

ORDINANCE NO. 2022-003

AN ORDINANCE AMENDING AND RE-ENACTING CHAPTERS IV & V OF THE CITY CODE OF THE CITY OF KILLDEER RELATING TO POLICE AND TRAFFIC.

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF KILLDEER, NORTH DAKOTA, AS FOLLOWS:

Section 1: CHAPTER IV, Article 1, entitled "POLICE DEPARTMENT, ORGANIZATION AND REGULATIONS" is hereby amended and re-enacted as follows:

4.0101 ESTABLISHMENT

The police department heretofore created for the city of Killdeer and by the chapter continued shall consist of the chief of police and as many officers as may be authorized by the governing body.

4.0102 ADDITIONAL OFFICERS - EMERGENCY .

In case of riot or unusual or general disturbances of the peace, the chief of police shall have power to appoint such other and additional as he may deem necessary for the preservation of the public peace.

4.0103 DUTIES OF CHIEF

The chief of police shall be the keeper of the city jail and shall have custody of all persons incarcerated therein. He/she shall keep such records and make such reports concerning the activities of the department as may be required by statute or by the governing body. The chief shall be responsible for the performance by the police department, of its functions, and all persons who are members of the police department shall serve subject to the orders of the chief of police.

4.0104 DUTIES OF POLICE

It shall be the duty of the police department, and each and every member of the police force, to notice and diligently inquire into and report to the chief of police all violations of the city ordinances, violations of the criminal laws of the state and breaches of the peace, and to make complaint against the person or persons guilty thereof, and to attend punctually on all trials of offenses in regard to which complaint has been made by any policeman.

4.0105 RULES AND REGULATIONS

The chief of the police department may make or prescribe such rules and regulations as he/she shall deem advisable; such rules, when approved by the governing body, shall be binding on such members. Such rules and regulations may cover, besides the conduct of the members, uniforms and equipment to be worn or carried, hours of services, vacations, and all other similar matters necessary or desirable for the better efficiency of the department.

Section 2: CHAPTER IV, Article 2, entitled "POLICE DEPARTMENT, POWERS AND DUTIES" is hereby amended and re-enacted as follows:

4.0201 MONEY OR PROPERTY OF ARRESTED PERSONS

It shall be the duty of the police department, and of each and every member of the police force, to safely keep all moneys or property which may be found on the person, in possession of, or claimed by, any person arrested for crime, and pay or deliver over the same by the order of the judge, and forthwith after taking the same, to report in writing the kind and amount thereof, to the judge.

4.0202 ARRESTED PERSONS

Any police officer after making any arrest, with or without a warrant, for any violation of city ordinances, shall take the person or persons so arrested, without any unreasonable delay, before the judge, to be dealt with according to law and the ordinances of the city.

4.0203 STOLEN, ABANDONED, LOST PROPERTY

The chief of police shall have the custody of all lost, abandoned or stolen property recovered in the city.

Section 3: CHAPTER IV, Article 3, entitled "MISCELLANEOUS" is hereby amended and re-enacted as follows:

ARTICLE III
MISCELLANEOUS

4.0301 FALSE ALARMS - INTERFERENCE

No person shall give or cause to be given, or make, or place or cause to be given, any false report, call, or communication of any kind to the police, or any false police alarm with intent to deceive; or tamper with or set off any police alarm or signal box with like intent; or tamper, meddle, or interfere with any such police alarm box; or intentionally cut, break, deface or remove any such box, or any of the wires or supports thereof, connected with the police alarm system; or intentionally interfere with or injure any property of any kind belonging to or used by the police department; or hinder or delay any apparatus or equipment or vehicle belonging to the police department.

4.0302 RIGHT-OF-WAY

Any motor vehicle or motorcycle of the police department shall, when going to or returning on business of the department, have the right-of-way upon giving an audible signal by bell, siren, exhaust whistle, or red flashing light. The driver of any other vehicle shall drive to the nearest right-hand curb or edge of the road, stop and remain until the police vehicle shall have passed.

Section 4: CHAPTER V, Article 1, entitled "TRAFFIC - ENFORCEMENT" is hereby amended and re-enacted as follows:

5.0101 DEFINITIONS

Words and phrases used in this Chapter shall have the meanings and be defined as provided in the North Dakota Century Code in Title 39, in force on the date of adoption hereof.

5.0102 AUTHORITY OF POLICE AND FIRE OFFICIALS

It shall be the duty of the officers of the police department, or such officers as are assigned by the chief of police to enforce all street traffic laws of the city and all of the state vehicle laws applicable to street traffic in this city.

Officers of the police department or such officers as are assigned by the chief of police are hereby authorized to direct all traffic by voice, hand, or signal in conformance with traffic laws, provided that, in the event of a fire or other emergency or to expedite traffic or to safeguard pedestrians, officers of the police department may direct traffic as conditions may require notwithstanding the provisions of the traffic laws.

Officers of the fire department, when at the scene of a fire, may direct or assist the police in directing traffic thereat or in the immediate vicinity.

5.0103 OBEDIENCE TO TRAFFIC RULES

It shall be unlawful for any person to do any act forbidden or fail to perform any act required by the provisions of this Chapter, and upon conviction of a violation of any of the provisions of this Chapter every person, firm or corporation shall be punished as hereinafter provided.

5.0104 OBEDIENCE TO OFFICIALS

No person shall willfully fail or refuse to comply with any lawful order or direction of a police officer or fire department official.

5.0105 ADOPTION OF NORTH DAKOTA CENTURY CODE TRAFFIC PROVISIONS

The city of Killdeer hereby adopts by reference all laws applicable to traffic set forth in Title 39 of the North Dakota Century Code in force on the date of adoption hereof to include all revisions hereto.

5.0106 ACCIDENTS - DUTY TO REPORT

The driver of any vehicle involved in an accident resulting in injury or death to any person or property damage shall as promptly as possible and within 24 hours, report in writing such accident to the police department, or furnish a copy of any report he/she is required to forward to the State. The provisions of this section shall not apply when the accident has been investigated at the scene by a police officer while such driver was present. Whenever the driver of a vehicle is physically incapable of giving immediate notice of an accident as required in this section, he/she shall be excused during the period of such incapacity. If there was another occupant in the vehicle at the time of the accident capable of doing so, such occupant shall give or cause to be given the notice not given by the driver.

5.0107 ACCIDENTS - REPORTS CONFIDENTIAL

All written accident reports made by drivers, owners, or occupants of vehicles involved in accidents as required in Section 5.0106 shall be

without prejudice to the individual so reporting and shall be for the confidential use of the police department or other governmental agencies having use for the records for accident prevention purposes, except that the police department may disclose the identity of a person involved in an accident when such identity is not otherwise known or when such person denies his/her presence at such accident. No such report shall be used as evidence in any trial, civil or criminal, arising out of an accident except that the department shall furnish upon demand of any person who has, or claims to have, made such a report or upon demand of any court, a certificate showing that a specified accident report has or has not been made to the police department solely to provide a compliance or a failure to comply with the requirements that such a report be made to the police department. Provided, that a law enforcement officer investigating an accident may testify regarding the accident in the same manner as any other witness, despite his/her having made a report thereon, and the principal report itself being inadmissible in evidence.

Section 5: CHAPTER V, Article 2, entitled "TRAFFIC CONTROL DEVICES" is hereby amended and re-enacted as follows:

5.0201 AUTHORITY TO INSTALL

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 he/she may deem necessary to regulate traffic under the traffic ordinances of this city or under state law, or to guide or warn traffic.

5.0202 SPECIFICATIONS FOR

All traffic control signs, signals, and devices shall conform to the specifications approved by the state of North Dakota. All signs and signals required hereunder for a particular purpose shall so far as practicable be uniform as to type and location throughout the city. All traffic control devices so erected and not inconsistent with the provisions of state law or this article shall be official traffic control devices.

5.0203 OBEDIENCE TO

The driver of any vehicle shall obey the instructions of any official traffic control device applicable thereto placed in accordance with the traffic ordinances of this city, unless otherwise directed by a police officer subject to the exceptions granted the driver of an authorized emergency vehicle in this ordinance.

5.0204 UNAUTHORIZED SIGNS

No person shall place, maintain, or display upon or in view of any street any unauthorized sign, signal, marking, or device which purports to be or is in imitation of or resembles an official traffic control device or railroad sign or signal, or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of any official traffic-control device or any railroad sign or signal.

5.0205 INTERFERENCE WITH

No person shall without lawful authority attempt to or in fact alter, deface, injure, knock down, or remove any official traffic control device

or any railroad sign or signal of any description, any shield or insignia thereon, or any other part thereof.

5.0206 DESIGNATION OF WALKS, LANES, ETC.

The Public Works Superintendent, street commissioner, or other authorized representative shall when authorized by the governing body:

1. Designate and maintain, by appropriate devices, marks or lines upon the surface of the roadway, crosswalks at intersections where there is particular danger to pedestrians crossing the roadway, and at such other places as directed by the governing body.
2. Establish zones of such kind and character and at such places as may be deemed necessary for the protection of pedestrians as determined by the governing body.
3. Mark traffic lanes upon the roadway of any street or highway where a regular alignment of traffic is necessary. Where such traffic lanes have been marked, it shall be unlawful for the operator of any vehicle to fail or refuse to keep such vehicle within the boundaries of any such lane except when lawfully passing another vehicle or preparatory to making a lawful turning movement or performing other lawful traffic movements.

Section 6: CHAPTER V, Article 3, entitled "SPEED REGULATION" is hereby amended and re-enacted as follows:

5.0301 SPEED RESTRICTIONS

Anyone driving a motor vehicle on any public street or alley shall drive at a careful and prudent speed having due regard to conditions then existing, and it shall be unlawful to drive any vehicle at a speed which endangers or is likely to endanger persons or property.

Subject to subsection above, the following speed limits within the city limits are established, and it shall be prima facie unlawful for anyone to exceed them.

School Zones - - 20 miles per hour.

All other city streets - - 25 miles per hour unless otherwise posted.

Section 7: CHAPTER V, Article 4, entitled "SPECIAL STOPS" is hereby amended and re-enacted as follows:

5.0401 AUTHORITY TO ERECT SIGNS

Whenever any ordinance of this city designates and describes a through street, it shall be the duty of the city engineer or other person designated by the governing body, to place and maintain a stop or yield sign on each and every street intersecting such through street or intersecting that portion thereof described and designated as such by ordinance of this city, unless traffic at such intersection is controlled at all times by traffic control signals, provided however that at the intersection of two such through streets or at the intersection of a through street and heavy traffic street not so designated, stop or yield signs shall be erected at the approaches of either of said streets as may be determined by the city engineer or authorized person or upon the basis of an engineering and traffic study.

5.0402 AUTHORITY TO ERECT SIGNS AT INTERSECTIONS:

The governing body may designate intersections where particular hazard exists upon other than through streets and to determine whether vehicles shall stop or yield at one or more entrances to any such stop or yield intersection and shall erect a stop or yield sign at every such place where a stop or yield is required.

Section 8: CHAPTER V, Article 5, entitled "MISCELLANEOUS DRIVING RULES" is hereby amended and re-enacted as follows:

5.0501 FUNERAL PROCESSIONS

No driver of a vehicle shall drive between the vehicles comprising a funeral or other authorized procession while they are in motion and when such vehicles are conspicuously designated as required in this chapter. This provision shall not apply at intersections where traffic is controlled by traffic control signals or police officers. Each driver in a funeral or other procession shall drive as near to the right-hand edge of the roadway as practical and shall follow the vehicle ahead as close as is practicable and safe. A funeral composed of a procession of vehicles shall be identified as such by headlights burning in daylight hours on all vehicles in the procession, or by such other methods as may be determined and designated by the chief of police.

Section 9: CHAPTER V, Article 6, entitled "STOPPING-PARKING-PROHIBITED IN SPECIFIED PLACES" is hereby amended and re-enacted as follows:

5.0601 STOPPING--PARKING--IN ALLEYS

No person shall park a vehicle within an alley, nor shall he/she stop a commercial vehicle so as to leave available less than twelve (12) feet of the width thereof for free movement of vehicular traffic, nor shall he/she stop in such a position as to block the driveway entrance to any abutting property.

5.0602 STOPPING - PARKING - PROHIBITED - NO SIGNS REQUIRED

No person shall stop, stand, or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with law or the directions of a police officer or traffic control device, in any of the following places:

1. On a sidewalk;
2. In front of a public or private driveway;
3. Within an intersection;
4. Within 10 feet of a fire hydrant;
5. On a crosswalk.
6. Within 15 feet upon the approach to any flashing beacon, stop sign, or traffic control signal located at the side of a roadway;
7. Between a safety zone and the adjacent curb or within 15 feet of points on the curb immediately opposite the ends of a safety zone, unless the city traffic (engineer or authorized person has indicated a different length by signs or markings;
8. Within 15 feet of the nearest rail of a railroad crossing;
9. Within 20 feet of the driveway entrance to the fire station and on the side of a street opposite the entrance to the fire station as posted;

10. Along or opposite any street excavation or obstruction when stopping, standing, or parking would obstruct traffic;
11. On a roadway side of any vehicle stopped or parked at the edge or curb of a street;
12. Upon any bridge or other elevated structure upon a street or within a tunnel or underpass upon a street;
13. At any place where official signs prohibit stopping.

No person shall move a vehicle not lawfully under his/her control into or out of any such prohibited area or away from a curb such distance as is unlawful.

5.0603 STOPPING - PARKING - NOT TO OBSTRUCT TRAFFIC

No person shall park any vehicle upon a street in such a manner or under such condition as to leave available less than twelve (12) feet of the width thereof for free movement of vehicular traffic, nor shall he/she stop in such a position as to block the driveway entrance to any abutting property.

No person shall park a vehicle within an alley, nor shall he/she stop a commercial vehicle so as to leave available less than twelve (12) feet of the width thereof for free movement of vehicular traffic, nor shall he/she stop in such a position as to block the driveway entrance to any abutting property.

5.0604(A) STOPPING - PARKING - NOT OBSTRUCTING TRAFFIC

No person shall park or leave standing on any public street or highway in the city any vehicle for a period of more than 48 consecutive hours, provided this section shall not include any area where a shorter time is provided for parking, nor shall this section be construed to permit parking for a longer time than is provided in such areas.

The Public Works Superintendent or street commissioner, or other authorized representative is hereby authorized to determine and designate by proper signs places in which the stopping, standing, or parking of vehicles would create an especially hazardous condition or would cause unusual delay to traffic.

When official signs are erected at hazardous or congested places as authorized herein, no person shall stop, stand, or park a vehicle in any such designated place contrary to the restriction set forth on said sign.

5.0604(B) In this ordinance, unless the context of subject matter otherwise requires:

1. "Park" when prohibited, means the standing of a semi-truck, semi, trailer, or truck whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading.
2. "Semi-trailer" includes every vehicle of the trailer type so designed and used in conjunction with Semi-truck that part of its own weight and that of its own load rests upon or is carried by a truck, except that it does not include a "house-trailer" or "mobile trailer".
3. "Semi-truck" includes every vehicle of the trailer type so designed and used primarily for drawing other vehicles

- and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.
4. "Trucks" include every vehicle of the type: single axle, tandem axle, and triple axle, used to haul a product. This is not limited to farm product but also to include commercial and industrial commerce products. Standard "pick-up" trucks are not included in this classification.
 5. Parking of commercial trucks and truck vans, semi-tractors and/or trailers, farm equipment, wheel loaders, excavators and non-recreational trailers or commercial vehicles shall be prohibited except when such vehicles and/or trailers are being used for the purpose of development, improvement, service or demolition on the adjacent site and shall be allowed to park there for only the duration of the work being done.
 6. Pickup pulled stock trailers are allowed a 24-hour time limit for parking on residential streets.
 7. Furthermore, campers, boats, and other recreational vehicles or trailers for such may be parked upon the public streets between April 1 and October 31.
 8. A semi-truck, truck or school bus may park on a street, avenue, or highway within the City of Killdeer when:
 1. Parking for delivery, pick up of material and merchandise or, medical service.
 2. Owned, leased, or operated by the City of Killdeer
 3. Owned or operated by power companies and telephone companies franchised in Killdeer.
 4. School bus is owned by Killdeer School
 5. Owned or operated by any contractor or material man hired by the City of Killdeer and while engaged in the repair, maintenance, or construction of streets, street improvements, street utilities, or other city work.
 6. Mail trucks
 9. Commercial trucks or truck vans, semi tractors and/or trailers, and other heavy equipment are prohibited from traveling on any residential street with city limits.
 10. Any violation of this ordinance shall be deemed a nuisance. Any person, firm, or corporation violating any provisions of this ordinance shall be guilty of an infraction and subject to a fine of \$100.00 for each violation.

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5.0605 TIME LIMIT PARKING ZONES

Where a proper sign has been erected giving notice of a time limit parking zone, no person shall park or leave standing either attended or unattended, any vehicle for more than the length of time set forth on said sign.

5.0606 SAME: PENALTY

Any vehicle which shall remain in violation of section 5.0603 or 5.0604 after a complaint shall have been placed on such vehicle may be removed to the city hall or city's vehicle impoundment area and may be impounded and

retained until the expense of removal, storage, and impounding is paid, together with the amount of any fine, costs, bail, or other claims of the city against the owner, or any other person lawfully entitled to the possession thereof.

5.0607 CLOSE TO CURB

No person shall stand or park a vehicle in a street other than on the roadway and parallel with the edge of the roadway headed in the direction of lawful traffic movement and with the right-hand wheels of the vehicle within eighteen (18) inches of the curb or edge of the roadway except as otherwise provided in this article,

5.0608 DIAGONAL PARKING PERMITTED: WHERE

Diagonal parking is hereby permitted on the following streets of the City of Killdeer:

- 1) Main Street:
 - (a) Both Sides of said street for one/ half block east of Central Avenue
 - (b) North side of said street for one/ half. block west of Central Avenue
- 2) First Street;
 - (a) North side of said street for one/ half block east of Central Avenue

5.0609 PARKING - CURRENT YEAR VEHICLE REGISTRATION

No person shall park a vehicle on a city street or alley unless said vehicle shall have displayed thereon a plate or validation tabs for the current registration year.

Section 10: CHAPTER V, Article 7, entitled "CLASSIFICATION AND DISPOSITION OF TRAFFIC OFFENSES" is hereby amended and re-enacted as follows:

5.0706 DUTIES OF HALTING OFFICERS

1. "Halting Officer" means a law enforcement officer charged with and acting under his/her authority to halt and, if appropriate, arrest person(s) suspected or known to be violating city ordinances regulating the operation of equipment of vehicles, or the regulation of traffic.
2. A halting officer is not authorized to receive the statutory fee or bond.
3. If a person(s) issued a uniform traffic complaint and summons by a halting officer, and that person refuses to give the written promise to appear provided thereon, whether for a criminal or noncriminal offense, the halting officer shall take such person into custody for appearance before the judge.
4. A person halted may be entitled to release upon his or her written promise to appear except under the following circumstances:
 - (a) The halting officer shall have good reason to believe such person guilty of any felony or when such person is halted and charged with any of the offenses listed in Section 6.0701 of this ordinance, except reckless driving; or
 - (b) The halting officer, acting within his or her discretion, deems it advisable to release such person upon his/her promise to

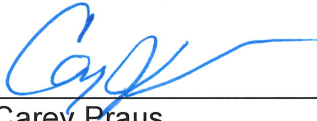
appear when halted and charged with either the offense of reckless driving or driving in excess of speed limitations.

5. The halting officer forthwith shall take before the judge any, person refusing to give his/her written promise to appear or any person not released upon his/her promise to appear.

Section 11: Repeal of Ordinances in Effect. All Ordinances and parts of Ordinances in conflict herewith are hereby repealed.

Section 12: 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 Ordinance shall continue in full force and effect.

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



By: Carey Praus
President, City of Killdeer City Commission

ATTEST:



Matt Oase, City Auditor

First Reading: 4-04-2022
Second Reading: 4-18-2022
Final Reading: 4-18-2022