

CHAPTER XVI.

TRAFFIC

Article 1.

Enforcement

16.0101 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.

16.0102 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 this city and all of 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.

16.0103 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 provided in Chapter II.

16.0104 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.

16.0105 Emergency Vehicles.

1. Authorized emergency vehicles:

Class A authorized emergency vehicles shall mean:

1. Vehicles of a governmental owned fire department;
2. Vehicles when operated by or under the control of a police officer having authority to enforce the provisions of this title pertaining to all motor vehicles or by a salaried employee of any municipal police department within the municipality or by any sheriff or deputy sheriff not to include special deputy sheriffs, or by the warden of the state penitentiary and his authorized agents;
3. Ambulances;
4. Vehicles operated by or under the control of the commissioner, and district deputy commissioner, and district deputy game warden of the North Dakota Game and Fish Department;
5. Vehicles owned or leased by the United States Government used for law enforcement purposes;
6. Vehicles designated for the use of the adjutant general and assistant adjutant general in cases of emergency;

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2. The driver of a class A authorized emergency vehicle may:
 - a. Park or stand, irrespective of the provisions of this Chapter;
 - b. Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;
 - c. Exceed the speed limit so long as he does not endanger life or property;
 - d. Disregard regulations governing direction of movement or turning in specified directions.
3. The exceptions herein granted to a class A authorized emergency vehicle shall apply only:
 - a. When the authorized emergency vehicle is in pursuit of an apprehension of a violator or a suspected violator requiring the use of these exemptions;
 - b. When the class A authorized emergency vehicle is being operated in response to a reported emergency involving a possible personal injury, death or damage to property, and when giving audible signal by siren or when giving adequate warning or by use of a flashing red light which is visible under normal conditions for at least five hundred feet;
 - c. In any instance when the head of a law enforcement agency deems advisable within the area of his jurisdiction for the protection of person and property and when giving audible signal by siren or when giving adequate warning by use of a flashing red light which is visible under normal atmospheric conditions for at least five hundred feet.
4. No emergency vehicle shall display or permit to be displayed any red lamp except when operated on official business.
5. Vehicles operated as emergency fire apparatus owned or operated by a duly organized fire department while responding to an emergency may use revolving white or red lights. No other vehicles may use revolving white lights.

Class B authorized emergency vehicles shall mean wrecker and such other emergency vehicles as are authorized by the local authorities;
1. The driver of class B authorized emergency vehicles may:
 - a. Park or stand, irrespective of the provisions of this Chapter;
 - b. Exceed the speed limit so long as he does not endanger life or property during the time of a local or national disaster;
 - c. Disregard regulations governing direction of movement or turning in specified directions.
2. The exceptions herein granted to a class B authorized emergency vehicle shall apply only when the authorized emergency vehicle is displaying an amber light visible under normal atmospheric conditions for a distance of five hundred feet in any direction, and
 - a. When it is necessary for the authorized emergency vehicle to use these exemptions for the immediate protection of life or property;

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- b. When an authorized emergency vehicle is stopped on a highway for the purpose of performing a duty as required of him; or
- c. When traveling at a speed slower than the normal flow of traffic.

Class C authorized emergency vehicles shall mean those used in the performance of emergency duties. All Class B specifications shall apply except that a rotating blue flashing light shall be displayed.

16.0106 Emergency Vehicles - Duties of Others.

Upon the immediate approach of an authorized emergency vehicle giving an audible signal by bell, siren, or exhaust whistle or displaying a visible flashing red light the driver of every other vehicle shall yield the right of way and shall immediately drive to a position parallel to, and as close as possible to, the right-hand edge or curb of the roadway clear of any intersection and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer.

Whenever an emergency vehicle is parked or stopped at the scene of an emergency and is displaying a flashing red light approaching traffic shall move to the right-hand edge or curb of the roadway and shall stop but once having stopped traffic may proceed past the scene at its own risk when the roadway is clear, except when otherwise directed by a police officer.

This section shall not operate to relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway.

The driver of any vehicle other than one on official business shall not follow any fire apparatus traveling in

response to a fire alarm closer than five hundred feet or drive into or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm.

16.0107 Report of Accident by Garages:

The person in charge of any garage or repair shop to which is brought any motor vehicle which shows evidence of having been involved in a reportable accident as provided in this Chapter or of being struck by any bullet, shall report or cause a report to be made to a police officer within twenty-four hours after such motor vehicle is received, and before any repairs are made to such vehicle, giving the registration number, and the name and address of the owner, operator, or person in control of such vehicle with a description of the location and type of damage to the vehicle, or any missing parts, if the vehicle does not have a sticker on a window thereof issued by a police officer, sheriff or highway patrolman, bearing information to show that the accident in which the vehicle was involved has been investigated. The police officer investigating any reportable accident will attach a sticker to the window of any damaged vehicle showing that the accident in which such vehicle was involved has been investigated. If the vehicle does bear such a sticker the garage or repair shop need not make the report this section requires and may begin repairs immediately. After repairs have been made and before the vehicle is released, the sticker provided herein shall be removed.

16.0108 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 is required to forward to the state. The provisions of

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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 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.

16.0109 Accidents - Driver to Stop and Aid.

The driver of any vehicle involved in an accident resulting in injury or death to any person or damage to property shall stop such vehicle at the scene of such accident. He shall also give his name, address and the registration number of his vehicle and shall upon request and if available exhibit his operator's or chauffeur's license to the person struck or the driver or occupants of any vehicle collided with and shall render to any person injured in such accident reasonable assistance, including the carrying or the making of arrangements for carrying of such person to a physician or surgeon or hospital for medical or surgical treatment, if it is apparent that such treatment is necessary or is requested by the injured person.

16.0110 Accidents - Reports Confidential.

All written accident reports made by drivers, owners, or occupants of vehicles involved in accidents as required in section 16.0108 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 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 prove 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 having made a report thereon, and the principal report itself being inadmissible in evidence.

Article 2.

Traffic Control Devices

16.0201 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 may deem necessary to regulate traffic under the traffic ordinances of this city or under state law, or to guide or warn traffic.

16.0202 Specifications For.

All traffic-control signs, signals, and devices shall conform to the specifications approved by the State of North

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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.

16.0203 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.

16.0204 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.

16.0205 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 of insignia thereon, or any other part thereof.

Article 3.

Speed Regulation

16.0301 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 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. 25 MPH

Article 4.

Turning Movements

16.0401 Turning at Intersections.

1. Right Turns. Both the approach for a right turn and a right turn shall be made as close as practicable to the right hand curb or edge of the roadway.
2. Left Turns on Two-way Roadways. At any intersection where traffic is permitted to move in both directions on each roadway entering the intersection; an approach for a left turn shall be made in that portion of the right half of the roadway nearest the center line thereof and by passing to the right of such center line where it enters the intersection and after entering the intersection to the right of the center line of the roadway being entered.
3. Left turns on Other Than Two-way Roadways. At any intersection where traffic is restricted to one direction on one or more of the roadways, the driver of a vehicle intending to turn left at any such intersection shall approach the intersection in the extreme left-hand lane lawfully available to traffic moving in the direction of travel of such vehicle and after

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entering the intersection the left hand turn shall be made so as to leave the intersection, as nearly as practicable, in the left-hand lane lawfully available to traffic moving in such direction upon the roadway being entered.

16.0403 Turning Signs.

The chief of police is hereby authorized to determine subject to approval of the governing body those intersections at which drivers of vehicles shall not make a right, left, or U turn, and the city engineer or Street Supt. shall place proper signs at such intersections. The making of such turns may be prohibited between certain hours of any day and permitted at other hours, in which even the same shall be plainly indicated on the signs or they may be removed when such turns are permitted.

16.0404 Turning Signs - Obedience To.

Whenever authorized signs are erected indicating that no right or left or U turn is permitted, no driver of a vehicle shall disobey the directions of any such sign.

16.0405 Turning Limitations.

The driver of any vehicle shall not turn such vehicle so as to proceed in the opposite direction upon any street in a business district and shall not upon any other street so turn a vehicle unless such movement can be made in safety and without interfering with other traffic.

Article 5.

Special Stops

16.0501 Through Streets Designated.

The following streets and parts of streets are hereby declared to be through streets for the purpose of this Chapter:

Main Street

16.0502 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 or authorized person or upon the basis of an engineering and traffic study.

16.0503 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.

16.0504 Signs.

All Traffic Control Devices shall conform to the state manual and specifications.

16.0505 Vehicles to Stop At.

When stop signs are erected as herein authorized at or near the entrance to any intersection, every driver of a vehicle shall stop before entering the crosswalk on the near side of the intersection or in the event there is no crosswalk shall stop at a clearly marked stop line, but if none, then at

BE IT ORDAINED BY THE CITY COUNCIL AND MAYOR OF THE CITY OF COLUMBUS, N.D.

Sec. I Ammendment:

Ordinance 109 Chapter 16, Article 0405, 0605 and Article 0703 of the Revised Ordinance of 1986, City of Columbus are hereby amended to read as follows:

16.0405 TURNING LIMITATIONS.

1. The driver of any vehicle within the Business District*of the City of Columbus, shall not turn such vehicle in the center of the block, unless at a designated alley or driveway, but shall proceed to the end of the block and make a left U-turn at the intersection, and shall not run any vehicle so as to proceed in the opposite direction upon any other street unless such movement can be made in safety and without interfering with other traffic. *Business District on Main Street shall be from Railway Ave. north to 5th Street.

16.0605 EQUIPMENT OF VEHICLES.

1. No motor vehicle, as defined by the N.D. Motor Vehicle Dept. shall be operated upon the streets of the City of Columbus without the proper equipment as prescribed by Chapter 39-21 of the North Dakota Century Code.

16.0703 OPERATORS, INFLUENCE, LIQUOR, CONTROLLED SUBSTANCE AND DRUGS.

1. It shall be unlawful and punishable for any person, whether licensed or not, or any person who is a habitual user of narcotic drugs or a controlled substance, or any person who is under the influence of intoxicating liquor, alcoholic beverages, narcotic drugs or a controlled substance, to drive any vehicle upon any street or highway within the City of Columbus.

2. It shall be unlawful for any minor to have in his possession or control any alcoholic beverages, narcotic drug or controlled substance within the City of Columbus.

Sec. 2 TIME OF TAKING EFFECT:

This ordinance shall be in full force and effect from and after it final passage and adoption.

SEC. 3 PENALTY:

Any person who violates, or fails to comply with any provision of this ordinance, shall be subject to a fine of not more than \$500.00 or by imprisonment for not more than 30 days, or by both such fine and imprisonment.

FIRST READING Sept. 9, 1987

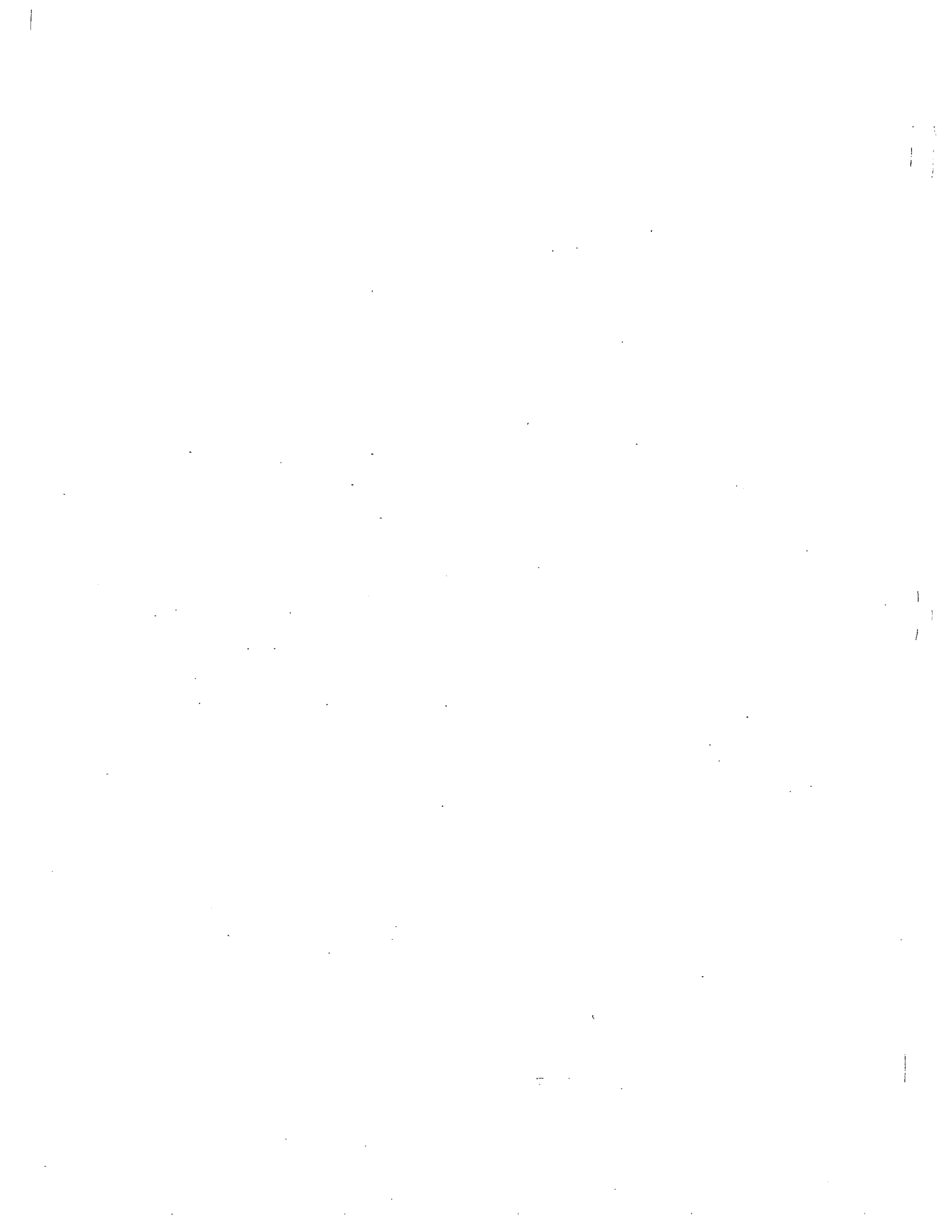
SECOND READING AND
FINAL PASSAGE Sept. 23, 1987

ATTESTED BY:

CITY OF COLUMBUS, NORTH DAKOTA

Dean Kille
City Auditor President

Ma Kille
Mayor



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the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection except when directed to proceed by a police officer or traffic control signal.

16.0506 Vehicles Entering After Stop.

- a. After the driver of a vehicle has stopped at the entrance to a through street, such driver shall yield the right of way to other vehicles which have entered the intersection from said through street or which are approaching so closely on said through street as to constitute an immediate hazard but said driver having so yielded, may proceed and the drivers of all other vehicles approaching the intersection on said through street shall yield the right of way to the vehicle proceeding into or across the through streets.
- b. After the driver of a vehicle has stopped in obedience to a stop sign at an intersection where a stop sign is erected at one or more entrances there- to although not a part of a through street such driver shall proceed cautiously, yielding to vehicles not so obligated to stop which are within the intersection or approaching so closely as to constitute an immediate hazard, but may then proceed.
- c. The driver of a vehicle approaching a "Yield" sign at any intersection shall slow to a reasonable speed for existing conditions of traffic and visibility, or shall stop if necessary, yielding the right of way to all vehicles

on the intersecting streets which have entered the intersection or are so close as to constitute an immediate hazard before entering the intersection.

16.0507 Emerging from Alley, or Driveway.

The driver of a vehicle within a business or residential district emerging from an alley, driveway, or building shall stop such vehicle immediately prior to driving onto a sidewalk or onto the sidewalk area extending across any alleyway or driveway, yielding the right of way to any pedestrian as may be necessary to avoid collision, and upon entering the roadway shall yield the right of way to all vehicles approaching on said roadway.

16.0508 When Traffic Obstructed.

No driver shall enter an intersection or a marked crosswalk unless there is sufficient space on the other side of the intersection or crosswalk to accommodate the vehicle he is operating without obstructing the passage of other vehicles or pedestrians, notwithstanding any traffic control signal indication to proceed.

Article 6.

Miscellaneous Driving Rules

16.0601 Approaching or Entering Intersection.

1. The driver of a vehicle approaching an intersection shall yield the right of way to a vehicle which has entered the intersection from a different street;
2. When two vehicles approach or enter an intersection from different highways at approximately the same time, the

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driver of the vehicle on the left shall yield the right of way to the vehicle on the right.

3. The right of way rule declared in this section is modified at through streets or highways in the city.
4. The driver of any vehicle traveling at an unlawful speed shall forfeit any right of way which he otherwise might have under the provisions of this article.

16.0602 Crossing Intersections.

In crossing at intersection of streets or the intersection of a street by a railroad right of way, the driver of a vehicle at all times shall cause such vehicle to travel on the right half of the street unless such right side is obstructed or impassable.

16.0603 Driving on Right Side.

1. Upon all roadways of sufficient width a vehicle shall be driven upon the right half of the roadway, except as follows:
 - a. When overtaking and passing another vehicle proceeding in the same direction under the rules governing such movement;
 - b. When the right half of the roadway is closed to traffic while under construction or repair;
2. Upon all roadways any vehicle proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing shall be driven in the right-hand lane then available for traffic, or as close as practicable to the right-hand curb or edge of

the roadway except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn at an intersection or into a private road or driveway.

16.0604 Meeting Vehicles.

Drivers of vehicles proceeding in opposite directions shall pass each other to the right, each giving to the other at least one-half of the main traveled portion of the roadway as nearly as possible.

16.0605 Signals for Turning Movements.

1. No person shall turn a vehicle at an intersection unless the vehicle is in proper position upon the roadway as required in this Article, or turn a vehicle to enter a private road or driveway, or otherwise turn a vehicle from a direct course or move right or left upon a roadway unless and until such movement can be made with reasonable safety. No person shall so turn any vehicle without giving an appropriate signal in the manner hereinafter provided in the event any other traffic shall be affected by such movement;
2. A signal of intention to turn right or left when required shall be given continuously during the last one hundred feet traveled by the vehicle before turning; and
3. 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 an opportunity to give such signal.

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4. Any stop or turn signal when required herein shall be given by means of the hand or arm or by a signal lamp or lamps or mechanical signal device. Any motor vehicle in use on public streets within the City shall be equipped with, and required signal shall be given by, a signal lamp or lamps or mechanical signal device when the distance from the center of the top of the steering post to the left outside limit of the body, cab, or load of such motor vehicle exceeds twenty-four inches, or when the distance from the center of the top of the steering post to the rear limit of the body or load thereof exceeds fourteen feet, the latter measurement shall apply to any single vehicle also to any combination of vehicles.

5. All signals herein required given by hand and arm shall be given from the left side of the vehicle in the following manner and such signals shall indicate as follows:

- a. Left turn: hand and arm extended horizontally;
- b. Right turn: hand and arm extended upward;
- c. Stop or decrease speed; hand and arm extended downward.

16.0606 Overtaking on Left.

No vehicle shall be driven to the left side of the center of the roadway in overtaking and passing

another vehicle proceeding in the same direction unless such left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be completely made without interfering with the safe operation of any vehicle approaching from the opposite direction or any vehicle overtaken.

16.0607 Following Too Closely.

The driver of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard to the speed of such vehicles and the traffic upon and condition of the street.

16.0608 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 intersection 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.

16.0609 Limitations in Backing.

The driver of a vehicle shall not back the same unless such movement can be made with reasonable safety and without interfering with other traffic.

16.0610 Riding on Motorcycles.

A person operating a motorcycle

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shall ride only upon the permanent and regular seat attached thereto, and such operator shall not carry any other person nor shall any other person ride on a motorcycle unless such motorcycle is designed to carry more than one person, in which event a passenger may ride upon the permanent and regular seat if designed for two persons, or upon another seat firmly attached to the rear or side of the operator.

Article 7.

Operators

16.0701 Control of Vehicle.

the driver or person in charge of a motor vehicle shall at all times have his car under control and all vehicles shall be driven in a careful manner and with due regard to the safety and convenience of persons and property.

16.0702 Operators - Who Prohibited.

The driving of motor vehicles, including automobiles, motor scooters, motorcycles, taxicabs, trucks, delivery trucks or tractors within the city limits of this city by any person who is not legally licensed to operate such vehicles under the laws of the State of North Dakota or by any person during the period his or her license, is prohibited.

No parent or guardian shall permit a minor who is not legally licensed to do so under the laws of the State of North Dakota, to drive or operate such vehicle within the limits of this City.

No owner or other person having charge of, or having within his control or supervision, a motor vehicle shall knowingly suffer or permit such motor vehicle to be driven or operated within the limits of this city by any person who has not been legally licensed to operate such vehicle under the laws of the State of North Dakota.

16.0703 Operators - Influence -
Liquor - Drugs:

It shall be unlawful and punishable for any person; whether licensed or not, who is a habitual user of narcotic drugs or any person who is under the influence of intoxicating liquor, alcoholic beverages or narcotic drugs to drive any vehicle upon any highway within this city.

16.0704 Reckless Driving.

Any person who drives any vehicle within the City carelessly and heedlessly in willful or wanton disregard of the rights or safety of others, or without due caution and circumspection or at a speed or in a manner to endanger or likely to endanger any person or property of another shall be guilty of reckless driving.

16.0705 Exhibition Driving.

No person shall engage in exhibition driving of any vehicle on a highway, street, alley, sidewalk, or any public or private parking lot in a manner which disturbs the peace by creating or causing unnecessary engine noise, tire squeal, skid, or slide upon acceleration or braking; or driving and executing or attempting one or a series of unnecessarily abrupt turns.

16.0706 Careless Driving.

Any person who drives any vehicle within the city in a careless manner or without having said vehicle under proper control or without due regard for the safety and convenience of pedestrians or other vehicles shall be guilty of careless driving.

16.0707 Opened Receptacle -
Alcoholic Beverages.

No person shall drink or consume alcoholic beverages, as defined in the North Dakota Century Code, on any public

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Article 8.

Stopping - Parking -
Prohibited in Specified Places

16.0801 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 cross walk;
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.

street, sidewalk or alley in or on any motor vehicle when such vehicle is upon a public highway or in an area used principally for public parking. No person shall have in his possession on his person while in or on a private motor vehicle upon a public highway or in an area used principally for public parking, any bottle or receptacle containing such alcoholic beverages which ~~has been opened, or the seal broken or~~ the contents of which have been partially removed. It shall be unlawful for the owner of any private motor vehicle or the driver, if the owner be not then present in or on the motor vehicle to keep or allow to be kept in a motor vehicle when such vehicle is upon the public highway or in an area used principally for public parking any bottle or receptacle containing such alcoholic beverages which has been opened, or the seal broken, or the contents of which have been partially removed except when such bottle or receptacle shall be kept in the trunk of the motor vehicle when such vehicle is equipped with a trunk, or kept in some other area of the vehicle not normally occupied by the driver or passengers, if the motor vehicle is not equipped with a trunk. A utility compartment or glove compartment shall be deemed to be within the area occupied by the driver or passengers.

16.0708 Opened Receptacle - Evidence Of.

The finding of such bottle or receptacle in any automobile, bus or truck on which the seal has been broken or the cap or cork removed shall be and the same is hereby declared to be prima facie evidence that such bottle or receptacle was opened in such automobile, truck or bus by the occupant or occupants thereof.

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10. Alongside 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 control into or out of any such prohibited area or away from a curb such distance as is unlawful.

16.0802 Stopping - Parking -
Not to Obstruct Traffic.

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

16.0803 Stopping - Parking - In Alleys.

No person shall park a vehicle within an alley, nor shall he 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 stop in such a position as to block the driveway entrance to any abutting property.

16.0804 Stopping - Parking -
Over 48 Hours.

It shall be unlawful for anyone to park or leave standing on any public street or highway in the city any vehicle for a period longer than 72 hours

consecutively, 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 city engineer or other person designated by the governing body 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.

Article 9.

Method of Parking

16.0901 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.

16.0902 Angle Parking.

The city engineer or other person authorized by the governing body shall mark or sign streets upon which angle parking will be permitted (other than federal aid or state highways). Upon those streets which have been signed or marked for angle parking, no person shall park or stand a vehicle other than at the angle to the curb or edge of the roadway indicated by such signs or markings.

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16.0903 Angle Parking - Where.

Angle parking shall be permitted on the following streets:

Main street. 1st Ave. between Parsons and Robin on Block 10 and Block 13 side of street.

2nd Ave. between Parsons and Robin.

3rd Ave. between Main and Robin on the side of Block 14 only.

Article 10.

Arrest, Procedure

16.1001 Arrest and Appearance.

Whenever any person is arrested for a violation of any provisions of this chapter, the arresting officer shall, except as otherwise provided in this article, take the name and address of such person and the license number of his motor vehicle and issue a uniform complaint and summons or otherwise notify him in writing, to appear at a time and place to be specified in such uniform complaint and summons or notice, such time to be at least five days after such arrest unless the person arrested shall demand an earlier hearing. Such person shall have a right to an immediate hearing or a hearing within 24 hours at a convenient hour, such hearing to be before the Municipal Judge of the City. Such officer shall thereupon, and upon giving by such person of his written promise to appear at such time and place forthwith release him from custody. Any person refusing to give such written promise to appear shall be taken immediately by the arresting officer to police station where he shall be booked and have his bail set subject to the schedule established by the Municipal Judge. Any person who wilfully violates

his written promise to appear, given in accordance with this section, shall be guilty of a violation of this section regardless of the disposition of the charge upon which he was originally arrested.

16.1002 When Person Not Entitled to Release.

The provisions of Section 16.1001 shall not apply to any person arrested and charged with an offense causing or contributing to an accident resulting in injury or death to any person nor any person charge with reckless driving or driving in excess of speed limitations established by the state or this city, nor to any person charged with driving while under the influence of intoxicating liquor or narcotic drugs; nor to any person whom the arresting officer shall have good cause to believe has committed any felony; and the arresting officer shall take such person forthwith before the Municipal Judge. If such arrest be made on Sunday, or any holiday so designated by the laws of this State, or upon any day between the hours of 5:00 o'clock, P.M. and 8:00 o'clock A.M., or at any other time when the Municipal Judge shall not be in attendance at his office, the person so arrested must be immediately release, pending the hearing of his case, upon depositing at police headquarters with the person in charge of such police headquarters at the time, such bail as shall be provided in the schedule filed by the Municipal Judge.

16.1003 Fines, Bail, Forfeitures.

All fines or forfeitures collected upon conviction, or upon forfeiture of bail of any person so charged with the violation of any provision of this chapter shall be disposed of as by law provided. The Municipal Judge may file with the Police Chief a schedule in writing, subscribed by the Municipal Judge, indicating the amount of bail fixed by such Municipal Judge for the

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release of persons arrested or charged with any violation of this chapter and based on the offense charged, which schedule shall be applicable for the bail to be furnished in his absence from Municipal Judge's Court and any person who pays or delivers such bail to the Chief of Police or any other person in charge of the Police Department at the time, but during the absence of the Municipal Judge in the Municipal Judge's Court, shall be waiver of any defect or irregularity or any previous defect or irregularity in such proceedings, including the arrest of such person. And, provided further, that the Municipal Judge may in all cases where he is present in Municipal Judge's Court fix bail in such amounts or upon such conditions as may be provided by law, and within his discretion without regard to the bail schedule provided and applicable in his presence from Municipal Judge's Court.

16.1004 Tagging Motor Vehicles.

Whenever any motor vehicle without driver is found parked or stopped in violation of any of the restrictions imposed by ordinance of this city or by State law, the officer finding such vehicle shall take its registration number and may take any other information displayed on the vehicle which may identify its user, and shall conspicuously affix to such vehicle a traffic citation, on a form provided by the city auditor for the driver to answer to the charge against him within five days during the hours and at a place specified in the citation.

16.1005 Tagging Motor Vehicles,
Failure to Respond by
Owner.

If a violator of the restrictions on stopping, standing or parking under the traffic laws or ordinances does not appear in response to a traffic citation affixed to such motor vehicle within a

period of three days, the Municipal Judge or the Police Department shall send to the owner of the motor vehicle to which the traffic citation was affixed a letter informing him of the violation and warning him that in the event such letter is disregarded for a period of three days a warrant of arrest will be issued.

16.1006 Tagging Motor Vehicles,
Presumption.

In any prosecution charging a violation of any provision of this chapter on governing the standing, parking, or operating of a vehicle, proof that the particular vehicle described in the complaint was parked or operated in violation of the provisions of this chapter, together with proof that the defendant named in the complaint was at the time of such parking or operating, the registered owner of such vehicle, shall constitute in evidence a prima facie presumption that the registered owner of such vehicle was the person who parked, placed, or operated such vehicle at the point where, and for the time during which, such violation occurred.

The foregoing stated presumption shall apply only when the procedure as prescribed in Sections 16.1004 and 16.1005 has been followed.

16.1007 Warrant - When Issued.

In the event any person fails to comply with a traffic citation given to such person or attached to a vehicle fails to make appearance pursuant to a summons directing an appearance in the Municipal Judge's Court, or if any person fails or refuses to deposit bail as required and within the time permitted by ordinance, the Police Department shall secure a warrant for his arrest.

16.1008 Impounding Vehicles.

A. Members of the police department

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are hereby authorized to remove a vehicle from a street or highway to the nearest garage or other place of safety, or to a garage designated or maintained by the police department, or otherwise maintained by this city under the circumstances hereinafter enumerated.

1. When any vehicle is left unattended upon any bridge, viaduct, or causeway, or in any tube or tunnel where such vehicle constitutes an obstruction to traffic.
2. When a vehicle upon a street is so disabled as to constitute an obstruction to traffic and the person or persons in charge of the vehicle are by reason of physical injury incapacitated to such an extent as to be unable to provide for its custody or removal.
3. When any vehicle is left unattended upon a street and is so parked illegally as to constitute a definite hazard or obstruction to the normal movement of traffic.
4. When any vehicle is found upon a street, highway, alley, park, or other public grounds of the City in violation of any provision of this chapter regulating the stopping, standing, or parking of vehicles.
5. When any vehicle is parked upon a lawn, boulevard, or sidewalk.
6. When any vehicle is found upon a street, highway, alley, park or other public grounds whose registered owner has failed to answer a traffic citation or letter informing him of a violation relating to restrictions on stopping, or standing, or parking of vehicles upon a street, highway, alley, park or other public grounds of the City involving said vehicle.
 - B. Whenever an officer removes a vehicle from a street as authorized in this section and the officer knows or is able to ascertain from the registration records in the vehicle the name and address of the owner thereof, such officer shall immediately give or cause to be given notice in writing to such owner of the fact of such removal and the reasons therefor and of the place to which such vehicle has been removed. In the event any such vehicle is stored in a public garage, a copy of such notice shall be given to the proprietor of such garage.
 - C. Whenever an officer removes a vehicle from a street under this section and does not know and is not able to ascertain the name of the owner, or for any other reason is unable to give the notice to the owner as hereinbefore provided; and in the event the vehicle is not returned to the owner within a period of three (3) days,

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then and in that event the officer shall immediately send or cause to be sent written report of such removal by mail to the State Department whose duty it is to register motor vehicles, and shall file a copy of such notice with the proprietor of any public garage in which the vehicle may be stored. Such notice shall include a complete description of the vehicle, the date, time and place from which removed, the reasons for such removal and name of the garage or place where the vehicle is stored.

- D. Any vehicles removed pursuant to the provisions of this section shall be held until the costs and expenses of such removal and storage together with any all fines or penalties imposed for the violations of this Chapter are paid.

ORDINANCE NO.: 16.1008

AN ORDINANCE implementing vehicle weight limits and regulation of large motor vehicles on streets within the City of Columbus.

THE COMMON COUNCIL of the City of Columbus do ordain as follows:

SECTION I: Overload Permit Required

It is unlawful, without a valid permit, to operate any vehicle on a street or alley of the City of Columbus with a licensed gross vehicle weight in excess of fourteen thousand pounds.

SECTION II: Overload Permit Application

Permits to operate an overloaded vehicle may be obtained from the city. Applications for overload permits shall be in the form prescribed by the city and shall require the following information:

- A. Name, address, and telephone number of the applicant.
- B. Nature of load (type of material and/or equipment being transported).
- C. Location by name and address of job site or place of delivery.
- D. Vehicle type, year, and license number.
- E. Estimate of time in days that the permit will be required.
- F. Gross licensed weight of the vehicle.
- G. Proposed route to be approved by the city setting forth the streets upon which said vehicle will be driven.
- H. Proof of liability insurance.

SECTION III: Overload Permit Time Limitation

Permits will be valid only for the length of time necessary to complete a particular job or delivery and in no case shall be for longer than one year.

SECTION IV: Overload Permit Restrictions

The city shall issue or withhold overload permits at its discretion or make reasonable requirements for the operation of said vehicles when necessary to assure against damage to road or street foundation or surfaces, safety of other traffic, and may require such measures to protect the city's roads, streets, and roadbeds.

SECTION V: Overload Permit Fees

An initial permit fee of \$75 shall be assessed to the applicant, with an annual renewal fee of \$25.

SECTION VI: Overload Permit Exemptions

The following vehicles shall be exempt from the permit process described in this ordinance:

- A. All vehicles owned and operated by governmental agencies.
- B. Emergency vehicles and solid waste disposal vehicles.
- C. Vehicles transporting perishable goods or commodities to locations within the city for local delivery.
- D. Recreational vehicles including motor homes, campers, and travel trailers.

SECTION VII: Approved Routes for Overweight Vehicles

Overweight vehicles may operate on the following city streets without permit: *167 AVE WEST BETWEEN MAIN ST. AND COUNTY ROAD 5.*

A.

SECTION VIII: Temporary Restrictions

The city engineer or his designee may temporarily prohibit the operation of any vehicles or may impose weight limits different than those set forth herein when the public streets, due to temporary conditions, will be damaged by use by any vehicles unless said use or vehicle weight is restricted. Signs setting forth the temporary conditions shall be erected stating that the use of the street or right-of-way is restricted.

SECTION IX: Overweight Vehicle Parking Restrictions

No overweight vehicle shall be parked within the city except for those vehicles loading or unloading in connection with local deliveries and those allowed by Section VI of this ordinance.

SECTION X: Violation Penalty

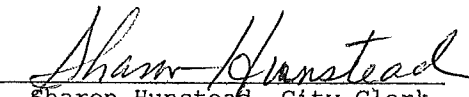
Any person found to be in violation of this ordinance or who misrepresent the facts in application for a permit or registration as set forth herein shall be guilty of a misdemeanor.

Weight Over Limit (lbs)	Fee*
1 - 1,000 or misrepresentation on app.	\$10
1,001 - 8,000	\$50
8,001+	\$100
*Fee is multiplied by number of violations	

SECTION XI: This ordinance shall take effect and be in force from and after its passage and publication.



Scott Kihle, Mayor



Sharon Hunstead, City Clerk

Passed: *Aug 1ST, 2011*

Approved: *Sept. 6, 2011*

Published: *Sept. 14, 2011*