SPRINGBROOK, NORTH DAKOTA ORDINANCES
ARTICLE 1: JURISDICTION
§1.0101 Over persons and property
ARTICLE 2: MUNICIPAL ELECTIONS AND COUNCIL MEETINGS
§1.0201 Elections
§1.0202 Regular Meetings
§1.0203 Special Meetings
§1.0204 Meetings to be public - Journal of proceedings to be kept
§1.0205 Reconsidering or rescinding vote at special meeting
ARTICLE 3: GOVERNING BODY - CITY COUNCIL
§1.0301 City Council - Governing body
§1.0302 President and Vice President - Election of
§1.0303 Salaries
§1.0304 Rules and order of business
§1.0305 Removal of elective officers
ARTICLE 4: APPOINTIVE OFFICES
§1.0401 Appointive offices
§1.0402 Term of appointive officers, oath, and bond
§1.0403 Removal
§1.0404 Bonds of municipal officers and employees
§1.0405 Salaries
§1.0406 Administrative policy and procedures - Performance of duties
§1.0407 Obstructing a public official prohibited
ARTICLE 5: PURCHASING AND DISPOSITION OF PROPERTY
§1.0501 Competitive bidding required
§1.0502 Procedures
§1.0503 Open market purchases
CHAPTER II: ALCOHOLIC BEVERAGES
ARTICLE 1: GENERAL DEFINITIONS AND EXCEPTIONS
§2.0101 Definitions
§2.0102 Exceptions
ARTICLE 2: LICENSES
§2.0201 License required
§2.0202 License - In general
§2.0203 Classes of license
§2.0204 Term of license
§2.0205 Application for license
§2.0206 Qualifications for license
§2.0207 Applicant fitness for license
§2.0208 License - Limit to one applicant
§2.0209 License - Limit of number
§2.0210 License-Location of
§2.0211 License-Posting of
§2.0212 License - Transfer of
§2.0213 License fees - Disposition of
§2.0214 Hours and time of sale, special Sunday alcoholic beverage permits
§2.0215 Licensee's responsibility
§2.0216 Sales prohibited - Items
§2.0217 Sales prohibited - Persons
§2.0218 Street sales prohibited
§2.0219 Premises, equipment of
§2.0220 Closed or screened areas
§2.0221 Purchase from licensed wholesaler
§2.0222 Bottle clubs
§2.0223 Delivers - Off licensed premises
§2.0224 Termination or revocation of license
ARTICLE 3: MINORS
§2.0301 Persons less than twenty-one (21) years prohibited
§2.0302 Purchasing for or furnishing to minors
§2.0303 Minors in licensed premises
§2.0304 Prohibitions as to licensees allowing minors to enter or be upon the premises
§2.0305 Licensee shall not see or dispense alcoholic beverages to minors
§2.0306 Prohibition as to licensees allowing minors to be furnished with alcoholic beverages
§2.0307 Statement of age may be required prior to purchase
§2.0308 False statement as to age prohibited
§2.0309 Posting Sign
§2.0310 Exception to permitting persons under twenty-one (21) years of age to enter or be upon the premises
CHAPTER III: ANIMAL AND FOWL
ARTICLE 1: GENERAL REGULATIONS
§3.0101 Definition
§3.0102 Cruelty
§3.0103 Dangerous animals
§3.0104 Noises
§3.0105 Strays
§3.0106 Killing dangerous animals
§3.0107 Diseased animals
§3.0108 Housing
ARTICLE 2: DOGS / CATS
§3.0201 License required
§3.0202 License fees
§3.0203 Dangerous dogs
§3.0204 Nuisance - When
§3.0205 Rabies inoculation
CHAPTER IV: BUILDINGS and BUILDING REGULATION
ARTICLE 1: RESOURCE
§4.0101 Williams County Building Department
CHAPTER V: MOTOR VEHICLES AND TRAFFIC
ARTICLE 1: ENFORCEMENT
§5.0101 Definitions
§5.0102 Obedience to traffic rules
§5.0103 Obedience to officials
§5.0104 Emergency vehicles
§5.0105 Emergency vehicles - Duties of others
§5.0106 Report of accident by garages
§5.0107 Accidents - Duty to report
§5.0108 Accidents - Driver to stop and aid
§5.0109 Accidents - Reports confidential
ARTICLE 2: TRAFFIC CONTROL DEVICES
§5.0201 Authority to install
§5.0202 Specifications for
§5.0203 Obedience to
§5.0204 Unauthorized signs
§5.0205 Designation of walks, lanes, etc
ARTICLE 3: SPEED REGULATION
§5.0301 Speed restrictions
ARTICLE 4: TURNING MOVEMENTS
§5.0401 Turning at intersection
§5.0402 Turning markers
§5.0403 Turning signs
§5.0404 Turning signs - Obedience to
§5.0405 Turning limitations
ARTICLE 6: MISCELLANEOUS DRIVING RULES

§5.0501 Authority to erect signs
§5.0502 Authority to erect signs at intersections
§5.0503 Signs
§5.0504 Vehicles to stop at
§5.0505 Vehicles entering after stop
§5.0506 Emerging from alley or driveway
§5.0507 When traffic obstructed
§5.0508 Approach of train

ARTICLE 7: PEDESTRIANS

§5.0601 Approaching or entering intersection
§5.0602 Crossing intersections
§5.0603 Driving on right side
§5.0604 Meeting vehicles
§5.0605 Signals for turning movements
§5.0606 Overtaking on left
§5.0607 Overtaking on left - Further limitations
§5.0608 Driving on roadways lane for traffic
§5.0609 Following too closely
§5.0610 Funeral processions
§5.0611 Limitations in backing
§5.0612 Riding on motorcycles
§5.0613 Controlled access
§5.0614 Obstructed view
§5.0615 Equipment for motorcycle riders

ARTICLE 8: OPERATORS

§5.0701 Pedestrians-Traffic control signals
§5.0702 Pedestrians - Right-of-way - When
§5.0703 Pedestrians - Passing roadways
§5.0704 Pedestrians - Crossing prohibited
§5.0705 Pedestrians - Walking along roadway
§5.0706 Pedestrians soliciting rides

ARTICLE 9: DUI ORDINANCES

§5.0801 Care required in operation vehicle
§5.0802 Operators - Who prohibited
§5.0803 Reckless driving
§5.0804 Careless driving
§5.0805 Opened receptacle - Alcoholic beverages
§5.0806 Opened receptacle - Evidence of
§5.0807 Handicapped persons

ARTICLE 10: STANDING, PARKING, PROHIBITED IN SPECIFIED PLACES

§5.1001 Stopping - Parking - Prohibited - No signs required
§5.1002 Stopping - Parking - Not to obstruct traffic
§5.1003 Stopping - Parking - In alleys
§5.1004 Stopping - Parking - Over 48 hours
§5.1005 Stopping - Parking - Certain purposes prohibited
§5.1006 Stopping - Parking - Congested - Hazardous places

ARTICLE 11: METHOD OF PARKING

§5.1101 Close to curb

ARTICLE 12: PARKING PROHIBITED - CERTAIN STREETS

§5.1201 Parking prohibited - All times

ARTICLE 13: ENFORCEMENT OF TRAFFIC ORDINANCES

§5.1301 Impounding vehicles
CHAPTER IX: PUBLIC NUISANCES

ARTICLE 1: NOXIOUS WEEDS
§9.0101 Definition
§9.0102 Weeds prohibited
§9.0103 Notice to destroy
§9.0104 Action upon non-compliance
§9.0105 Cost assessed to property

ARTICLE 2: SANITARY NUISANCES
§9.0201 Residences — When sewer and water required
§9.0202 Outhouses — Cesspools — A nuisance
§9.0203 Dead animals
§9.0204 Water pools — Putrid substances
§9.0205 Dirt, filth, etc., in streets and property
§9.0206 Spitting

ARTICLE 3: SMOKE — GASES
§9.0301 Smoke, dust, ashes, gases, cinders — A nuisance
§9.0302 Smoke, dust, ashes, gases, cinders — Prohibited

ARTICLE 4: RADIO INTERFERENCE AND NOISE CONTROL
§9.0401 Radio interference prohibited
§9.0402 Loud, disturbing, unnecessary noises prohibited

ARTICLE 5: AUTOMOBILES — PERSONAL PROPERTY
§9.0501 Automobiles, personal property — When a nuisance
§9.0502 Abatement required by owner
§9.0503 Abatement required, penalty for failure
§9.0504 Removal and impoundment, when sold
§9.0505 Removal and impound proceeds
# TABLE OF CONTENTS

## CHAPTER I: ADMINISTRATION

<table>
<thead>
<tr>
<th>Article</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Jurisdiction</td>
<td>1</td>
</tr>
<tr>
<td>2</td>
<td>Municipal Elections and Council Meetings</td>
<td>1</td>
</tr>
<tr>
<td>3</td>
<td>Governing Body — City Council</td>
<td>2</td>
</tr>
<tr>
<td>4</td>
<td>Appointive Offices</td>
<td>3</td>
</tr>
<tr>
<td>5</td>
<td>Purchasing and Disposition of Property</td>
<td>4</td>
</tr>
</tbody>
</table>

## CHAPTER II: ALCOHOLIC BEVERAGES

<table>
<thead>
<tr>
<th>Article</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>General Definitions and Exceptions</td>
<td>6</td>
</tr>
<tr>
<td>2</td>
<td>Licenses</td>
<td>7</td>
</tr>
<tr>
<td>3</td>
<td>Minors</td>
<td>15</td>
</tr>
</tbody>
</table>

## CHAPTER III: ANIMAL AND FOWL

<table>
<thead>
<tr>
<th>Article</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>General Regulations</td>
<td>18</td>
</tr>
<tr>
<td>2</td>
<td>Dogs / Cats</td>
<td>19</td>
</tr>
</tbody>
</table>

## CHAPTER IV: BUILDINGS and BUILDING REGULATION

<table>
<thead>
<tr>
<th>Article</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Resource</td>
<td>21</td>
</tr>
</tbody>
</table>

## CHAPTER V: MOTOR VEHICLES AND TRAFFIC

<table>
<thead>
<tr>
<th>Article</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Enforcement</td>
<td>24</td>
</tr>
<tr>
<td>2</td>
<td>Traffic Control Devices</td>
<td>28</td>
</tr>
<tr>
<td>3</td>
<td>Speed Regulation</td>
<td>29</td>
</tr>
<tr>
<td>4</td>
<td>Turning Movements</td>
<td>30</td>
</tr>
<tr>
<td>5</td>
<td>Stop — Yield Signs</td>
<td>31</td>
</tr>
<tr>
<td>6</td>
<td>Miscellaneous Driving Rules</td>
<td>33</td>
</tr>
<tr>
<td>7</td>
<td>Pedestrians</td>
<td>38</td>
</tr>
<tr>
<td>8</td>
<td>Operators</td>
<td>39</td>
</tr>
<tr>
<td>9</td>
<td>DUI Ordinances</td>
<td>41</td>
</tr>
<tr>
<td>10</td>
<td>Stopping — Parking — Prohibited in Specific Places</td>
<td>43</td>
</tr>
<tr>
<td>11</td>
<td>Method of Parking</td>
<td>45</td>
</tr>
<tr>
<td>12</td>
<td>Parking Prohibited — Certain Streets</td>
<td>45</td>
</tr>
<tr>
<td>13</td>
<td>Enforcement of Traffic Ordinances</td>
<td>45</td>
</tr>
</tbody>
</table>
### Chapter VI: Offenses
- Article 1: Offenses Against Public Place .................................................... 48
- Article 2: Offenses Against Public Safety .................................................. 49
- Article 3: Offenses Against Property .......................................................... 50
- Article 4: Offenses Against Morals .............................................................. 52

### Chapter VII: Ordinances
- Article 1: Procedure .................................................................................. 54

### Chapter VIII: Public Places and Property
- Article 1: Use and Care of Streets, Sidewalks, and Public Places..58

### Chapter IX: Public Nuisances
- Article 1: Noxious Weeds ........................................................................... 61
- Article 2: Sanitary Nuisances. ...................................................................... 62
- Article 3: Smoke - Gases ............................................................................ 63
- Article 4: Radio Interference and Noise Control ........................................ 64
- Article 5: Automobiles - Personal Property .............................................. 65
ENACTING ORDINANCE
ORDINANCE NO. -I-

Adopting the Official City Code of Springbrook 2012 and repealing all ordinances previously adopted with certain exceptions.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SPRINGBROOK, NORTH DAKOTA.

Section 1. Official City Code of Springbrook 2012. The ordinance and the ordinances hereby adopted shall be known and cited as the Official City Code of Springbrook 2012.

Section 2. Enactment. The Official City Code of Springbrook 2012, the City of Springbrook, North Dakota, consisting of Chapters I to IX, both inclusive, an original copy of which has been authenticated by the original signatures of the City’s chief executive officer and auditor and which original is on file in the office of the City Auditor, are hereby adopted as the ordinances of the City of Springbrook.

Section 3. Repeal. All ordinances of the City adopted prior to the day of , 2012 are hereby repealed except the following ordinances which shall continue in full force and effect regardless of the fact they are herein omitted:

A. All existing ordinances granting franchises, is omitted from these revised ordinances.
B. All existing ordinances creating contract obligations on the part of the City, which obligations shall remain binding until fully performed by the City.
C. All existing ordinances establishing special improvement districts, or street grades.
D. All of the existing ordinances levying taxes for any years under the provisions of any law relating to the issuance of revenue bonds, municipal bonds, warrants, certificates of indebtedness, or other municipal obligations, whether general or special.
E. All salary and appropriation ordinances.
F. The incorporation herein of any of the ordinances of the City of Springbrook granting franchises shall not operate to repeal the same in their original form nor to extend the term of any franchise beyond that fixed in that ordinance granting the same which in reenacted herein.
G. Any and all other ordinances adopted in said Revised Ordinances of by reference; although the same are not set forth full therein.
H. All existing ordinances banning the discharge of firearms in the city limits, under original Article 7, Section 3, subject to penalty and assessment according to the NDCC.
Section 4. Effective Date. This ordinance shall be in full force and effect from and after its final passage and approval, and without publication.

This ordinance duly passed its first reading on September 12, 2012, passed its second and final reading on December 13, 2012, and was duly adopted.

The following Alderman voted "aye"

The following Alderman voted "nay"

Signature: Mayor Lyle Morken

Attest:

City Auditor Sheryl Morken
GENERAL PROVISIONS

In the construction of this Code, and of all ordinances, the following rules shall be observed, unless such construction would be inconsistent with the manifest intent of the Council.

I. COUNCIL. The term "Council" shall be construed to mean the City Council of Springbrook, ND.

II. CITY. The words "the city" or "this city" shall be construed as if followed by the words "of Springbrook, ND".

III. CODE. The words "the Code" or "this Code" shall mean the Official City Code of Springbrook 2012.

IV. County. The words "the County" or "this County" means Williams County, in the State of North Dakota.

V. GENDER. Words importing the masculine gender include feminine and neuter.

VI. IN THE CITY. The words "in the city" shall mean and include all territory the City of Springbrook now has, or shall hereafter acquire, jurisdiction for the exercise of its police power or other regulatory power.

VII. N.D.C.C. The abbreviation "N.D.C.C." shall refer to the North Dakota Century Code, as now or hereafter amended.

VIII. OR, AND. "Or" may be read as "and", and "and" may be read as "or", if the sense requires it.

IX. OWNER. The word "owner", applied to a building or land shall include any part owner, joint owner, tenant in common, tenant in partnership, or joint tenant of the whole or a part of such building or land.

X. PERSON. The word "person" shall include and be applied to corporations, associations, clubs, societies, firms, partnerships, municipalities and bodies politic and corporate as well as individuals.

XI. PROPERTY. The word "property" shall include real and personal property.

XII. SHALL, MAY. "Shall" is mandatory, "may" is permissive.

XIII. STATE. The word "state" shall be construed as followed by the "of North Dakota".
CHAPTER I: ADMINISTRATION

ARTICLE 1: JURISDICTION

§1.0101 Over persons and property.

The jurisdiction of the city extends to all persons, places and property within its boundaries, and such extra-territorial jurisdiction as is granted to it under the provisions of the N.D.C.C.

ARTICLE 2: MUNICIPAL ELECTIONS AND COUNCIL MEETINGS

§1.0201 Elections.

Biennial municipal elections shall be held on the second Tuesday in June in each even numbered year. Ten (10) days notice of the time and place of holding each election and of the offices to be filled at the election shall be given by the City Auditor in accordance with 40-21-03.

§1.0202 Regular meetings.

The Council shall hold its regular meetings at least once a month on or before the fifteenth date on a date to be established annually by resolution. The first meeting for the organization of the Council shall be held on the 4th Tuesday in June of each even numbered year.

§1.0203 Special Meetings.

Special meetings may be called at any time by the Mayor or any two members of the governing body to consider matters mentioned in the call of such meeting.

§1.0204 Meetings to be public — Journal of proceedings to be kept.

All meetings of the Council shall be open to the public, and a journal of its proceedings shall be kept. Notice of the regular meeting time or of special meeting shall be given as provided by N.D.C.C. §44-04-20 and amendments thereto.
§1.0205 **Reconsidering or rescinding vote at special meeting.**

No vote of the Council of a municipality shall be reconsidered or rescinded at a special meeting unless there is present at such special meeting as large a number of members as were present when such vote was taken as provided by N.D.C.C. §40-06-04 and amendments thereto.

**ARTICLE 3: GOVERNING BODY - CITY COUNCIL**

§1.0301 **City council — Governing body.**

The governing body of the city shall be the Council which shall be composed of the Mayor and four (4) other Council members. The number of Council members may be increased or decreased pursuant to N.D.C.C. §40-06-09.

§1.0302 **President and Vice President — Election of.**

At the organization meeting in each even numbered year, the Council members shall elect one of their members as president and another as vice president to hold office until their successors are elected.

§1.0303 **Salaries.**

The member of the Council are entitled to receive such compensation for their services. The salary of the Mayor of the governing body of the city shall be the sum of twenty five dollars ($25.00) per meeting. The salary of the other members of the City Council shall be the sum of twenty five dollars ($25.00) per meeting.

§1.0304 **Rules and order of business.**

The rules and order of business for the parliamentary government of the governing body shall be governed by Robert Rules of Order.

§1.0305 **Removal of elective officers.**

Pursuant to N.D.C.C. §40-06-05 and amendments thereto, the Council shall determine its rules of procedure, punish its members or persons present for disorderly conduct by fine, and with the concurrence of two-thirds of its members may expel a member from a session but may not expel the member a second time for the same offense. The Council may fine or expel any member for neglect of duty or for unnecessary absence from its sessions.
ARTICLE 4: APPOINTIVE OFFICES

§1.0401 Appointive offices.

At the first meeting after the qualification of its members, or as soon thereafter as possible the Council shall appoint persons to the following offices:

A. City Auditor
B. City Attorney
C. City Building Inspector

Such other officers as the city Council deems necessary and expedient.

§1.0402 Term of appointive officers, oath, and bond.

The term of all appointive officers shall begin on the third Tuesday of April of the year in which he is elected and shall begin on the third Tuesday of April of the year in which he is elected and shall continue for a term of four years and until their successors have been appointed and qualified. Any person appointed to fill a vacancy shall hold his office for the unexpired term unless appointed as an "acting" officer. An "acting officer" shall serve the pleasure of the governing body. Before entering upon the duties of the office, appointed officers shall take oath and give the bonds required by §1.0404

§1.0403 Removal.

Appointive officers may be removed and any vacancy may be filled in the manner provided by law. "Acting Officers" may be removed at any time by the Council.

§1.0404 Bonds of municipal officers and employees.

The auditor, municipal judge, assessor and such other officers and employees as the governing body may direct, shall be bonded in such amounts as may be fixed by the governing body. Such bonds shall be payable to the city of Springbrook and conditioned for the honest and faithful performance of their official duties. All official bonds shall comply with the provisions of the North Dakota Century Code. All such bonds shall be filed in the office of the city auditor.

§1.0405 Salaries

The salary of city officials and appointive officers, except as otherwise provided by
§1.0406 **Administrative policy and procedures — Performance of duties.**

Each officer shall:

A. Perform all duties required of his office by law or ordinance and such other duties not in conflict as may be required by the governing body.

B. Be immediately responsible to the governing body for the effective administration of their department and all activities assigned thereto.

C. Keep informed as to the latest practices in their particular field and shall inaugurate with approval of the governing body such new practices as appear to be of benefit to the services and to the public.

D. Submit such reports of activities of his department as the governing board may request.

E. Be responsible for the proper maintenance of all City property and equipment used in his department.

F. Establish and maintain records in sufficient detail to furnish all information needed for proper control of department activities and to form a basis for reports to the governing board.

G. Cooperate with other officers, departments, and employees.

H. Have power to direct and supervise all subordinates under him.

§1.0407 **Obstructing a public official prohibited.**

Every person who willfully delays or obstructs a public officer in the discharge or attempt to discharge any duty of his office shall upon conviction thereof, be punished as herein provided.

**ARTICLE 5: PURCHASING AND DISPOSITION OF PROPERTY**

§1.0501 **Competitive Bidding Required.**

All purchases of and contracts for supplies and contractual services, and all sales of property which has become obsolete or unusable all, except as otherwise provided herein, be based whenever possible on competitive bids.
§1.0502 **Procedures**

All supplies and contractual services except as otherwise provided herein, when the estimated cost thereof shall exceed five thousand dollars ($5,000.00) shall be purchased from the lowest responsible bidder after due notice inviting proposals. All sales or disposition of obsolete or unusable property when the estimated value shall exceed five thousand dollars ($5,000.00) shall be sold to the highest responsible bidder. The lowest responsible bidder, or the highest responsible bidder shall be the bidder who in addition to price has the best ability, capacity and skill to perform the contract or provide the service required, promptly or within the specified time without delay or interference. There shall also be considered character, integrity, reputation, judgment, experience, and efficiency of the bidder, the quality of performance of previous contracts, sufficiency or financial resources, and previous and existing compliance with state laws and city ordinances.

§1.0503 **Open market purchases.**

All purchases and contractual services and all sales of property which has become obsolete or unusable of an estimated value of less than five thousand dollars ($5,000.00) or all supplies and services of a non-competitive type or kind, or purchases and sales between governmental bodies, or when in the opinion of the Council and apparent emergency requires immediate purchase of supplies or contractual services, shall be made or obtained in the open market without competitive bidding.
CHAPTER II: ALCOHOLIC BEVERAGES

ARTICLE 1: GENERAL DEFINITIONS AND EXCEPTIONS

§2.0101 Definitions

For the purpose of this article:

A. "Alcoholic beverages" shall mean any liquid suitable for drinking by human beings, which contains one-half of one percent or more of alcohol by volume.
B. "Beer" shall mean any malt beverage containing more than one-half of one percent of alcohol by volume.
C. "Liquor" shall mean any alcoholic beverage except beer.
D. "Person" shall mean and include any individual, firm, corporation, association, club, co-partnership, society, or any other organization; and shall include the singular and the plural.
E. "Sale" and "sell" shall mean all manner or means of furnishing alcoholic beverages, including the selling, exchange, barter, disposition of, and keeping for sale of such alcoholic beverages.
F. "Package" and "original package" shall mean and include any container or receptacle containing an alcoholic beverage, which container or receptacle is corked or sealed by the manufacturer thereof and which cork or seal has not been removed or broken prior to the sale of such package to the purchaser.
G. "Club" or "Lodge" shall include any corporation or association organized for civic fraternal, social or business purposes, or the promotion of sports.
H. "Retail sale" shall mean the sale of alcoholic beverages for use or consumption and not for resale.
I. "Off-sale" shall mean the sale of alcoholic beverages in original packages for consumption off or away from the premises where sold, and an off-sale license shall authorize the person named therein to conduct such off-sales only at the place designated in such license and not elsewhere, and shall not permit the opening of the package sold on the premises where sold. Such sale must in each case be completed by delivery of the liquor sold to the actual purchaser thereof on the licensed premises.
J. "On—sale" shall mean the sale of alcoholic beverages for consumption only on the premises where sold, and an on-sale license shall authorize the licensee to conduct such on-sales only at the place designated in such license and not elsewhere.
CHAPTER II: ALCOHOLIC BEVERAGES

§2.0102 Exceptions.

This article shall not apply to wines delivered to priests, rabbis, and ministers for sacramental use.

This article shall not be construed to apply to the following articles, when they are unfit for beverage purposes:

A. Denatured alcohol produced and used pursuant to Acts of Congress, and the regulations thereunder;
B. Patent, proprietary, medical, pharmaceutical, antiseptic and toilet preparations;
C. Flavoring extracts, syrups, and food products;
D. Scientific, chemical, and industrial products; nor to the manufacturer or sale of said articles containing alcohol.

ARTICLE 2: LICENSES

§2.0201 License required.

It shall be unlawful for any person to engage in the sale of beer, liquor, wine, and any other alcoholic beverages within the City without first having obtained a license as provided herein. This provision shall not apply to public carriers engaged in interstate commerce.

§2.0202 License — In general.

The Council may by ordinance or resolution provide for issuance of the following:

A. On and off sale liquor licenses;
B. On and off sale beer licenses;
C. Off sale liquor licenses; and
D. Off sale beer licenses.

The fees for such licenses shall be set by the Council in accordance with §N.D.C.C. 05-02-03 and amendment thereto.
§2.0203 Classes of licenses.

A. On and off sale liquor licenses shall have an annual fee of four hundred dollars ($400.00).
B. On and off sale beer license shall have an annual fee of two hundred dollars ($200.00)

§2.0204 Term of license

A. All licenses issued hereunder shall be for a period of not more than one year and shall expire on the 30th day of June in each year. Where a license is granted for a period less than a year any subsequent renewal thereof must be made for the full annual term.
B. But if an application is made for license hereunder during the license year for the unexpired portion of such year, the fee therefore shall be as follows:
   1. If the short term be for three months or less, the license fee therefore shall be 50% of the annual license fee.
   2. If the term be for more than three months and less than six months, the license fee shall be 50% of the annual license fee.
   3. If the term be for more than six months but less than nine months, the license fee there shall be 75% of the annual license fee.
   4. For any term in excess of nine months, the full annual license fee shall be paid.

§2.0205 Application for license.

Any person desiring a license to sell alcoholic beverages at retail as hereinbefore described shall make and present a written verified application to the Council of this city, filed with the city auditor, containing the following information:

A. The name and address of the applicant; if the applicant is a co-partnership, the name and address and place of residence of each member of said co-partnership; if the applicant is a corporation, the name and address of the officers of the corporation and the manager of the licensed premises.
B. Whether the applicant is a legal resident of the United States.
C. The legal description and the address of the premises for which license is sought.
D. The date on which the applicant acquired title to the premises sought to be licensed, and if the applicant does not have title to said premises, the name and address of the owner of the premises together with a copy of the applicant's lease, if written, under which he holds possession of said premises.

E. Whether there are any delinquent taxes against the premises sought to be licensed.

F. Whether the applicant has ever engaged in the sale or distribution of alcoholic beverages prior to this application, and if so, the date and type of business and place where so engaged whether within or without the State of North Dakota, the date the applicant first began to operate.

G. Whether the applicant has ever had a license revoked or cancelled by any municipal, state or federal authority, and if so, the date of such cancellation, the place and authority cancelling same, and the reason for such cancellation.

H. Whether the applicant has ever been convicted of the violation of any law of the United States or of any state, or of the violation of any local ordinance, with regard to the manufacture, sale, distribution or possession of alcoholic beverages, and if so, the dates, names of places, and courts, in which said conviction were had.

I. Whether the applicant has ever had a license for the sale of alcoholic beverages revoked for any violation of state laws or local ordinances, and if so, the names of the bodies revoking such license, the dates of such revocation, and the reasons assigned therefore.

J. Whether the applicant has ever been convicted of any other crime than stated in subsection (8) and (9) hereof, in this state or any other state, or under any federal law, and if so, the date of such conviction, the federal law, and if so, the date of such conviction, the name of the crime for which convicted, the amount and terms of sentence passed, and the court in which convicted.

K. The name and address and the place of residence for a period of one year prior to the date of application of any person who will have charge, management, or control of the establishment for which license is sought.

L. Whether any other person than the applicant has right, title, estate, or interest in the premise for which license is sought, and if so, the name and address of such person, together with a statement of the interest so held.

M. Whether the applicant has any interest whatsoever, directly or indirectly, in any other establishment dispensing alcoholic beverages, either at wholesale or retail, within or without the State of North Dakota, and if so, the names and addresses of such establishments. This provision is meant to include the holders of capital stock in any corporation dealing in alcoholic beverages, either at wholesale or retail, and within the borders of the United States.
CHAPTER II: ALCOHOLIC BEVERAGES

N. The occupation which the applicant has followed during the past five years.
O. The names and address of at least three business references.
P. Whether the applicant is rated by any commercial agency, and if so, the name and address of said agency.
Q. Whether the applicant is engaged in any other business or intends to be engaged in any other business than the sale of alcoholic beverages under the license for which application is made, and if so, the type of business, and if an employee, the name and address of the employer.
R. The classification of license applied for.
S. If the applicant is a lodge or a club, the date of organization, the number of members, the purposes for which organized, and the purpose for which profits to be derived from the sale of alcoholic beverages are to be applied; and whenever required by the Council a list of the members belonging to such lodge or club.
T. Whether or not the personal property taxes of the applicant are delinquent, and if a co-partnership, whether or not the personal property taxes of each member of the co-partnership are delinquent, and whether or not the personal property taxes levied against the property to be used in conducting the business or delinquent.
U. A statement by the applicant that he consents to entry and inspection of the premises for which license is sought or any part hereof at any time by any police officer, sheriff, or any peace officer of this city or of the State of North Dakota.

§2.0206 Qualifications for license.

No retail license shall be issued to any person unless the applicant shall file a sworn application, accompanied by the required fee, showing the following qualifications;

A. Applicant, if an individual, must be a legal resident of the United States, State of North Dakota, and be a person of good moral character.
B. If an applicant is a corporation, the manager of the licensed premises and the officers, directors, and stockholders must be legal residents of the United States and persons of good moral character. Corporate applicants must first be registered with the Secretary of State.
C. If applicant is a co-partnership all the members must be legal residents of the United States and residents of North Dakota for a periods of more than one year prior to the date of application, and be persons of good moral character.
D. Applicant or manager must not have been convicted of a felony.
E. Building in which business is to be conducted must meet local and state requirements regarding the sanitation and safety.
F. Applicants must not be delinquent in payment of person property taxes.
G. Taxes on property for which application for license is made must not be delinquent.
H. If applicant’s place of business is to be conducted by a manager or agent, said manager or agent must possess the same qualifications required of the licensee.

§2.0207 Applicant fitness for license.

Such person or officer as may be designated by the Council, if any, shall, upon the filing of an application, investigate the facts as stated in the application and the character, reputation and fitness of the applicant, and shall report on said matters to the Council.

§2.0208 License — Limit to one applicant.

Not more than one license of each classification shall be issued or granted to any applicant, and each license shall be valid only for the specific premises licensed.

§2.0209 License — Limit of number.

The Council shall have discretion to limit the number of licenses issued according to the population according to the last official census.

§2.0210 License — Location of.

No license shall be issued or transferred to any person, firm, or corporation to engage in the sale of beer or alcoholic beverages within the City without approval as to the location of said licensed business by the Council. The application for approval shall be in writing filed with the Council. Public hearing shall then be had of said application, upon notice published in the official newspaper of the City two (2) times, the first publication to be at least 15 days before the hearing date set for hearing said application. At the time of hearing the Council shall in its discretion determine if said location is in harmony with the public interest and welfare of the community, and shall consider among other things the following factors:

A. The convenience of police regulation.
B. Public health and sanitation.
C. Proximity of other licensed businesses.
D. Proximity of schools, churches, funeral homes, public buildings, or buildings used by or for minors.
E. Any protests of neighboring property owners or regulations.
F. Zoning regulations.
G. Proposed on or off sale or both of licensee.
H. Interference with or proximity to residential property.
I. Interference with neighboring property.
J. Suitability of premises for sale of beer, liquor, or alcoholic beverages.
K. Public convenience and necessity.

§2.0211 License — Posting of.
License issued hereunder shall be posted in a conspicuous place in the premises for which the license has been issued.

§2.0212 License — Transfer of.
No license under the provision of this Article shall be transferable and any attempt to do so shall constitute a violation of the provisions of this Article.

§2.0213 License fees — Disposition of.
All license fees collected under this Article shall be transferable to the treasurer of this city and credited to the general fund of the city.

§2.0214 Hours and time of sale, special Sunday alcoholic beverage permits.
No licensee shall sell, serve, or permit to be sold, served or consumed on the premises named in the license any alcoholic beverages between the hours of 1:00 a.m. and 8:00 a.m., nor on Christmas Day, Easter Sunday, or after 6:00 p.m. on Christmas Eve, or after 1:00 a.m. on Thanksgiving Day.

Upon application and approval, a licensee may be issued a Sunday alcoholic beverage permit. The fee for such permit shall be established by resolution by the City Council and may be set upon either an annual basis or for each Sunday the licensee sells alcoholic beverages. The City Council may permit dancing and the distribution of alcoholic beverages for consumption on the premises of the licensee between the hours of 12:00 noon on Sunday and 1:00 a.m. on the following Monday.

The general public may be permitted to participate in the consumption of alcoholic beverages distributed under the authority of the permit in accordance with the restrictions under this chapter and under the laws of this state.
§2.0215 **Licensee’s responsibility.**

Every licensee is hereby made responsible for the conduct of his place of business and is required to maintain order and sobriety in such place of business, permitting no disorderly conduct on the premises. Alcoholic beverages shall not be served to any intoxicated person, nor shall any such person be permitted to remain upon the premises.

§2.0216 **Sales prohibited — Items.**

No licensee shall sell on the license premises any item other than alcoholic beverages, soft drinks, tobacco products, drink mixing supplies, peanuts, pretzels, potato chips and related sundries; except a licensee may sell alcoholic beverages in a restaurant separated from the room in which alcoholic beverages are opened or mixed if gross sales of food are at least equal to sales of alcoholic beverages in the dining area.

§2.0217 **Sales prohibited, persons.**

No licensee, his agent, or employee shall sell any alcoholic beverages to a person under twenty-one (21) years of age, a habitual drunkard, an incompetent, or an intoxicated person.

§2.0218 **Street sales prohibited.**

The sale of consumption of alcoholic beverages upon or across any street, alley, or public way is prohibited.

§2.0219 **Premises, equipment of.**

Premises licensed hereunder for on-sale alcoholic beverages shall be equipped with tables, chairs, booths, and stools in a sufficient number to reasonably accommodate the patrons.

§2.0220 **Closed or screened areas.**

No premises licensed for on-sale of alcoholic beverages shall contain any side rooms, closed booths, or other screened enclosures, nor shall any screen, partition, curtain, blind, or obstruction of any kind prevent a clear view at all times of all parts of the interior of the premises licensed. All booths located in such premises shall open directly into the main part of said premises and shall be accessible from the aisles therein.
CHAPTER II: ALCOHOLIC BEVERAGES

§2.0221  **Purchase from licensed wholesaler.**

No licensee hereunder shall purchase, have or possess any alcoholic beverages other than those purchased from a wholesaler duly licensed by the State of North Dakota pursuant to the provision of Title V of the North Dakota Century Code; and each licensee hereunder shall keep on file all invoices covering purchases by him of such alcoholic beverages showing the name and license number of the wholesaler, and such records shall be retained in the possession of the licensee and shall be at all times open to inspection by any police officer or peace officer in the State of North Dakota.

§2.0222  **Bottle clubs.**

No person shall operate an establishment where persons are allowed to bring their own alcoholic beverages on the premises where the proprietor sells soft drinks, mix, ice, or charges for bringing such beverages on the premises.

§2.0223  **Delivers — Off licensed premises.**

A. It shall be unlawful for any person, firm or corporation engaged in the retail sale of liquor, beer or alcoholic beverages to make, or to cause to be made any deliveries outside the licensed place of business purchaser.

B. It shall be unlawful for any person, firm or corporation to deliver by foot, carrier or motor carrier, any beer, liquor, or alcoholic beverage, to any person within the city limits provided, however, that this section shall not apply to deliveries made by a licensed retail dealer.

C. Where any retail alcoholic beverage or beer licensee is a club or lodge, such licensee shall sell to members and their guests only.

§2.0224  **Termination or revocation of license.**

A. Licensee issued pursuant to this article shall be deemed cancelled and revoked and terminated upon the happening of anyone or more of the following contingencies:

1. The death of the licensee unless upon application to the Council by personal representative of the decedent, the Council shall consent to the carrying on of the business by the personal representative.

2. When the license ceases business at the location licensed, unless a new location has been approved.

3. When the licensee be adjudged bankrupt.
CHAPTER II: ALCOHOLIC BEVERAGES

4. When the licensee ceases to possess the qualifications required of an applicant for a license as set out in this article.

5. When license or permit of the licensee from the United States Government or the State of North Dakota to sell alcoholic beverages at the location licensed has been terminated or been revoked.

B. License issued pursuant to this ordinance may, in the discretion of the Council, be either revoked or suspended for such period of time as deemed appropriate upon the following grounds:

1. When the licensee has been convicted of violating any of the provisions of this Article.

2. When the business of the licensee at the location licensed shall be conducted in violation of health or sanitary regulations or other ordinances of the city.

3. When the licensee, if an individual, or one of the partners, if the licensee be a partnership, or one of the officers or the manager if the licensee be a corporation, be convicted in the municipal court of the city of drunkenness or disorderly conduct, or if any appeal be taken from such conviction then when such conviction be sustained by the higher court of courts.

C. Such causes as are hereinbefore detailed shall not be deemed to be exclusive and such license may also be cancelled and revoked or suspended at any time by the Council to be sufficient cause and justified by reason of public health or public morals. Such termination shall be subject only to review by the courts of the State of North Dakota.

D. When any license is terminated or revoked for cause, or the licensee voluntarily ceases his business, no portion of the license fee previously paid shall be returned to the licensee or to anyone claiming under or through him.

ARTICLE 3: MINORS

§2.0301 Persons less than twenty-one (21) years prohibited.

It shall be unlawful for any person under twenty-one (21) years of age to purchase, attempt to purchase, have in his or her possession of alcoholic beverages, furnish money for such a purpose, or consume any alcoholic beverage.

§2.0302 Purchasing for or furnishing to minors.

It shall be unlawful for any person to purchase or procure for any minor any form of alcoholic beverage or to furnish or deliver any such alcoholic beverages to a minor.
§2.0303 **Minors in licensed premises.**

It shall be unlawful for any minor to enter or be upon the premises where any form of alcoholic beverages is sold or offered for sale, except when such minor qualifies for one of the exceptions hereinafter specifically set forth in §2.0310.

§2.0304 **Prohibitions as to licensees allowing minors to enter or be upon the premises.**

It shall be unlawful for any licensee or any of his agents, servants, or employees to permit any minor to enter or be upon the premises where alcoholic beverages are sold or are allowed to be sold unless such minor qualifies for one of the exceptions hereinafter set forth in §2.0310.

§2.0305 **Licensee shall not sell or dispense alcoholic beverages to minors.**

It shall be unlawful for any licensee, or any of his agents, servants, or employees, to sell, dispense, or deliver alcoholic beverages to a minor, or to permit the consumptions of alcoholic beverages upon the licensed premises by any minor, or to permit any sale, dispensing, or delivering of any alcoholic beverages to any minor.

§2.0306 **Prohibition as to licensees allowing minors to be furnished with alcoholic beverages.**

No licensee shall permit any minor to be furnished with any alcoholic beverage on the premises for which a license is granted and issued pursuant to this chapter.

§2.0307 **Statement of age may be required prior to purchase.**

Before selling, serving, dispensing, or delivering to any person any alcoholic beverages, or permitting a person to enter or be upon the premises where any form of alcoholic beverages is sold or offered for sale, a licensee, his agent, servant or employee, may require a statement in writing and signed by such person of such person's age, in addition to requesting support of such age with other documentary proof such as a driver's license, a birth certificate, or other identification showing such person's age.

§2.0308 **False statement as to age prohibited.**

It shall be unlawful for any minor to make any false statement to furnish, present, or exhibit any false or fictitious registration card or other documentary proof or evidence for the purpose of purporting to show such person to be of legal age to purchase, consume, or otherwise take possession of alcoholic beverages.
§2.0309 **Posting sign.**

It shall be the duty of any person who is the proprietor or keeper of a licensed premise to post conspicuously in his place of business the following sign: "Person under the age of twenty-one (21) years not allowed here."

§2.0310 **Exception to permitting persons under twenty-one (21) years of age to enter or be upon the premises.**

Any person under twenty-one (21) years of age may remain in a restaurant where alcoholic beverages are being sold if the restaurant is separated from the room in which alcoholic beverages are opened or mixed.
CHAPTER III: ANIMAL AND FOWL

ARTICLE 1: GENERAL REGULATIONS

§3.0101 Definition.

The word "animal" or "animals" when used in this chapter means any animal domesticated or wild.

§3.0102 Cruelty.

No person shall cruelly treat any animal in the city in any way; any person who inhumanly beats, underfeeds, overloads, or abandons any animal shall be deemed guilty of a violation of this section.

§3.0103 Dangerous animals.

It shall be unlawful to permit any dangerous animal or vicious animal of any kind to run at large within the city; exhibitions or parades of animals which are ferae naturae in the eyes of the law may be conducted only upon securing a permit from the chief of police.

§3.0104 Noises.

It shall be unlawful to harbor or keep any animals which disturb the peace by loud noises at any time of the day or night.

§3.0105 Strays.

It shall be unlawful to permit any cattle, horses, sheep, swine, goats, or poultry to run at large in the city; any such animal running at large in any public place in the city shall be impounded. It shall further be unlawful to picket or tie any such animal in any of the city streets for the purpose of grazing or feeding.

§3.0106 Killing dangerous animals.

Any person in the city is authorized to kill any dangerous animals of any kind when it is necessary for the protection of any person or property.
§3.0107 **Diseased animals.**

No domestic animal afflicted with a contagious or infectious disease shall be allowed to run at large, or to be exposed in any public place whereby the health of man or beast may be affected.

§3.0108 **Housing.**

No person shall cause or allow any stable or place where any animal is kept to become unclean, or unwholesome, and it shall be unlawful to keep any live swine or pigs, cattle, chickens, goats, rabbits or other animals, except horses, cats and dogs in the city.

**ARTICLE 2: DOGS / CATS**

§3.0201 **License required.**

No dog or cat shall be permitted to be or remain in the city without being licensed as hereinafter provided if over one (1) month of age. No license or renewal license shall be issued for a dog or cat over six (6) months of age unless it has been inoculated against rabies.

§3.0202 **License fees.**

All dogs and cats kept in the city shall be registered as to sex, breed, name, and address of the owner and the name of the dog or cat. At the time of such registration such owner shall obtain a license for such dog or cat and shall pay the following fees:

- A. Three dollars ($3.00) for each male;
- B. Three dollars ($3.00) for each spayed female dog or cat.
- C. Five dollars ($5.00) for each unspayed female dog or cat.

It shall be the duty of said owner to cause such license tag to be securely attached around the dog’s or cat’s neck and kept there at all times during the license period.

§3.0203 **Dangerous dogs.**

No vicious, dangerous, ferocious dogs, including but not limited to; Pit Bull Dogs, Rottweiler, Chow Chow, Canary breeds or cross breeds of these dogs or dogs sick with or liable to communicate hydrophobia or other contagious or infectious disease shall be permitted to run at large in the city.
§3.0204 **Nuisance — When.**

Any dog within the city limits is hereby declared a public nuisance when:

A. Excessively, continuously or untimely barking;
B. Molesting passersby
C. Chasing vehicles;
D. Habitually attacking other domestic animals;
E. Trespassing upon school grounds;
F. Trespassing upon private property;
G. Damaging property; and
H. Without a valid license and collar.

Leash law will be subjected on dogs on an individual basis per city Council.

§3.0205 **Rabies inoculation.**

It shall be the duty of the owner or person in custody of any dog or cat kept in the city to have the dog or cat inoculated against rabies at least once each year if the vaccine used was Phenalized vaccine and within three years if the vaccine used was Avianized vaccine, and no license shall be issued for any dog unless the applicant exhibits a certificate of veterinarian showing compliance with this section.
CHAPTER IV: BUILDINGS and BUILDING REGULATION

ARTICLE 1: RESOURCE

§4.0101 Williams County Building Department.

Notation: Buildings and Building Regulations for the City of Sprinabrook jurisdiction is currently the responsibility of Williams County Building Department per documents on Page 22 and Page 23.

To view Williams County Regulations and access appropriate application forms you can either go to Williams County Building Department located in Williston, North Dakota, or view online www.williamsnd.com / departments / building department.
JOINT POWERS AGREEMENT

This Agreement is entered into this 3rd day of July 2012 between the CITY OF SPRINGBROOK, North Dakota and WILLIAMS COUNTY PLANNING AND ZONING and WILLIAMS COUNTY BUILDING DEPARTMENT.

CITY OF SPRINGBROOK, through its duly elected and appointed city council, pursuant to motion duly made, seconded, and carried at the Special Meeting of said Council, held on the 11th day of June 2012, hereby formally request inclusion of CITY OF SPRINGBROOK in the Jurisdiction of the Williams County Zoning Ordinance, adopted July 7, 1987.

It is the specific understanding of CITY OF SPRINGBROOK that this request does not constitute relinquishment of City Zoning and Building. Additionally, it is specifically understood that this request of inclusion in the County Zoning Jurisdiction is subject to the right of CITY OF SPRINGBROOK to withdraw from the Williams County Planning and Zoning Ordinances as amended at any future date, provided that written notice is given. Acceptance of this request by the Williams County Zoning and Building Authorities shall constitute acceptance of all terms contained in this document.

Dated this 11th day of July, 2012.

[Signatures]

City of Spring brook, North Dakota, Mayor

City of Spring brook, North Dakota, Auditor

Williams County Commissioner Chairman
SPECIAL MEETING FOR CITY OF SPRINGBROOK MET AT 11:00 A.M., JUNE 16, 2012 AT CITY HALL IN REGARDS TO PLANNING, ZONING & BUILDING.
PRESENT: LYLE MORKEN, MAYOR, ALDERMAN: SCOTT ALEXANDER, SHARI BOLSTAD, PAUL JOHNSRUD, JOAN BENSON & SHERYL MORKEN, AUDITOR.
MEETING WAS CALLED TO ORDER BY MAYOR, LYLE MORKEN.

JOINT POWERS AGREEMENT WAS PRESENTED TO CITY COUNCIL MOTION WAS MADE BY SCOTT ALEXANDER THAT CITY OF SPRINGBROOK SIGN AGREEMENT TO FORMALLY REQUEST INCLUSION IN THE JURISDICTION OF WILLIAMS COUNTY ZONING & PLANNING & WILLIAMS COUNTY BUILDING DEPARTMENT. SHARI BOLSTAD SECOND THE MOTION. ROLL CALL FOR AYE OR NAY VOTE: BOLSTAD-AYE, JOHNSRUD-AYE, ALEXANDER-AYE, BENSON-AYE, MORKEN-AYE. AGREEMENT WAS SIGNED BY MAYOR & AUDITOR.
MOTION WAS MADE BY SHARI BOLSTAD TO ADJORN MEETING. PAUL JOHNSRUD SECOND THE MOTION.

CITY AUDITOR
CHAPTER V: MOTOR VEHICLES AND TRAFFIC

ARTICLE 1: ENFORCEMENT

§5.0101 Definitions.

Words and phrases used in this chapter shall have the meaning and be defined as provided in TITLE 39 of the N.D.C.C., and N.D.C. §39-01-01 and subsequent amendments are hereby incorporated by reference in this ordinance.

§5.0102 Obedience to traffic rules.

It shall be unlawful for any person to commit any forbidden act 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 VII.

5.0103 Obedience to officials.

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

5.0104 Emergency vehicles.

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 not to include special 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;

A. The driver of a Class A authorized emergency vehicle may;
   1. Park or stand, irrespective of the provisions of this Chapter;
   2. Proceed past a red stop signal or stop sign, but only after slowing down as may be necessary for safe operation;
   3. Exceed the speed limit so long as he does not endanger life or property;
   4. Disregard regulations governing direction of movement or turning in specified directions.

B. The exceptions herein granted to a Class A authorized emergency vehicle shall apply only;
   1. When the authorized emergency vehicle is in pursuit of or apprehension of a violator or a suspected violator requiring the use of these exemptions;
   2. When the Class A authorized 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 by use of a flashing red light which is visible under normal atmospheric conditions for a least five hundred (500) feet.
   3. In any instance when the head of law enforcement 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 a lease five hundred (500) feet.

C. No emergency vehicle shall display or permit to be displayed any red lamp except when operated on official business.

D. 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 local authorities.

1. The driver of a 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.
CHAPTER V: MOTOR VEHICLES AND TRAFFIC

2. The exception 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 (500) 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;
   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 by civil defense directors while used in the performance of emergency duties. All Class B specification shall apply except that a rotating blue flashing light shall be displayed.

§5.0105 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 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 (500) feet or drive into or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm.
§5.0106 **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 reports 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.

§5.0107 **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 Williams County Sheriff’s Department, or other law enforcement agency, or furnish a copy of any report he 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 law enforcement 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.

§5.108 **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 care.
treatment, if it is apparent that such treatment is necessary or is requested by the injured person.

§5.0109 **Accidents — Reports confidential.**

All written accident reports made by drivers, owners, or occupants of vehicles involved in accidents as required in §5.0107 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**

§5.0201 **Authority to install.**

Any person authorized by the Council 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.

§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 to 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, which attempts to direct the movement of traffic, or which hides from view or interfere with the effectiveness of any official traffic control device or any railroad sign or signal.

§5.0205 Designation of walks, lanes, etc.

Any person authorized by the Council shall when authorized by the Council;

A. Designate and maintain, by appropriate devices, marks, or lines upon the surface of the roadway, crosswalks at intersections where there is particular danger to pedestrian crossing the roadway, and at such other places as directed by the Council.

B. Establish safety zones of such kind and character and at such places as may be deemed necessary for the protection of pedestrians as determined by the Council.

C. 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 movement.

ARTICLE 3: SPEED REGULATION

§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.
CHAPTER V: MOTOR VEHICLES AND TRAFFIC

Subject to subsection above, twenty-five (25) miles per hour shall be the speed limit within the City limits.

ARTICLE 4: TURNING MOVEMENTS

§5.0401 Turning at intersection.

A. Right Turns. Both the approach for a right turn and right turn shall be made as close as practicable to the right hand curb or edge of the roadway.

B. Left turns on two-way roadways. At any intersection where traffic is permitted to move in both directions on each roadway entering the intersection, as 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 to the right of the center line of the roadway being entered.

C. 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 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.

§5.0402 Turning markers.

Any person designated by the Council, may place markers, buttons, or signs within or adjacent to intersection indicating the course to be travelled by vehicles turning at such intersections, and such course to be traveled as so indicated may conform to or be other than as prescribed by law or ordinance.

When authorized markers, buttons, or other indications are placed within an intersection indicated the course to be traveled by vehicles turning at such intersections, and such course to be traveled as so indicated may conform to or be other than as prescribed by law or ordinance.

§5.0403 Turning signs.

Any person designated by the Council is hereby authorized to determining subject to approval of the Council those intersections at which drivers of vehicles shall not make a right, left, or U turn, and any person designated by the Council shall place proper signs at such
intersections. The making of such turns may be prohibited between certain hours of any day
and permitted at others, in which even the same shall be plainly indicated on the signs or
they may be removed when such turns are permitted.

§5.0404 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.

§5.0405 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: STOP — YIELD SIGNS

§5.0501 Authority to erect signs.

Whenever any ordinance of this City designates and describes a through street, it
shall be the duty of any person designated by the Council, 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 any authorized person or upon the basis of
an engineering and traffic study.

§5.0502 Authority to erect signs at intersections.

The Council may designate intersection 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.

§5.0503 Signs.

All traffic control devices shall conform to the state manual and specifications.
§5.0504 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 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.

§5.0505 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 thereto 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 street which have entered the intersection or are so close as to constitute an immediate hazard before entering the intersection.

§5.0506 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.

§5.0507 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.

§5.0508 Approach of train.

A. Whenever any person driving a vehicle approaches a railroad grade crossing under any circumstances stated in this section, the driver of such vehicle shall stop within fifty (50) feet but not less than fifteen (15) feet from the nearest rail of such railroad, and shall not proceed until he can do so safely. The forgoing requirements shall apply when:

1. A clearly visible electric or mechanical signal device give warning of the immediate approach of a railroad train;
2. Crossing gate is lowered or when a human flagman gives or continues to give a signal of the approach or passage of a railroad train;
3. A railroad train approaching within approximately 1,320 feet of the highway crossing emits a signal audible from such distance and such railroad train, by reason of its speed or nearness to such crossing is an immediate hazard;
4. An approaching railroad train is plainly visible and is in hazardous proximity to such crossing.

No person shall drive any vehicle through, around, or under any crossing gate or barrier at a railroad grade crossing while such gate or barrier is closed or is being opened or closed. No person shall drive any vehicle past any human flagman at a railroad crossing until the flagman signals that the ways is clear to proceed.

ARTICLE 6: MISCELLANEOUS DRIVING RULES

§5.0601 Approaching or entering intersection.

A. 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;
B. When two vehicles enter an intersection from different streets at approximately the same time the driver of the vehicle on the left shall yield the right of way to the vehicle on the right, and;
C. The right of way rules declared in subsection 1 and 2 of this section are modified at through streets.
D. 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.
§5.0602 Crossing intersections.

In crossing at intersection of streets or the intersection 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.

§5.0603 Driving on right side.

A. Upon all roadways of sufficient width a vehicle shall be driven upon the right half of the roadway, except as follows:
   1. When overtaking and passing another vehicle proceeding in the same direction under the rules of governing such movement;
   2. When the right half of the roadway is closed to traffic while under construction or repair;
   3. Upon a roadway divided into three marked lanes for traffic under the rules applicable theron; or
   4. Upon a roadway designed and sign-posted for one-way traffic.

B. 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.

§5.0604 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.

§5.0605 Signals for turning movements.

A. 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 of 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;

B. 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 in; and
C. No personal shall stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal in the manner provided herein to the rear when there is an opportunity to give such signal.

D. 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 exceed 14 feet, the latter measurement shall apply to any single vehicle, also to any combination of vehicles.

1. Left turn: hand and arm extended horizontally;
2. Right turn: hand and arm extended upward;
3. Stop or decrease speed: hand and arm extended downward.

§5.0606 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 overtaking.

§5.0607 Overtaking on left — Further limitations.

A. No vehicle shall at any time be driven to the left side of the roadway under the following conditions:

1. When approaching the crest of a grade or upon a curve in the roadway where the driver’s view is obstructed within such distance as to create a hazard in the event another vehicle might approach from the opposite direction;
2. When approaching within one hundred feet of or traversing any intersection of railroad grade crossing;
3. When the view is obstructed upon approaching within one hundred feet of any bridge, viaduct, or tunnel.
4. The foregoing limitation shall not apply upon a one-way roadway.
§5.0608 Driving on roadways laned for traffic.

Whenever any roadway has been divided into two or more clearly marked lanes for traffic the following rules in addition to all others consistent herewith shall apply;

A. A vehicle shall be driven as nearly as practicable entirely within a single lane and shall not be moved from such lane until the driver had first ascertained that such movement can be made with safety;
   1. Upon a roadway which is divided into three lanes a vehicle shall not be driven in the center lane except when overtaking and passing another vehicle where the roadway is clearly visible and such center lane is clear of traffic within a safe distance, or in preparation for a left turn or where such center lane is at the time allocated exclusively to traffic moving in the direction the vehicle is proceeding and is sign-posted to give notice of such allocation; and
   2. Official signs may be erected directing the slow-moving traffic to use a designated lane or designating those lanes to be used by traffic moving in a particular direction regardless of the center of the roadway and drivers of vehicles shall obey the directions of every such sign.

§5.0609 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.

§5.0610 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 the 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 designated police authority.
§5.06011 **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.

§5.06012 **Riding on motorcycles.**

A person operating a motorcycle shall ride only upon the permanent and regular seat attached thereto, and such operator a motorcycle unless such motor cycle is designed to carry more than one person, in which even 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.

§5.06013 **Controlled access.**

No person shall drive a vehicle onto or from any controlled access roadway except at such instances and exists as are established by public authority.

§5.06014 **Obstructed view.**

No person shall drive or operate a motor vehicle when the driver's view to the front or sides of the vehicle is obstructed by dirt, frost, ice, snow, or other substance or overloading of persons so as to interfere with his control of the vehicle or so as to interfere with the driver's view ahead, to the sides, or to the rear.

§5.06015 **Equipment for motorcycle riders.**

A. No person under the age of eighteen years shall operate or ride upon a motorcycle unless protective headgear, which complies with standards established by the department, is being worn on the head of the operators and rider, except when participating in a lawful parade. If the operator of a motorcycle is required to wear protective headgear, any passenger must also wear protective headgear regardless of the age of the passenger.

B. This section shall not apply to person riding within an enclosed cab or on a golf cart.

C. No person shall operate a motorcycle if a person under the age of eighteen years is a passenger upon that motorcycle and is not wearing protective headgear as provided in subsection 1.
ARTICLE 7: PEDESTRIANS

§5.0701 Pedestrians — Traffic control signals.

Pedestrians shall be subject to traffic control signals if any exhibiting different color lights for Go, Caution or Stop, or Walk or Don't Walk, but all other places pedestrians shall be granted those rights and be subject to the restrictions stated in this article.

§5.0702 Pedestrians — Right-of-way — When.

When traffic control signals are not in place or not in operation the driver of a vehicle shall yield the right of way, slowing down or stopping if need be to so yield, to a pedestrian crossing the roadway within a crosswalk when the pedestrian is upon the half of the roadway upon which the vehicle is traveling or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger, but no pedestrian shall suddenly leave a curb or place of safety and walk or run into the path of a vehicle, which is so close that it is impossible for the driver to yield.

Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass such stopped vehicle.

§5.0703 Pedestrians — Passing roadways.

A. No pedestrian shall cross a roadway at any place other than by a route at right angles to the curb or by the shortest route to the opposite curb.

B. Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right of way to all vehicles upon the roadway.

C. The foregoing rules in this section have no application under the conditions stated in §5.0704 when pedestrians are prohibited from crossing at certain designated places.

§5.0704 Pedestrians — Crossing prohibited.

A. Between adjacent intersection at which traffic control signals are in operation, pedestrians shall not cross at any pace except in a crosswalk.

B. No pedestrian shall cross a roadway other than in a crosswalk in any business district.

C. No pedestrian shall cross a roadway other than in a crosswalk upon any of the designated through streets.
§5.0705 Pedestrians — Walking along roadways.
   A. Where sidewalks are provided it shall be unlawful for any pedestrian to walk along and upon an adjacent roadway, unless such sidewalk obstructed in a manner to make it impassable.
   B. Where sidewalks are not provided any pedestrian walking along and upon a roadway shall when practicable walk only the left side of the roadway or its shoulder facing traffic which may approach from the opposite direction.

§5.0706 Pedestrians soliciting rides.

   No person shall stand in a roadway for the purpose of soliciting a ride, employment, or business from the occupant of any vehicle.

ARTICLE 8: OPERATORS

§5.0801 Care Required in Operating 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.

§5.0802 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 suspended, 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 with 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.

§5.0803 Reckless driving.

   Any person who drives any vehicle within the City carelessly and heedlessly in willful or wanton disregard of the rights and 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.

§5.0804 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.

§5.0805 Opened receptacle — Alcoholic beverages.

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

§5.0806 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.

§5.0807 Handicapped persons.

Any physically handicapped person who displays prominently upon an automobile parked by him or under his direction and for his use, the distinguishing certificate or insignia issued by the State Motor Vehicle Registrar shall be entitle to courtesy in the parking of such
automobile except parking on any street marked as reserved for fire lane or on which such parking is prohibited to accommodate heavy traffic in rush periods.

Physically handicapped drivers of motor vehicles are, when getting into and out of such vehicles or when such vehicle is in distress, to display a white flag of approximately seven and one-half inches in width and thirteen inches in length with the letter "H" thereon in red color with an irregular one-half inch red border. Said flag shall be of reflective material so as to be readily discernible under darkened conditions.

ARTICLE 9: DUI ORDINANCES

§5.0901 Persons under the influence of liquor or drug — Driving prohibited.

No person shall drive or be in actual physical control of any vehicle upon a highway or upon public or private areas to which the public has a right of access for vehicular use in this City if any of the following apply:

A. He has a blood alcohol concentration of at least ten one-hundredths of one percent by weight at the time of the performance of a chemical test within two (2) hours of driving;
B. He is under the influence of intoxicating liquor;
C. He is a habitual user of narcotics drugs or is under the influence of a narcotic drug;
D. He is under the influence of any controlled substance to a degree which renders that person incapable of safely driving;
E. He is under the influence of a combination of intoxicating liquor and a controlled substance to a degree which renders that person incapable of safely driving.

§5.0902 Same — Violations.

A. A person violating any provision of §5.0901 is guilty of an offense and such person shall be punished by imprisonment in the county jail for not more than thirty (30) days and not more than five hundred dollars ($500.00)
B. For a first offense, the sentence of a person convicted of violating §5.0901 must include both a fine of at least two hundred and fifty dollars ($250.00) and referral for addiction evaluation to an appropriate licensed addiction treatment program. If the addiction evaluation indicates treatment is needed, the court shall notify the state highway commission.
C. For a second offense within (5) years, the sentence of a person convicted of violating §5.0901 must include at least four (4) days imprisonment of which forty-eight (48) hours must be served consecutively, or ten (10) days of
community service; a fine of at least five hundred ($500.00); and referral for addiction evaluation to an appropriate licensed addiction counselor. If the addiction evaluation indicates treatment is needed, the court shall notify the state highway commission.

D. A sentence or imposition of sentence under this section may not be suspended except that a fine or a sentence of imprisonment may be suspended in any of the following instances:

1. Upon conviction of being in actually physical control of §5.0901 of this Code, or equivalent ordinance.
2. If the defendant is under age eighteen (18) when convicted except that if the defendant has, within the preceding five (5) years, previously been convicted of violating Section §5.0901 of this Code, or equivalent ordinance, the sentence must include at least forty-eight (48) consecutive hours imprisonment or in a minimum security facility or at least ten (10) days of community service, which sentence or imposition of sentence may not be suspended.

E. For purposes of this section, conviction of an offense under a law or ordinance of another City which is equivalent to §5.0901 of this Code shall be considered a prior offense if such offense was committed within the time limitations specified in this section.

F. If the penalty mandated by this section includes imprisonment upon conviction of a violation of this section or equivalent ordinance, and if an addiction evaluation has indicated that the defendant needs treatment, the court may order the defendant to undergo inpatient treatment an appropriate licensed addiction treatment program and the time spent by the defendant to the inpatient treatment must be credited as a portion of a sentence of imprisonment under this section.

§5.0903 Same — Impoundment of vehicle number plates.

Upon conviction, the court may order the motor vehicle number plates of the motor vehicle owned and operated by the offender at the time of the offense to be impounded by the sheriff or the chief law enforcement officer of the City, as is appropriate, for the duration of the period of suspension of the offender's driver's license or driving privilege by the licensing authority. The impounded motor vehicle number plates may be released, upon the order of the court, to a bona fide purchaser of the offender's motor vehicle, if that purchaser produces a new certificate of title issued by the motor vehicle registrar.
§5.0904 **Interpretation of chemical tests.**

Upon the trial of any civil or criminal action or proceeding arising out of acts alleged to have been committed by any person while driving or in actual physical control of a motor vehicle while under the influence of intoxicating liquor or drugs, evidence of the amount of alcohol in the person's blood at the time of the act alleged as shown by a chemical analysis of the blood, breath, saliva, or urine is admissible. For the purpose of this section:

A. A person having, at that time, a blood alcohol concentration of not more than five one-hundredths of one percent by weight is presumed not to be under the influence of intoxicating liquor.

B. Evidence that there was at that time more than five one-hundredths of one percent by weight of alcohol in the person's blood is relevant evidence, but it is not to be given prima facie effect in indicating whether the person was under the influence of intoxicating liquor.

C. A person having a blood alcohol concentration of at least ten one-hundredths of one percent by weight at the time of the performance of a chemical test within two hours after driving or being in physical control of a vehicle is under the influence of intoxicating liquor at the time of driving or being in physical control of a vehicle.

D. Percent by weight of alcohol in the blood or blood alcohol concentration is based upon grams of alcohol per one hundred cubic centimeters of urine.

E. The results of the chemical analysis must be received in evidence when it is shown that the sample was properly obtained and the test was fairly administered, and if the test is shown to have been performed according to methods and with devices approved by the state toxicologist, and by an individual possessing a certificate of qualification to administer the test issued by the state toxicologist. The state toxicologist is authorized to approve satisfactory devices and methods of chemical analysis and determine the qualifications of individuals to conduct such analysis and shall issue a certificate to all qualified operators who shall exhibit the certificate upon demand of the person requested to take the chemical test.

**ARTICLE 10: STOPPING — PARKING — PROHIBITED IN SPECIFIED PLACES**

§5.1001 **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:

A. On a sidewalk;
B. In front of a public or private driveway;
C. Within an intersection;
D. On a crosswalk;
E. Within fifteen (15) feet upon the approach to any flashing beacon, stop sign, or traffic control signal located at the side of a roadway.
F. Within fifteen (15) feet of the nearest rail of a railroad crossing;
G. Within twenty (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.
H. Alongside or opposite any street excavation or obstruction when stopping, standing, or parking would obstruct traffic;
I. On a roadway side of any vehicle stopped or parked at the edge or curb of a street;
J. Upon any bridge or other elevated structure upon a street or within a tunnel or underpass under a street;
K. 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 distances as is unlawful.

§5.1002 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.

§5.1003 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.

§5.1004 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 48 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.
§5.1005 \textbf{Stopping — Parking — Certain purposes prohibited.}

No person shall park a vehicle upon any roadway for the principle purpose of:

A. Displaying such vehicle for sale.
B. Washing, greasing, or repairing such vehicle except repairing such vehicle necessitated by an emergency.

§5.1006 \textbf{Stopping — Parking — Congested — Hazardous places.}

Any other person designated by the Council 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.

\textbf{ARTICLE 11: METHOD OF PARKING}

§5.1101 \textbf{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.

\textbf{ARTICLE 12: PARKING PROHIBITED — CERTAIN STREETS}

§5.1201 \textbf{Parking prohibited — All times.}

When signs are erected giving notice thereof, it shall be unlawful for any person, firm, or corporation to park or leave standing, either attended or unattended, any motor vehicle in violation of such signs.

\textbf{ARTICLE 13: ENFORCEMENT OF TRAFFIC ORDINANCES}

§5.1301 \textbf{Impounding vehicles.}

A. Members of the Williams County Sheriff's Department, or any other authorized law enforcement officers are hereby authorized to remove a vehicle from a street or highway to the nearest garage or other place of safety, 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 person 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 therefore 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, 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 and all fines or penalties imposed for the violations of this Chapter are paid.
CHAPTER VI: OFFENSES

ARTICLE 1: OFFENSES AGAINST PUBLIC PEACE

§6.0101 Tumultuous conduct.

No person in the city shall disturb, tend to disturb, or aid in disturbing the peace of others by violent, tumultuous, offensive, or obstreperous conduct, and no person shall knowingly permit such conduct, and no person shall knowingly permit such conduct upon any premises owned or possessed by him or under his control.

§6.0102 Assault.

No person in the city shall beat, strike, wound, imprison, or inflict violence on another where the circumstances show malice or assault another with intent to commit murder, rape, mayhem, robbery, or larceny. Nor shall any person assault another with a lethal weapon, instrument, or thing with intent to commit upon the person of another any bodily injury where no considerable provocation appears or where the circumstances of the assault show malice.

§6.0103 Fighting.

No person in the city shall fight another person except in boxing exhibition duly authorized and licensed under the law.

§6.0104 Disorderly conduct.

No person in the city shall engage in "disorderly conduct" as defined herein. A person is guilty of disorderly conduct if, with intent to harass, annoy, or alarm another person or in reckless disregard of the fact that another person is harassed, annoyed, or alarmed by his behavior, he:

A. Engages in fighting, or in violent, tumultuous, or threatening behavior;
B. Makes unreasonable noise;
C. In a public place, uses abusive or obscene language, or makes an obscene gesture;
D. Obstructs vehicular or pedestrian traffic, or the use of a public facility;
E. Persistently follows a person in or about a public place or places;
F. While loitering in a public place for the purpose of soliciting sexual contact, he solicits such contact; or

G. Creates a hazardous, physically offensive, or seriously alarming condition by any act which serves no legitimate purpose.

§6.0105 Disturbing religious worship.

No person in the city shall disquiet or disturb any congregation or assembly for religious worship by making a noise or by rude or indecent behavior, or profane discourse within their place of worship, or so near the same as to disturb the order or solemnity of the meeting.

ARTICLE 2: OFFENSES AGAINST PUBLIC SAFETY

§6.0201 Weapons, carrying concealed.

No person in the city shall wear under his clothes, or conceal about this person, or display in a threatening manner, any dangerous or deadly weapon, except as authorized by law, including, but not by way of limitations, any pistol, revolver, sling shot, cross knuckles or knuckles of lead, brass, or other metal, or any bowie knife, or any knife resembling a bowie knife, or any knife with a switch-blade or device whereby the blade or blades can be opened by a flick of a button, pressure on the handle, or other mechanical contrivance.

§6.0202 Weapons, possession of, exceptions when.

No person in the city shall have in his possession, except within his own domicile, or carry or use, a revolver or pistol of any description, shotgun, or rifle which may be used for the explosion of cartridges, or any air-gun, "B-B gun", gas operated gun or spring gun, or any instrument toy or weapon commonly known as a "peashooter," "sling-shot," or "beany," or any bow made for the purpose of throwing or projecting missiles of any kind by any means whatsoever, whether such instrument is called by any name set forth above or by any other name.

A. Exception for Licensed and Other Specific Premises. The prohibition of Subsection 5.0202 above shall not apply to licensed shooting galleries or in private grounds or premises under circumstances when such instrument can be fired, discharged, or operated in such a manner as not to endanger persons or property, and also in such a manner as to prevent the projectile from traversing any grounds or space outside the limits of such gallery, grounds, or residence.
B. **Exception for Authorized Officials.** The prohibition of this subsection shall not be construed to forbid United States marshals, sheriffs, constables, and their deputies, and any regular, special, or ex-officio police officer, or any other law enforcement officer from carrying or wearing while on duty such weapons as shall be necessary in the proper discharge of their duties.

§6.0203 **Weapons, forfeiture of.**

Every person convicted of a violation of §6.0201 or §6.0202 shall forfeit to the city such dangerous or deadly weapon so concealed or displayed.

§6.0204 **Weapons, disposition of.**

Every police officer, upon making any arrest and taking a weapon used in violation of this article, shall deliver the same to the municipal judge or other designated official, to be held by him until the final determination of the prosecution for said offense; and upon the finding of guilt, it shall then be the duty of said municipal judge or other designated official to deliver said weapon forthwith to the chief of police who shall make disposition of the weapon.

§6.0205 **Throwing missiles.**

It shall be unlawful for any person in the city to throw any stone, snowball, or any other missile upon or at any vehicle, building, tree, or other public or private property, or upon or at any person in any public or private way or place or enclosed or unenclosed ground.

§6.0206 **False alarms.**

No person in the city shall intentionally make, turn in, or give a false alarm of fire, or of need for police or ambulance assistance, or aid or abet in the commission of such act.

§6.0207 **Interference with officers.**

No person shall resist any person duly empowered with police or fire authority, while in the discharge or apparent discharge of his duty, or in any way interfere with or hinder him in the discharge of his duty.

**ARTICLE 3: OFFENSES AGAINST PROPERTY**

§6.0301 **Against public and private property.**

A. **Injury or Removal.** No person in the city shall willfully, maliciously, wantonly,
negligently, or otherwise injure, deface, destroy, or remove real property or improvements thereto, or moveable or personal property, belonging to the city or to any person in the city.

B. **Scattering Rubbish.** No person in the city shall throw or permit to be deposited or scattered upon any sidewalk alley, street, bridge, or public passageway, or upon any private property, any waste or other material of any kind.

C. **Posting Notices.** No person in the city shall fasten in any way any show-card, poster, or their advertising device upon public or private property in the city unless legally authorized to do so.

D. **Tampering With Vehicles.** No person in the city shall, without the consent of the owner or person in charge of a vehicle, climb into or upon such vehicle with the intent to commit any crime, malicious mischief, or injury thereto, or who, while a vehicle is at rest and unattended, shall attempt to manipulate any of the levers, starting devices, brakes, or other mechanism thereof or to set such vehicle in motion. Except, the provisions of this section shall not apply when such act is done in an emergency in furtherance of public safety or convenience or by or under the direction of an officer in the regulation of traffic or the performance of any other official duty.

§6.0302 *Against public property.*

A. **Tampering.** No person in the city shall tamper with, injure, deface, destroy, or remove any sign, notice, marker, fire-alarm box, fire-plug, topographical survey monument or any other personal property erected or placed by the city.

B. **Obstructing Passageways.** No person in the city shall place or erect upon public way or passageway to any building an obstruction of any type provided that this subsection shall not prevent the duly authorized or required placing of temporary barriers or warning signs for the purpose of safeguarding the public.

C. **Removal of Earth.** No person shall move, disturb, or take any earth, stone, or other material from any public street, alley, park, or other public ground.

§6.0303 *Theft of property or services.*

A. Theft not exceeding five hundred dollars ($500.00) shall be a violation of this Code if:

1. The theft was not committed by threat;
2. The theft was not committed by deception by one who stood in a confidential or fiduciary relationship to the victim of the theft;
CHAPTER VI: OFFENSES

3. The defendant was not a public servant or an officer or employee of a financial institution who committed the theft in the course of his official duties.

B. Theft under this Code constitutes a single offense designed to include the separate offenses known as larceny, stealing, purloining, embezzlement, obtaining money or property by false pretenses, extortion, blackmail, fraudulent conversion, receiving stolen property, possessing stolen property, misappropriation of public funds, swindling, theft of property or services, and the like.

ARTICLE 4: OFFENSES AGAINST MORALS

§6.0401 Prostitution.

A. Committing. No person in the city shall commit or offer or agree to commit a lewd act or an act of prostitution or moral perversion.

B. Securing. No person in the city shall secure or offer another for the purpose of committing a lewd act or an act of prostitution or moral perversion.

C. Frequenting. No person in the city shall be in or near any place frequented by the public, or any public place, for the purpose of inducing, enticing, or procuring another to commit a lewd act or an act of prostitution or moral perversion.

D. Meretricious Display. No person in the city shall make a meretricious display in or near any public place, any place frequented by the public, or any place open to the public view.

E. Transportation. No person in the city shall knowingly transport any person to any place for the purpose of committing a lewd act or an act of prostitution or moral perversion.

F. Permitting. No person in the city shall knowingly receive, or offer or agree to receive any person into any place or building for the purpose of performing a lewd act, or an act of prostitution or moral perversion, or to knowingly permit any person to remain in any place or building for any such purpose.

G. Directing. No person in the city shall direct or offer to direct any person to any place or building for the purpose of committing any lewd act or act of prostitution or moral perversion.

H. Aiding. No person in the city shall aid, abet, allow, permit, or participate in the commission of any of the act prohibited in subsections 1-7 and above.
CHAPTER VI: OFFENSES

§6.0402 **Vulgar language.**

No person in the city shall use vulgar, profane, or indecent language on any public street, or their public place or in any public dance hall, club dance, skating rink, or place of business open to public patronage.

§6.0403 **Window peeping.**

No person in the city shall look, peer, or peep into, or be found loitering around or within view of, any window not on his own property with the intent of watching or looking through said window.

§6.0404 **Gambling.**

A. **Participation Prohibited.** No person in the city shall engage in a game of chance prohibited by the statues of the State of North Dakota or the ordinances of this city.

B. **Possession of Materials.** No person in the city shall have in his possession any evidence of illegal gambling in the nature of policy or pool tickets, slips or checks or memoranda of any combination or bet, or any policy wheel, dice, implement, apparatus, or material of any form of illegal gambling or lottery.

C. **Owner of Premises.** No person being the owner or person in control of premises shall knowingly permit the use of occupancy thereof for illegal gambling.

§6.0405 **Animals.**

A. **Cruelty to Animals.** No person in the city shall overdrive, overload, drive when overloaded, overwork, torture, cruelly beat, mutilate, or needlessly kill, or carry or transport in any vehicle or other conveyance in a cruel and inhuman manner, any animal; or cause any of these acts to be done.

B. **Food and Shelter.** No person in the city shall fail to provide any animal in his charge or custody with necessary sustenance, drink, and the protection from the elements, or cause any of these acts to be done.

C. **Abandonment.** No person in the city shall abandon any animal, or cause such act to be done.

D. **Poisoning Dogs.** No person in the city shall poison any dog or dogs or distribute poison in any manner whatsoever with the intent or for the purpose of poisoning any dog or dogs.
CHAPTER VII: ORDINANCES

ARTICLE 1: PROCEDURE

§7.0101 *Enacting clause for ordinances.*

The enacting clause for every ordinance adopted by the City shall be "Be it ordained by the Council of the City of Springbrook." Such caption, however, may be omitted where the ordinances are published in book form or are revised and digested.

§7.0102 *Procedure in passing ordinances.*

All ordinances shall be read twice, and the second reading shall not be had in less than one week and the first reading; and after such first reading, before their final passage, such ordinances may be amended, and shall then be put upon their second reading and final passage; and, if passed by the Council, shall be signed by the President of the Council and attested by the City Auditor.

§7.0103 *Voting, record of.*

The yeas and nays shall be taken by this council upon the passage of all ordinance and on all ordinances and on all propositions to create any liability against the city or for the expenditure of appropriation of money, and in all other cases, at the request of any member, which shall be entered on the journal of its proceedings, and the concurrence of a majority of all the members elected shall be necessary to the passage of any such ordinance or other matter which shall come before it for decision, except as otherwise provided by law or ordinance. It shall require a two-thirds vote of all the members elected to sell any city property where the value is more than $100.00. A member of the Council who passes his vote, or who remains silent when the roll call on the vote is taken, shall be deemed to have voted yea and a record of yea shall be entered in the journal.

§7.0104 *Reconsideration or rescinding vote.*

No vote of the Council shall be reconsidered or rescinded at a special meeting unless, at such special meeting there is present as large a number of members as was present when such vote was taken.
§7.0105 **Enactment and revision of ordinances.**

The Mayor may appoint, by and with the advice and consent of the Council, one or more competent persons to prepare and submit it to the Council for its adoption or rejection, an ordinance for the revision or amendment of existing ordinances or for the enactment of new and additional ordinances for such municipality. The attorney for the municipality, if they have an attorney, shall be appointed as one of the person to prepare and submit such ordinance. The compensation for the revisor or revisors including that of the attorney, shall be determined by the Council and shall be paid out of the municipal treasury. Such revision, including any additional ordinances and amendments to existing ordinances contained therein, may be passed as a single ordinance and may be published in pamphlet or book form, by and under the authority of the Council of the municipality and shall be valid and effective without publication in a newspaper or posting.

§7.0106 **Publication.**

The title and penalty clause of each ordinance, imposing any penalty, fine, or imprisonment for its violation, after its final adoption, shall be published in one issue of the official paper of the city.

§7.0107 **Effect of repeal.**

When any ordinance repealing a former ordinance, clause or provision, shall be itself repealed, such repeal shall not be construed to revive such former ordinance, clause or provision, unless it shall be expressly so provided.

§7.0108 **General penalties for violation.**

In case no other specific penalty is prescribed for the violation of any section or provision of any ordinance of the City, any person found guilty of violating the same shall be punished by a fine of not less than One Dollar ($1.00) nor more than ($500.00) or by imprisonment not to exceed thirty (30) days, or both such fine and imprisonment in the discretion of the court; the court to have power to suspend said sentence and to revoke the suspension thereof. Each day any person, firm, association or corporation shall violate any section or provision of any article shall constitute a separate offense.

§7.0109 **Cost of prosecution.**

In every case of conviction of a violation of any ordinance, or any part thereof, the cost of prosecution shall be assessed against the person convicted, as part of the punishment.
§7.0110 **Judgment on conviction.**

In trials of offenses under the ordinances of the City of Springbrook, if the defendant is found guilty, the presiding judge shall render judgment accordingly.

§7.0111 **Commitment of guilty person for non-payment of fines or costs.**

Any person upon whom any fine or costs, or both, has been imposed for violation of a municipal ordinance may, after hearing, be committed upon order of the court to jail or other place provided by the municipality for the incarceration of offenders until the fine or costs, or both, are fully paid or discharged by labor as provided in §7.0111. The court may not commit a person under this section when the sole reason for his non-payment of the fine or costs, or both, in his indigency. An order of commitment under this section shall not be for a period in excess of thirty (30) days. As used in this section, “fine” does not include a fee established pursuant to §5.1417.

§7.0112 **Commitment for violation of city ordinances — Limitation — Labor in lieu of fine — Diagnosis and treatment of persons convicted while driving under the influence.**

If the defendant is found guilty of the violation of a municipal ordinance and is committed as provided in §7.0110, the Council may provide by ordinance that the defendant work for the city as such labor as the defendant's strength and health permit, not exceeding eight hours in each working day. For that work, the person so imprisoned must be allowed for each day, exclusive of board, ten dollars on account of the fines and costs assessed. If a person is convicted under an ordinance prohibiting driving or being in physical control of a vehicle while under the influence of an intoxicating liquor or a narcotic drug, the court shall order the person to an appropriate licensed addiction treatment program for addiction evaluation.

§7.0113 **Fines. No remission.**

Under no circumstances shall the presiding judge remit fines or penalties or payments of costs.

§7.0114 **Deferring or suspending sentence.**

The presiding judge may, in his discretion, upon the conviction of any person of any offense against any of the ordinances of the City of Springbrook, then and there impose a sentence of imprisonment as may be regulated by such ordinances or defer imposition of sentence or suspend the sentence imposed on such person for a period of not to exceed one year from the date of such conviction; and may, during such period allow the defendant to go
upon recognizance, or upon such bail as may be regulated by law or the expiration of such period have the defendant brought him and commit such defendant or cause such sentence of imprisonment to be then there imposed and executed in like manner, so far as applicable, as may be provided by law or the ordinance in cases where the commitment and imposition of the sentence of imprisonment is not deferred or suspended and may then and there forthwith commit such defendant and require that each sentence of imprisonment be executed and carried out.
CHAPTER VIII: PUBLIC PLACES AND PROPERTY

ARTICLE 1: USE AND CARE OF STREETS, SIDEWALKS, AND PUBLIC PLACES

§8.0101 Obstruction.

It shall be unlawful for any person, firm, or corporation to cause, create, or maintain any obstruction of any street, alley sidewalk, or other public way, except as may be specified by ordinance or by resolution of Council.

§8.0102 Destruction of city property — Prohibited.

It shall be unlawful for any person, firm, or corporation to willfully and without just cause or excuse, to injure, deface or destroy any property owned by the City or held by the City for public use.

§8.0103 Encroachments.

It shall be unlawful to erect or maintain any building or structure which encroaches upon any street or property.

§8.0104 Openings.

It shall be unlawful to construct or maintain any opening or stairway in any public street or sidewalk or alley without a permit from the council. All such lawfully maintained openings shall be guarded by a suitable strong cover or railing to be approved by the Council.

§8.0105 Wires.

It shall be unlawful to erect any poles or wires or maintain any poles or wires over any public place, street, alley, or other public way without having first secured permission from the Council.

Any person or company which maintains poles and wired in the streets, alleys, other public places, shall, in the absence of provision in the franchise concerning the subject, keep such wires and poles free from and away from any trees and shrubs in such places as far as may be possible, and keep all such trees and shrubs near such wires and poles properly
trimmed, subject to the supervision of the commissioner of streets and public improvements, so that no injury shall be done either to the poles or wires or the shrubs and trees by their contact.

§8.0106 **Deposits.**

It shall be unlawful to deposit on any street or public place any material which may be harmful to the pavement or surface thereof, or which may do injury to any person, animal, or property or render the same unclean or a nuisance.

§8.0107 **Burning.**

It shall be unlawful for any person, firm, or corporation to burn any leaves, paper, rubbish, or other substances upon any of the public streets, sidewalks, or alleys in the city.

§8.0108 **Distributing hand bills etc.**

The scattering, throwing, or placing of bills, posters, advertising matter, handbills, and other similar matter on lawns, porches, yards, sidewalks, steps, streets, alleys, public ways or in or upon automobiles while parked on the streets, alleys, or public ways, or public parking lots in the City, by any person, firm, co-partnership, association, or corporation, is hereby declared to be a nuisance and unlawful.

§8.0109 **Street cleaning — Snow removal.**

Whenever, in the judgment of the Council or person designated by the Council, it shall be necessary that streets, alleys, or public ways in the City be cleared of snow or ice or be cleaned by the use of street sweepers or other methods of cleaning such streets, or for marking for traffic purposes, the ordinances of the City regulating the parking of automobiles, trucks, or other motor vehicles shall be suspended and it shall be unlawful for any automobile, truck, or other motor vehicle to be parked or left standing between the hours hereinafter mentioned and during the period of time during which the said parking ordinances are suspended.

§8.0110 **Same: notice.**

Whenever it becomes necessary to remove snow or ice or to sweep and clean streets, or to mark streets for traffic purposes in the City there shall be designated by the Council the area and streets to be cleared of snow or ice or cleaned as aforesaid and the time during which such snow and ice removal and street cleaning shall be done and posting of such information in the area affected.
§8.0111 **Blocking streets.**

No driver of any vehicle shall stop the same on any street, avenue, lane, or alley of the city in such a manner as to hinder or prevent other vehicles or persons from passing at all times, unless in case of absolute necessity, nor shall any driver of any vehicle stop the same at any regular crossing or said street, alley, lane, or avenue, so as to prevent the free passage of persons traveling or passing on foot.

§8.0112 **Excavations — Permit.**

It shall be unlawful for any person, firm, or corporation making any excavation or tunnel in or under any public street, alley, or other public place in the city shall restore the surface to its original condition if there is no pavement there. Refills shall be properly tamped down, and any bracing in such tunnel or excavation shall be left in the ground.

Any opening in a paved or improved portion of a street shall be repaired and the surface re-laid by the applicant, in compliance with the ordinances of the city and under the supervision of the Council.
CHAPTER IX: PUBLIC NUISANCES

ARTICLE 1: NOXIOUS WEEDS

§9.0101 Definition.

Whenever used in this ordinance, the term "noxious weeds" shall mean and include all weeds of the kind known as Canada Thistle, sow thistle, quack grass, leafy spurge (Euphorbia esula or Euphorbia virgata), field bindweed, Russian knapweed, (Centaurea picris), hoary cress (Lapidum draba, Lepidum repens, and Humenophysa pubescens), dodder, or any similar unwanted vegetation over eight inches in height.

§9.0102 Weeds prohibited.

No owner of any lot, place, or area within the City or the agent of such owner, shall permit on such lot, place, or area and the one-half of any road or street lying next to the lands or boulevards abutting thereon noxious weeds or other deleterious, unhealthful growths.

§9.0103 Notice to destroy.

The City Council and City Building Inspector are hereby authorized and empowered to notify in writing the owner or any such lot, place, or area within the City or the agent of such owner, to cut, destroy, and/or remove any such noxious weeds found growing, lying, or located on such owner's property or upon the one-half of any road or street lying next to the lands or boulevards abutting thereon. Such notice shall be by registered or certified mail addressed to said owner or agent of said owner at his last known address and shall give such owner or his agent a minimum of five days to cut or destroy said noxious weeds.

§9.0104 Action upon non-compliance.

Upon the failure, neglect, or refusal of any owner or agent so notified to cut, destroy, and/or remove noxious weeds growing, lying or located upon the owner's property or upon the one-half of any road or street lying next to the lands or boulevards abutting thereon after receipt of the written notice provided in §9.0103 above or within five days after the date of such notice in the event the same is returned to the City Post Office Department because of inability to make delivery thereof, provided the same was properly addressed to the last known address of such owner or agent, the health officer is hereby authorized and empowered to pay for the cutting, destroying and/or removal of such noxious weeds or to order their removal by the City.
§9.0105 **Cost assessed to property.**

When the City has affected the removal of such noxious weeds or has paid for their removal, the actual cost thereof, if not paid by said owner prior thereto, shall be charged and assessed against the property upon which the noxious weeds were cut or destroyed. An assessment list showing the lots or tracts to be assessed with the cost against each lot or tract shall be prepared as are other special assessment lists, and shall be approved by the Council and shall be subject to the same procedure for certification to the county auditor, payment and collection as are other special assessments under state law.

**ARTICLE 2: SANITARY NUISANCES**

§9.0201 **Residences — When sewer and water required.**

It shall be unlawful for any person to use or occupy or permit to be used or occupied for residence purposes, any premises or building within the corporate limits of this City without first making or causing to be made proper connection with said sewer and water facilities and mains.

The term "Proper Connections" when used in this section shall be constructed to mean connections with such water mains and sanitary sewers which are equipped and furnished with proper valves and fittings so as to enable such water connections to be used at all times and sanitary toilets and drains and such equipment shall at all times be kept in repair and in a manner so as to make them available for household use and in condition to be used at all seasons of the year.

§9.0202 **Outhouses — Cesspools — A nuisance.**

The use, construction, maintenance, building, or erection of any outhouse, privy, vault, or cesspool within this City is hereby declared to be a nuisance and a menace to public health, when in violation of §9.0201.

§9.0203 **Dead animals.**

Any person who owned or had possession or control of a dead animal prior to its death shall remove or cause the same to be removed with five (5) hours from the time the animal dies and have the same buried or disposed of in some other sanitary way approved by the City Building Inspector. Any dead animal remaining in any street, alley, or other public place in this City, or in any private premises within this City, for more than five (5) hours after the animal shall have died, is hereby declared to be a nuisance; and any person permitting any dead animal in the street, alley, or public place of the city or allowing any animal which
he owned or which was in his possession or under his control prior to its death to remain in
any street, alley, or public place, or on any private premises within the city for more than five
(5) hours after its death shall be guilty of a violation of this article.

§9.0204 Water pools — Putrid substances.

It shall be unlawful for the owner or occupant of any parcel of ground in this City to
suffer or permit water or putrid substance whether animal or vegetable to accumulate or
stand so as to cause an offensive odor to be emitted from there or to become injurious or
dangerous to the health of the neighborhood, and any pool of water and any putrid
substance permitted to become offensive or injurious to the public health is hereby declared
to be a nuisance.

§9.0205 Dirt, filth, etc., in streets and property.

It shall be unlawful for any person, firm, or corporation to throw, place, deposit, leave,
or cause to be thrown, placed, deposited, or left in any of the public streets, highways, alleys,
parks, or thoroughfares, or on any private premises in this City any dirt, filth, sewage,
sweepings, rags, dung, garbage, compost, wastepaper, excelsior, straw, hay, leaves, brush,
weeds, dry grass, shavings, barrels, boxes, wooden crates, lumber, stable manure, ashes,
vegetables, slops, or litter of any kind, any place or property having left or deposited theron
any of the things or substances aforesaid is hereby declared to be a nuisance.

§9.0206 Spitting.

No person shall spit upon any sidewalk or upon the stairs, hallway, floor, carpet,
furniture, or walls of any public or office buildings in this City.

ARTICLE 3: SMOKE — GASES


The emission of dense smoke, ash, dust, soot, cinders, or noxious gases from any
machine, contrivance, or from the smoke stack or chimney of any building or premises in
such quantities as to cause injury or detriment to any person or person or to the public, or to
endanger the comfort, health, or safety of any person or persons, or in such manner as to
cause damage or injury to property, is hereby declared to be a nuisance.
CHAPTER IX: PUBLIC NUISANCES

§9.0302 Smoke, dust, ashes, gases, cinders — Prohibited.

No person, persons, association, or corporation shall cause, permit, or allow the escape from any smoke stack or chimney into the open air, of such quantities of dense smoke, ash, dust, soot, cinders, acid or other fumes, dirt, or other material, or noxious gases, in such place or manner as to cause injury, detriment, or nuisance to any person, persons, or the public, or to endanger the comfort, health, or safety of any such person, persons, or the public or in such manner as to cause or have a natural tendency to cause injury or damage to business or property.

ARTICLE 4: RADIO INTERFERENCE AND NOISE CONTROL

§9.0401 Radio interference prohibited.

It shall be unlawful for any person to knowingly maintain, use, operate, or cause to be operated within this City, any machine, device, appliance, equipment, or apparatus of any kind whatsoever, the operation of which shall cause reasonable preventable electrical interference with radio reception within said municipal limits, and the maintenance, use or operation within said city of any machine, device, equipment, or apparatus of any kind so as to interfere with radio reception in violation hereof, is hereby declared a common nuisance.

§9.0402 Loud, disturbing, unnecessary noises prohibited.

The making, creating, or maintenance of loud, unnatural or unusual, and disturbing noises are a detriment to public health, comfort, convenience, safety, and welfare are hereby declared to be unlawful and a public nuisance. The following acts among others are declared to be prohibited noises in violation of this section, but such enumeration is not exclusive:

1. Horns and Signaling Devices. The sounding of horns or signaling devices on any motor vehicle or motorcycle on any street or public place except as danger warning or their sounding for an unnecessary and unreasonable period of time.

2. Radios, Musical Devices, etc. The using, operating, or permitting to be played, used, or operated any radio receiving set, musical instrument, musical device, or other machine, or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet, and comfort of the neighboring inhabitants, or at any time with loud volume than is necessary for convenient hearing for the person or persons who are in the room, vehicle, or chamber in which such machine or device is operation of any such set, instrument, phonograph, machine, or device in such a manner as to be plainly audible at a
distance of fifty (50) feet from the building, structure, or vehicle in which it is located shall be prima facie evidence of a violation of this section.

3. **Loudspeakers, Amplifiers for Advertising.** The use, operating, or permitting to be played, used, or operated of any radio receiving set, musical instrument, phonograph, loudspeaker, amplifier, or other machine or device for the producing or reproducing of sound which is cast upon the public streets for the purpose of commercial advertising or attracting the attention of the public to any building or structure.

4. **Yelling, Shouting, Etc.** Yelling, shouting, hooting, whistling, or singing on the public streets, particularly between the hours of 11 p.m. — 7a.m. or at any time or place so as to annoy or disturb the quiet, comfort, or repose of person in any office, or in any dwelling, hotel, or other type of residence, or of any persons in the vicinity.

5. **Schools, Courts, Churches, and Hospitals.** The creation of any excessive noise on any street adjacent to any school, institution of learning, church or court while the same are in use, or adjacent to any hospital, which unreasonably interferes with the workings of such institution, or which disturbs or unduly annoys patients in the hospital, provided conspicuous signs are displayed in such streets indicating that the same is a school, hospital, or court street.

6. **Use of Fireworks.** The use of fireworks except during the daytime hours between June 27 and July 4, both inclusive. Daytime hours shall be defined as those times between 8 a.m. and 10 p.m. daily except that on July 4 daytime hours shall be considered as between 8 a.m. and midnight.

**ARTICLE 5: AUTOMOBILES — PERSONAL PROPERTY**

§9.0501 **Automobiles, personal property — When a nuisance.**

Unsheltered storage of ole, used, stripped, junked, and other automobiles not in good, safe operating condition, and of any other vehicles, machinery implements and/or equipment, and personal property of any kind which is no longer safely usable for the purposes with which it was manufactured for a period of thirty (30) days or more (except in a licensed junkyard) within the city, and any motor vehicle, animal, article, or personal property which constitutes an obstruction, hazard, or detriment to public traffic, snow removal operations, public safety, and public health and morals or which may be abandoned or unclaimed within this City is hereby declared to be a nuisance and dangerous to public safety and shall be abated in the manner prescribed in this article.
§9.0502 Abatement required by owner.

The owner, owners, tenants, lessees, and/or occupants of any lot within the corporate limits of this city upon which such storage is made, and also the owner, owners, lessees, and/or tenants of said property involved in such storage (all of whom are hereinafter referred to collectively as "owners"), shall jointly and severally abate said nuisance by the prompt removal of said personalty into completely enclosed buildings authorized to be used for storage purposes, if within the corporate limits of the city, or otherwise to remove it to a location outside of corporate limits.

§9.0503 Abatement required, penalty for failure.

If said owners allow said nuisance to exist or fail to abate said nuisance they, and each of them, upon conviction thereof shall be fined not less than twenty-five dollars ($25.00) nor more than five hundred dollars ($500.00) for each offense and a separate offense shall be deemed committed on each during or on which such nuisance is permitted to exist.

§9.0504 Removal and impoundment, when sold.

If not reclaimed and redeemed by the true owner or their person lawfully entitled to the possession thereof within a period of thirty (30) days after impounding, any article or personal property described in §9.0501 may be sold and disposed of. Notice that such property will be sold shall be published once, at least six (6) days prior to the sale, in a newspaper published in the City or if none in the official newspaper of the County. Such notice shall specify a description of the property to be sold, the time and place of sale, and shall be signed by the officer conducting the sale. Such sale shall be held between the hours of 9:00 a.m. — 5 p.m. of the day specified in the notice. Such sale shall be held at the front door of City Hall, or at the location of the property to be sold. Any sale may be postponed or discontinued by public announcement at the time of the sale where there are not bidders or when the amount offered is grossly inadequate, or for other reasonable cause. The City may become a purchaser of any or all property at such sale. The officer selling such property shall give the purchaser at such sale a certificate of purchase of such property.

§9.0505 Removal and impound proceeds.

Within thirty (30) days after such sale, the person making the sale shall make out, in writing, and file with the City full report of such sale specifying the property sold, the amount received therefore, the amount of costs and expenses, and disposition made by him of the proceeds of the sale. The proceeds arising from such sale shall be delivered over to the City Treasurer and credited for the General Fund.