

ORDINANCE NO. 5690

AN ORDINANCE AMENDING CHAPTER 20 (MOTOR VEHICLES AND TRAFFIC), ARTICLE II (SUBSTANTIVE OFFENSES), DIVISION 1 – MOVING OFFENSES, SECTION 20-6 OF THE CODE OF ORDINANCES, MINOT, NORTH DAKOTA RELATING TO TRAFFIC FINES.

WHEREAS, the City of Minot has adopted a home rule charter in accordance with Chapter 40-05.1 of the North Dakota Century Code; and

WHEREAS, Section 40-05.1-06 of the North Dakota Century Code provides that the City shall have the right to implement home rule powers by ordinance; and

WHEREAS, Section 40-05.1-05 of the North Dakota Century Code provides that said home rule charter and any ordinances made pursuant thereto shall supersede state laws in conflict therewith and shall be liberally construed for such purposes; and

WHEREAS, Section 40-05-06(2) of the North Dakota Century Code provides that for every violation of a city ordinance that regulates the operation or equipment of a motor vehicle or which regulates traffic, except those ordinances listed in section 39-06.1-05, a fee may be established, by ordinance, which may exceed by up to one hundred percent, the limit for an equivalent category of violation set forth in section 39-06.1-06; and

WHEREAS the Minot City Council deems it necessary and appropriate to implement such authority by adopting this ordinance;

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MINOT:

§1. That Section 20-6(a) of Article II, Chapter 20 of the Code of Ordinances, Minot, North Dakota, relating to the classification of ordinance violations is hereby amended to read as follows:

Sec. 20-6. Offenses defined; penalties provided.

(a) The following sections of Title 39 of the N.D.C.C. are hereby adopted by reference thereto to the same extent as though set forth fully hereafter except as modified hereafter in this chapter. (A citation to a section of Title 39 refers to all subsections thereof as well, if any. However, if only certain subsections of a section are identified hereafter, then the omitted subsections are deliberately omitted and not adopted by reference, except to the extent that section 20-51 of this Code or section 20-56 of this Code may accomplish such adoption by reference.) The penalty for each state statute which is hereby adopted by reference shall be the same penalty as prescribed by state law unless indicated otherwise by including a different fine in brackets following the description of the violation.

- (1) 39-04-11 (Display of number plates and tabs). [\$40]
- (2) 39-04-18(1) (Registration required and display of plates).
- (3) 39-04-37 (Violations of registration provisions). [\$40 for a violation of 39-04-37(1)]
- (4) 39-04-55 (Registration card to be carried in or on vehicle). [\$40]
- (4.1)39-05-02.1 (Certificate of title required).

- (5) 39-06-01(1) (Operator must be licensed). [\$40]
- (5.1) 39-06-04 (Instruction permit).
- (6) 39-06-14 (Driving vehicle not permitted by license). [\$40]
- (7) 39-06-16 (License to be carried and exhibited on demand). [\$40]
- (8) 39-06-17 (Restricted licenses). [\$40 for a violation of subsection 4 of 39-06-17]
- (9) 39-06-38 (No operation under foreign license while under suspension or revocation in the state).
- (10) 39-06-40 (Unlawful use of license).
- (11) 39-06-40.1 (Reproducing operator's license or permit).
- (12) 39-06-42(1)—(5), all inclusive (Driving while license is suspended or revoked).
- (13) 39-06-44 (Permitting unauthorized minor to drive). [\$40]
- (14) 39-06-45 (Permitting unauthorized person to drive). [\$40]
- (15) 39-06.1-04 (Failure to appear, pay statutory fee, post bond).
- (16) 39-07-08 (Failure to appear at hearing).
- (17) 39-07-12 (Garages to report damages to vehicles).
- (18) 39-08-01(1)—(7), all inclusive (Persons under the influence).
- (19) 39-08-03 (Reckless driving).
- (20) 39-08-03.1 (Exhibition driving and drag racing).
- (21) Repealed.
- (22) 39-08-05 (Accidents involving damage to vehicle).
- (23) 39-08-06 (Duty to give information and render aid).
- (24) Repealed.
- (25) 39-08-08 (Duty upon striking fixtures upon a highway).
- (26) 39-08-09 (1) (Immediate notice and written report of accident).
- (27) 39-08-11 (Other persons obligated to report accidents).
- (28) 39-08-18 (Open container law).
- (29) 39-08-19 (Harassment of domestic animals).
- (29.1) 39-08-20 (Driving without liability insurance). [\$300 – 1st offense][\$600 – for a 2nd or subsequent violation in three years]
- (29.2) 39-08-23 (Use of wireless communications device prohibited). [\$200]
- (29.3) 39-08-24 (Use of an electronic communication device by minor prohibited). [\$40]
- (29.4) 39-08-25 (Failure to maintain control). [\$200]
- (30) 39-09-01 (Basic rule). [\$60]

- (31) 39-09-01.1 (Care required in operating vehicle). [\$60]
- (32) 39-09-02 (Speed limitations). [For a violation of Ordinance No. 20-6(a)(32), a fee established as follows:]

<u>SPEED ZONES 55 MPH OR LESS:</u>	
1-5 miles over limit	\$10.00
6-10 miles over limit	\$10.00 plus \$2.00/each mph over 5 mph over limit
11-15 miles over limit	\$20.00 plus \$2.00/each mph over 10 mph over limit
16-20 miles over limit	\$30.00 plus \$4.00/each mph over 15 mph over limit
21-25 miles over limit	\$50.00 plus \$6.00/each mph over 20 mph over limit
26-35 miles over limit	\$80.00 plus \$6.00/each mph over 25 mph over limit
36-45 miles over limit	\$140.00 plus \$6.00/each mph over 35 mph over limit
46+ miles over limit	\$200.00 plus \$10.00/each mph over 45 mph over limit
<u>SPEED ZONES GREATER THAN 55 but less than 70 MPH:</u>	
1-10 miles over limit	\$4.00/each mph over limit
11-15 miles over limit	\$40.00 plus \$10.00/each mph over 10 mph over limit
16-20 miles over limit	\$90.00 plus \$10.00/each mph over 15 mph over limit
21-25 miles over limit	\$140.00 plus \$10.00/each mph over 20 mph over limit
26-35 miles over limit	\$190.00 plus \$10.00/each mph over 25 mph over limit
36-45 miles over limit	\$290.00 plus \$10.00/each mph over 35 mph over limit
46+ mph over limit	\$390.00 plus \$10.00/each mph over 45 mph over limit
<u>SPEEDING IN SCHOOL ZONE with children present:</u>	
1-10 miles over limit	\$80.00
11+ miles over limit	\$80.00 plus \$2.00/each mph over 10 mph over limit
<u>SPEEDING IN CONSTRUCTION ZONE – workers present and posted</u>	
<u>“minimum fee \$80.00”</u>	
1-10 miles over limit	\$160.00
11+ miles over limit	\$160.00 plus \$4.00/each mph over 10 mph over limit

- (33) 39-09-09 (Minimum speed limits). [\$40]
- (34) 39-10-02 (Obedience to police officer or fireman). [\$40]
- (35) 39-10-04 (Obedience to traffic-control devices). [\$40]
- (36) 39-10-05 (Traffic-control signal legend). [\$40] (Failure to Yield to Pedestrian at Lighted Traffic-Controlled Intersection) [\$100]
- (37) 39-10-06 (Pedestrian-control signals). [\$40]
- (38) 39-10-07 (Flashing signals). [\$40]
- (39) 39-10-07.2 (Display of unauthorized signs, signals or markings). [\$40]
- (40) 39-10-07.3 (Interference with traffic-control device or railroad sign or signal). [\$40]
- (41) 39-10-08 (Driving on right side of roadways). [\$40]
- (42) 39-10-09 (Passing vehicles proceeding in opposite direction). [\$40]

- (43) 39-10-11 (Overtaking a vehicle on the left). [\$40]
- (44) 39-10-12 (When overtaking on the right is permitted). [\$40]
- (45) 39-10-13 (Limitations on overtaking on the left). [\$40]
- (46) 39-10-14 (Further limitations on driving to left of center of roadway). [\$40]
- (47) 39-10-15(2) and (3) (No passing zones). [\$40]
- (48) 39-10-16(2) and (3) (One-way roadways; rotary traffic islands). [\$40]
- (49) 39-10-17(1) and (3) (Driving on roadways laned for traffic). [\$40]
- (50) 39-10-18 (Following too closely). [\$40]
- (51) 39-10-19 (Driving on divided highways). [\$40]
- (52) 39-10-20 (Restricted access). [\$40]
- (53) 39-10-22 (Vehicles at intersections). [\$40]
- (54) 39-10-23 (Vehicles turning left at intersections). [\$40]
- (55) 39-10-24(2) and (3) (Stop signs and yield signs). [\$80]
- (56) 39-10-25 (Vehicles entering roadway). [\$40]
- (57) 39-10-26(1), ~~and (2)~~, or (3) (Operation of vehicles on approach of authorized emergency vehicles). [\$100]
- (58) 39-10-26.1 (Highway construction and maintenance). [\$40]
- (59) 39-10-27 (Pedestrians subject to traffic regulations). [\$40]
- (60) 39-10-28(1) (Pedestrians' right-of-way in crosswalks). [\$100]
- (61) 39-10-29 (1), (3) and (4) (Crossing at other than crosswalks). [\$40]
- (62) 39-10-30 (Drivers to exercise due care). [\$40]
- (63) 39-10-33 (Pedestrians on roadways). [\$40]
- (64) 39-10-33.1 (Pedestrians right-of-way on sidewalks). [\$40]
- (65) 39-10-33.2 (Pedestrians yield to authorized emergency vehicles). [\$40]
- (66) 39-10-33.3 (Blind pedestrians right-of-way). [\$40]
- (67) 39-10-33.4 (Pedestrians under the influence of alcohol or drugs). [\$40]
- (68) 39-10-33.5 (Bridge and railroad signals). [\$40]
- (69) 39-10-34 (Pedestrians soliciting rides or business). [\$40]
- (70) 39-10-35 (1) and (2) (Required position and method of turning at intersections). [\$40]
- (71) 39-10-36 (Limitations on turning around). [\$40]
- (72) 39-10-37 (Starting parked vehicles). [\$40]
- (73) 39-10-38 (Turning movements and required signals). [\$40]
- (74) 39-10-41 (Obedience to signal indicating approach of train). [\$100]

- (75) 39-10-43 (Certain vehicles must stop at all railroad grade crossings). [\$40]
- (76) 39-10-45 (Emerging from alley, driveway, or building). [\$40]
- (77) 39-10-46 (Overtaking and passing school bus). [\$200]
- (78) 39-10-49 (1), (2), (3), (4), (5), (6), (7), (11) and (12) (Stopping, standing, or parking prohibited in specified places). [\$40]
- (79) 39-10-50 (1), (2), and (4) (Additional parking regulations). [\$40]
- (80) 39-10-51 (Unattended motor vehicle). [\$40]
- (81) 39-10-52 (Limitations on backing). [\$40]
- (82) Except as provided in section 28-39, 39-10-52.1 (Driving upon sidewalk). [\$40]
- (83) 39-10-54 (Obstruction to driver's view or driving mechanism). [\$40]
- (84) 39-10-54.1 (Opening and closing vehicle doors). [\$40]
- (85) 39-10-56 (Coasting prohibited). [\$40]
- (86) 39-10-57 (Following fire apparatus prohibited). [\$40]
- (87) 39-10-58 (Crossing fire hose). [\$40]
- (88) 39-10-59 (Garbage, glass, etc., on highways prohibited). [\$1000]
- (89) 39-10-64 (Driving through safety zone prohibited). [\$40]
- (90) 39-10-65 (Operating vehicle upon flood protection works).
- (91) 39-10-68 (Stop when traffic obstructed). [\$40]
- (92) Repealed.
- (93) 39-10.1-03 (Riding on bicycles).
- (94) 39-10.1-04 (Clinging to vehicles).
- (95) 39-10.1-05 (Riding on roadways and bicycle paths).
- (96) 39-10.1-06 (Carrying articles).
- (97) 39-10.1-07 (Lamps and other equipment on bicycles).
- (98) 39-10.1-07.1 (Motorized bicycle—Age of operator).
- (99) 39-10.2-02 (Riding on motorcycles). [\$40]
- (100) 39-10.2-03 (Operating motorcycle on roadway laned for traffic). [\$40]
- (101) 39-10.2-04 (Clinging to other vehicles). [\$40]
- (102) 39-10.2-05 (Footrests). [\$40]
- (103) 39-10.2-06 (Equipment for motorcycle riders). [\$40]
- (104) 39-12-04 (Width, height and length limitations on vehicles). [\$40]
- (105) 39-12-06 (First sentence only) (Limitations on load over-hang). [\$40]
- (106) 39-13-05 (Injuring signs prohibited).

- (107) ~~39-16-30 (Operating while under suspension or revocation). Repealed.~~
- (108) ~~39-16.1-21 (Operating under suspension or revocation). Repealed.~~
- (109) 39-21-01 (When lighted lamps are required). [\$40]
- (110) 39-21-03 (Headlamps on motor vehicles). [\$40]
- (111) 39-21-04 (Tail lamps). [\$40]
- (112) 39-21-05 (New motor vehicles to be equipped with reflectors). [\$40]
- (113) 39-21-06 (Stop lamps and turn signals required on new motor vehicles). [\$40]
- (114) 39-21-06.1 (Defective backup lamps). [\$40]
- (115) 39-21-08 (Bus, truck, trailer lights and reflectors). [\$40]
- (116) 39-21-13 (Lamp or flag on projecting load). [\$40]
- (117) 39-21-15 (Farm equipment lights, reflectors). [\$40]
- (118) 39-21-16 (Lamps on other vehicles and equipment). [\$40]
- (119) 39-21-19 (Signal lamps and signal devices). [\$40]
- (120) 39-21-21 (Use of multiple-beam road-lighting equipment). [\$40]
- (121) 39-21-25 (Number of driving lamps required or permitted). [\$40]
- (122) 39-21-26 (Special restrictions on lamps). [\$40]
- (123) 39-21-32 (Brake equipment required). [\$40]
- (124) 39-21-33 (Maintenance of brakes). [\$40]
- (125) 39-21-36(1) (Horns and warning devices). [\$40]
- (126) 39-21-37 (Mufflers, prevention of noise). [\$40]
- (127) 39-21-38 (Mirrors). [\$40]
- (128) 39-21-39 (Windshields must be unobstructed and equipped with wipers). [\$40]
- (129) 39-21-40 (Restrictions as to tire equipment). [\$40]
- (129.1) 39-21-41.2 (Child-restraint devices). [\$50]
- (129.2) 39-21-41.4 (Use of safety belts required in certain motor vehicles' enforcement). [\$40]
- (130) 39-21-44 (Vehicles transporting explosives). [\$500]
- (131) 39-21-44.1 (Vehicles to be constructed to prevent sifting or leaking loads). [\$40]
- (132) 39-21-44.2 (Drawbar precautions required). [\$40]
- (133) 39-21-45.1 (Modification of motor vehicles). [\$40]
- (134) 39-21-46(1) (Scope and effect of regulations—Penalty).
- (135) 39-24-02 (Snowmobile registration). [\$100]

- (136) 39-24-09 (Rules for operation of snowmobiles). [\$40 for violations of 39-24-09(1)-(3),(6),(10); \$200 for a violation of 39-24-09(12)]
 - (137) 39-24-09.1 (Operation by persons under age sixteen).
 - (138) 39-26-03 (Abandoning a motor vehicle).
 - (139) 39-27-03 (Frame-chassis requirements). [\$40]
 - (140) 39-27-04 (Brakes). [\$40]
 - (141) 39-27-05 (Tires, wheels and rims). [\$40]
 - (142) 39-27-06 (Steering and suspension system). [\$40]
 - (143) 39-27-08 (Exhaust system—Prevention of noise). [\$40]
 - (144) 39-27-09 (Mirror). [\$40]
 - (145) 39-27-10 (Fenders). [\$40]
 - (146) 39-27-11 (Seat or saddle). [\$40]
 - (147) 39-27-12 (Chain guard). [\$40]
 - (148) 39-27-13 (Vehicle stand). [\$40]
 - (149) 39-27-14 (Glazing). [\$40]
 - (150) 39-27-15 (Horn). [\$40]
 - (151) 39-27-16 (Speedometer and odometer). [\$40]
 - (152) 39-27-17 (Lighting equipment). [\$40]
 - (153) 39-27-17.1 (Lighting equipment on motor-driven cycles). [\$40]
 - (154) 39-27-18 (Passenger seat). [\$40]
 - (155) 39-27-20 (Footrests). [\$40]
 - (156) 39-27-21 (Highway bars). [\$40]
 - (157) 39-29-02 (All terrain vehicle registration).
 - (158) 39-29-09 (Operation of all-terrain vehicles).
 - (159) 39-29-10 (Operating of all-terrain vehicles by persons under age sixteen).
- (b) Title 39 of the North Dakota Century Code referred to above means Title 39 as amended from time to time by the Legislative Assembly of the State of North Dakota.
- (c) Subsections (1) and (2) of the N.D.C.C. 39-10-50 which are adopted by reference above shall be construed as though they read as follows:
- (1) Except where angle parking is required, every vehicle parked upon a two-way street shall be stopped or parked in the direction of authorized traffic movement with the right-hand wheels of such vehicle parallel to and within twelve (12) inches to the left of the right-hand curb or as close as practicable to the right edge of the right-hand shoulder.

- (2) Except where angle parking is required, every vehicle parked up a one-way street shall be parked parallel to the curb or edge of the roadway in the direction of authorized traffic movement (a) with its right-hand wheels within twelve (12) inches to the left of the right-hand curb or as close as practicable to the right edge of the right-hand shoulder or with its left-hand wheels within twelve (12) inches to the right of the left-hand curb or as close as practicable to the left edge of the left-hand shoulder and (b) with at least ten (10) feet of unobstructed space within the roadway to its side.

§2. This Ordinance shall become effective on January 1, 2022.

PASSED FIRST READING: December 20, 2021

PASSED SECOND READING: January 3, 2022

ATTEST:

APPROVED:

Mikayla McWilliams, City Clerk

Shaun Sipma, Mayor