



ORDINANCE NO. ____

AN ORDINANCE AMENDING SECTION 20-6(a)(32) (SPEED LIMITATIONS), DIVISION 1 (MOVING OFFENSES), ARTICLE II (SUBSTANTIVE OFFENSES), AND SECTION 20-52 (WHEN SIGN POSTING REQUIRED BEFORE ENFORCEMENT PERMITTED), ARTICLE III (RULES OF CONSTRUCTION, TRIAL PROCEDURE AND EVIDENCE), CHAPTER 20 (MOTOR VEHICLES AND TRAFFIC) OF THE CITY OF MINOT CODE OF ORDINANCES TO CONFIRM SPEED LIMITS FOR STREETS, AVENUES, AND ALLEYS AND WHEN SIGN POSTING IS REQUIRED FOR ENFORCEMENT.

WHEREAS, the City of Minot is a political subdivision lawfully recognized in the state of North Dakota as a home rule city and has adopted a home rule charter in accordance with North Dakota Century Code (NDCC) § 40-05.1; and

WHEREAS, NDCC § 40-05.1-06 provides that the City shall have the power to implement home rule powers by ordinance, including the power to enact ordinances regarding streets, sidewalks, and public grounds within city limits; and

WHEREAS, NDCC § 40-05.1-05 provides that a ratified 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, the City of Minot now desires to modify its ordinances relating to speed limits on various streets and alleys in the City; and

WHEREAS, the City of Minot also desires to modify its ordinances relating to when sign posting is required before enforcement is permitted; and

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

§1. That Section 20-6(a)(32) of Division 1 (Moving Offenses), Article II (Substantive Offenses), Chapter 20 (Motor Vehicles and Traffic), Code of Ordinances, City of Minot, North Dakota, is hereby amended to read as follows:

(32) 39-09-02 (Speed Limitations).

(1) It shall be unlawful for the driver of a vehicle to drive the same at a speed exceeding the following on a street, avenue, or alley, except in instances where a different speed is specified in ordinance, by the laws of this state, or as established from time to time pursuant to Sec. 20-2(a) and Sec. 20-2(b) of this Chapter:

a. Twenty-five (25) miles per hour on all streets and avenues of this city, except that on streets and avenues where signs are in place giving notice thereof, it shall be lawful to drive at the speed therein posted.

b. Fifteen (15) miles per hour in an alley. For the purposes of Section 20-6(a)(32), an alley is defined as a street or avenue that is a narrow passageway between buildings or behind yards or is a street or avenue designated an alley by the City of Minot Engineer or his designee.

c. For a violation of Ordinance No. 20-6(a)(32), a fee is hereby established as follows:

SPEED ZONES 55 MPH OR LESS:	
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
SPEED ZONES GREATER THAN 55 but less than 70 MPH:	
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
SPEEDING IN SCHOOL ZONE with children present:	
1-10 miles over limit	\$80.00
11+ miles over limit	\$80.00 plus \$2.00/each mph over 10 mph over limit
SPEEDING IN CONSTRUCTION ZONE - workers present and posted "minimum fee \$80.00":	
1-10 miles over limit	\$160.00
11+ miles over limit	\$160.00 plus \$4.00/each mph over 10 mph over limit

§2. That Section 20-52 (When sign posting required before enforcement permitted), Article III (Rules of Construction, Trial Procedure and Evidence) of Chapter 20 (Motor Vehicles and Traffic) of the Code of Ordinances, City of Minot, North Dakota, is hereby amended to read as follows:

Sec. 20-52. – When sign posting required before enforcement permitted.

No restriction in this chapter pertaining to speed limits, restrictions on parking, traffic-control devices (other than crosswalks, pedestrian safety zones, and lane markings), weight limitations, or limitations with respect to the types of vehicles permitted upon certain streets, shall be enforced until there shall have been erected the traffic-control device itself or a sign post so designed and located that it gives a warning to the reasonably observant person of common intelligence of the nature of the restriction to be enforced, provided that, however, the restriction on U-turns within the Central Business District shall apply without sign posting or without the erection of a traffic-control device prohibiting U-turns. Likewise, section 20-6(a)(32) and section 20-22 shall be enforced without prior posting of signs. The specific posting provisions of section 20-24.2(b) shall govern over the foregoing more general provisions of this section.

§3. This Ordinance shall become effective upon final passage and approval.

PASSED FIRST READING: _____

PASSED SECOND READING: _____

ATTEST:

APPROVED:

Mikayla McWilliams, City Clerk

Thomas Ross, Mayor