

ORDINANCE NO. 2023

AN ORDINANCE AMENDING AND RE-ENACTING SECTIONS 23.68.015, 23.68.020, 23.32.020, 23.36.175 AND ENACTING SECTIONS 23.36.125, 23.68.060, 23.76.170, AND 23.76.015 OF THE MUNICIPAL CODE OF THE CITY OF DICKINSON, NORTH DAKOTA, RELATING TO CHAPTER 23 MOTOR VEHICLES AND TRAFFIC

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

Section 1: Section 23.68.015 of the City Code of the City of Dickinson is hereby amended and re-enacted as follows:

Section 23.68.015 Safety belts required

~~A driver may not operate upon a highway a motor vehicle designed for carrying fewer than eleven passengers, which was originally manufactured with safety belts unless each front seat occupant is wearing a properly adjusted and fastened safety belt subject to the limitations at NDCC 39-21-41.4. A peace officer may not issue a citation for a violation of this section unless the officer lawfully stopped or detained the driver for another violation. Violation of this section is punishable by a fine as set forth in NDCC 39-06.1-06 (2).~~ A driver may not operate upon a highway a motor vehicle designed for carrying fewer than eleven passengers, which was originally manufactured with safety belts unless each front seat occupant is wearing a properly adjusted and fastened safety belt. This section does not apply to a child in a child restraint or safety belt in accordance with NDCC 39-21-41.2; to drivers of implements of husbandry; to operators of farm vehicles as defined in subsection 5 of NDCC 39-04-19; to rural mail carriers while on duty delivering mail; to an occupant with a medical or physically disabling condition that prevents appropriate restraint in a safety belt, if a qualified physician, physician assistant, or advanced practice registered nurse states in a signed writing the nature of the condition and the reason restraint is inappropriate; or when all front seat safety belts are in use by other occupants. A physician, physician assistant, or advanced practice registered nurse who, in good faith, provides a statement that restraint would be inappropriate is not subject to civil liability. A violation for not wearing a safety belt under this section is not, in itself, evidence of negligence. The fact of a violation of this section is not admissible in any proceeding other than one charging the violation.

(Ord. No. 1104, § 1; Ord. No. 1202, § 3; Ord. No.1590, § 5.)

Section 2: Section 23.68.020 of the City Code of the City of Dickinson is hereby amended and re-enacted as follows:

Section 23.68.020 Child restraint devices

- a) ~~If a child, under three years of age, is present in any motor vehicle, that motor vehicle must be equipped with at least one child restraint system for~~

~~each such child. The child restraint system must meet the standards adopted by the United States Department of Transportation for these systems (49 CFR 571.213). While the motor vehicle is in motion, each such child must be properly secured in the child restraint system in accordance with the manufacturer's instructions. While the motor vehicle is moving, each child of three through ten years of age who is in the motor vehicle, must be in an approved child restraint system or buckled in a seatbelt. Use of child restraint systems and seatbelts is not required in motor vehicles that were not equipped with seatbelts when manufactured. If all of the seatbelts are used by other family members in the vehicle, this section does not apply. If a child, under eight years of age, is present in a motor vehicle, that motor vehicle must be equipped with at least one child restraint system for the child. However, a child under the age of eight who is at least fifty-seven inches [1.45 meters] tall is not required to use a child restraint system, but must be correctly buckled in a safety belt. The child restraint system must meet the standards adopted by the United States Department of Transportation for those systems [49 CFR 571.213]. While the motor vehicle is in motion, the child must be properly secured in the child restraint system in accordance with the manufacturer's instructions. While the motor vehicle is moving, each child of eight through seventeen years of age who is in the motor vehicle must be in an approved child restraint system in accordance with the manufacturer's instructions or correctly buckled in a safety belt. Use of child restraint systems and safety belts is not required in motor vehicles that were not equipped with safety belts when manufactured. If a child is being transported in an emergency situation, this section does not apply.~~

- b) Violation of this section is punishable by a fine as set forth in NDCC 39-06.1-06 (2).
- c) Violation of this section is not, in itself, evidence of negligence. The fact of a violation of this section is not admissible in any proceeding other than one charging the violation.
(Ord. No. 917, § 1; Ord. No. 1054, § 1; Ord. No. 1202, § 4; Ord. No. 1590, § 6)

Section 3: Section 23.32.020 of the City Code of the City of Dickinson is hereby amended and re-enacted as follows:

Section 23.32.020 Additional provisions as to stop signs and yield signs

The provisions of North Dakota Century Code, section 39-10-24, and all subsequent amendments, shall be and are hereby incorporated by reference in this section.

- a) Preferential right-of-way may be indicated by stop signs or yield signs.

- b) Except when directed to proceed by a police officer, every driver of a vehicle approaching a stop sign shall stop at a clearly marked stop line, or, if none, at the point of approaching traffic on the intersecting roadway before entering it. After having stopped, the driver shall yield the right-of-way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time when such driver is moving across or within the intersection or junction of roadways and shall yield the right of way to any other vehicle previously stopped for another stop sign at the intersection if the intersection is clear for each driver to proceed.
- c) The driver of a vehicle approaching a yield sign shall, in obedience to such sign, slow down to a speed reasonable for the existing conditions and, if required for safety to stop, shall stop at a clearly marked stop line, or, if none, at a point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering it. After slowing or stopping, the driver shall yield the right-of-way to any vehicle in the intersection or approaching on another roadway so closely as to continue an immediate hazard during the time such driver is moving across or within the intersection or junction of roadways; provided, however, that if a driver is involved in a collision with a vehicle in the intersection or junction or roadways after driving past a yield sign without stopping, such collision shall be deemed prima facie evidence of his failure to yield the right-of-way. (Ord. No. 866, § 1.)

Section 4: Section 23.36.175 of the City Code of the City of Dickinson is hereby amended and re-enacted as follows:

Section 23.36.175 Closing road because of hazardous conditions –Posting of official traffic-control devices- Entering closed road prohibited.

The provisions of North Dakota Century Code, section 39-10-21.1, and all subsequent amendments, shall and are hereby incorporated by reference in this section.

1. ~~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.~~

1. The highway patrol or local law enforcement authorities having jurisdiction over a road may close a road temporarily due to hazardous conditions for the protection and safety of the public. If a closing is made, the authority ordering the closing 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. If a road closure under subsection 1 has been announced to the public, an individual may not drive on the road.

3. Violation of this section is punishable by a fine as set forth in NDCC 39-06.1-06(2)(g).

(Ord. No. 1590, § 3.)

Section 5: The Table of Contents for Article 23.36 of the City Code of the City of Dickinson is hereby amended and re-enacted as follows:

Article 23.36 Miscellaneous Driving Rules

Sections:

23.36.010 Driver not to obstruct intersection or crosswalk

23.36.020 Driving through funeral or other procession

23.36.030 Processions--Generally

23.36.040 Same--Funeral processions to be identified

23.36.050 Same--When permits required

23.36.060 Vehicles to be driven on right side of roadway; exceptions

23.36.070 Passing vehicles proceeding in opposite directions

23.36.080 Overtaking vehicle on left generally

23.36.090 When overtaking on right is permitted

23.36.100 Limitations on overtaking on left

23.36.110 Further limitations on driving on left of center of roadway

23.36.120 No-passing zones

23.36.125 One-way roadways and rotary traffic islands

23.36.130 Driving on roadways laned for traffic

23.36.140 Following too closely

23.36.150 Driving on divided highways

23.36.160 Entering or leaving restricted-access highways

23.36.170 Restrictions on use of controlled-access roadways

23.36.175 Closing road because of hazardous conditions – Posting of official traffic control devices – Entering closed road prohibited

23.36.180 Vehicle entering roadway

23.36.190 Vehicle approaching or entering intersection

23.36.200 Overtaking and passing school bus

23.36.210 Unattended motor vehicle

23.36.220 Limitations on backing

23.36.230 Obstruction of driver's view or driving mechanism

23.36.240 Opening and closing vehicle doors

23.36.250 Coasting prohibited

23.36.260 Following fire apparatus prohibited

23.36.270 Crossing fire hose

23.36.280 Garbage, glass, etc., on highways prohibited

23.36.290 Driving through safety zone prohibited

23.36.300 Moving heavy equipment at railroad grade crossings

23.36.310 Alteration of odometers, hour meters, etc. 2

23.36.320 Open bottle law; penalty

23.36.330 Permitting unauthorized minor to drive

23.36.340 Permitting unauthorized person to drive

23.36.350 Use of a wireless communications device prohibited

23.36.360 Use of an electronic communication device by minor prohibited

Section 6: Section 23.36.125 of the City Code of the City of Dickinson is hereby enacted as follows:

23.36.125 One-way roadways and rotary traffic islands.

1. 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.
2. 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.
3. A vehicle passing around a rotary traffic island must be driven only to the right of such island.
4. After a vehicle enters a rotary traffic island, the vehicle may not exit from any position within the rotary traffic island without first giving a signal of intention to exit the rotary traffic island.

Section 7: The Table of Contents for Article 23.68 of the City Code of the City of Dickinson is hereby amended and re-enacted as follows:

Article 23.68 Equipment of Vehicles

Sections: 23.68.010 Vehicles other than motorcycles

23.68.015 Safety belts required

23.68.020 Child restraint devices

23.68.030 Equipment requirements--Penalty

23.68.040 Motorcycle equipment

23.68.050 When lighted lamps are required; penalty

23.68.060 Windshield – must be unobstructed and equipped with wipers – tinted windows

Section 8: Section 23.68.060 of the City Code of the City of Dickinson is hereby enacted as follows:

23.68.060 Windshield - must be unobstructed and equipped with wipers - tinted windows.

1. 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.

2. 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.
3. The windshield wiper upon a motor vehicle must be maintained in good working order.
4. 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 seventy percent or the object, material, or tinting in conjunction with a window other than the windshield upon which it is displayed, affixed, or applied has a light transmittance of at least fifty percent.
5. 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 NDCC 39-21-38.
6. Subsection 4 does not apply to nonreflective sunscreening or window tinting material above the AS-1 line or within the top five inches [12.7 centimeters] of the windshield.
7. A windshield may not be shattered or in such a defective condition that the windshield materially impairs or obstructs the driver's clear view.

Section 9: The Table of Contents for Article 23.76 of the City Code of the City of Dickinson is hereby amended and re-enacted as follows:

Article 23.76 Criminal Traffic Violations

Sections:

23.76.010 Persons under the influence of intoxicating liquor or any other drugs or substances not to operate vehicle—Penalty

23.76.015 Bicycling or riding an animal while under the influence of alcohol or drug- penalty.

23.76.020 Reckless driving

23.76.030 Accidents involving damage to vehicle

23.76.040 Duty upon striking fixtures or other property

23.76.050 Penalty for driving while license suspended or revoked

23.76.060 Violations involving operation of snowmobiles

23.76.070 Violations involving operation of off-highway vehicles

23.76.080 Harassment of domestic animals

23.76.090 Operation of motor vehicle, etc., prohibited on flood protective works

23.76.100 Operator's license--Driving without
23.76.110 Same--To be carried and exhibited on demand
23.76.120 Violations of motor vehicle registration provisions; penalties
23.76.125 Failure to register upon gainful employment
23.76.130 Display of number plates and tabs
23.76.140 Driving without liability insurance--Penalty
23.76.150 Driving as permitted by class of license
23.76.160 Weighing
23.76.170 Registration to be carried in or on vehicle – inspection - penalty

Section 10: Section 23.76.170 of the City Code of the City of Dickinson is hereby enacted as follows:

Section 23.76.170 Registration to be carried in or on vehicle - inspection - penalty.

The registration issued for a vehicle must be in the driver's vehicle or on an electronic device in the possession of the driver or, in the case of a housetrailer or mobile home or a trailer or semitrailer, regardless of when such vehicle was acquired, inside or on the vehicle, at all times while the vehicle is being operated upon a highway in this state. The registration is subject to inspection by any peace officer or highway patrol officer. Upon request of an inspection by any peace officer or highway patrol officer, a driver may produce either a registration card or electronic registration as provided by the department. An electronic registration must be designed so that there is no need for the registration holder to relinquish possession of the device, in which the electronic registration is installed, to present the registration, or for the individual to whom the registration is presented to access the verification system to confirm the validity of the registration. Any person violating this section must be assessed a fee of twenty dollars. However, a person cited for violation of this section may not be found to have committed the violation if the person, within fourteen days after being cited produces and displays to the office of the prosecutor where the matter is pending, a registration valid at the time the person was cited. A peace officer or highway patrol officer, upon citing a person for violating this section, shall inform the person that a violation will be considered as not having occurred if the person produces and displays a valid registration in the manner provided in this section.

Section 11: Section 23.76.015 of the City Code of the City of Dickinson is hereby enacted as follows:

Section 23.76.015 Bicycling or riding an animal while under the influence of alcohol or drug- penalty.

An individual operating a bicycle or riding an animal on a roadway, or an area the public has access to, may not be under the influence of alcohol or any drug to a degree which renders the individual a hazard to themselves or the general public.

An individual who violates this section must be assessed a fee of two hundred dollars.

Section 12: Repeal of Ordinances in Conflict. All Ordinances and parts of Ordinances in conflict herewith are hereby repealed.

Section 13: 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 14: Effective Date: This Ordinance shall be in full force and effect from and after final passage.

Scott Decker, President
Board of City Commissioners

ATTEST

Dustin Dassinger, City Administrator

First Reading:
Second Reading:
Final Passage: