected, and other sections of this Chapter shall continue in full force and effect.

Section 10: Effective Date: This Ordinance shall be in full force and effect on August 1, 2025.

Scott Decker, President
Board of City Commissioners

ATTEST

Dustin Dassinger, City Administrator

First Reading: _____, 2025

Second Reading: _____, 2025

Final Passage: _____, 2025