

OFFICE OF THE CITY ATTORNEY  
FARGO, NORTH DAKOTA

ORDINANCE NO. 5319

AN ORDINANCE ENACTING SECTION 08-1220 OF  
ARTICLE 08-12 OF CHAPTER 8 OF THE FARGO MUNICIPAL CODE RELATING TO  
OVERTAKING AND PASSING A BICYCLE, AMENDING 8-1424 AND 8-1411 OF  
ARTICLE 8-14 OF CHAPTER 8 OF THE FARGO MUNICIPAL CODE RELATING TO  
YIELDING AND STOPPING WHILE OPERATING A BICYCLE ON A ROADWAY AND  
OBEDIENCE TO TRAFFIC-CONTROL DEVICES, AND AMENDING  
SECTION 1-0305 OF ARTICLE 1-03 OF CHAPTER 1 OF THE FARGO  
MUNICIPAL CODE RELATING TO CLASSIFICATION OF ORDINANCE VIOLATIONS

WHEREAS, the electorate of the city of Fargo has adopted a home rule charter in  
accordance with Chapter 40-05.1 of the North Dakota Code; and,

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

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

WHEREAS, the Board of City Commissioners deems it necessary and appropriate to  
implement such authority by the adoption of this ordinance;

NOW, THEREFORE,

Be It Ordained by the Board of City Commissioners of the City of Fargo:

Section 1. Enactment.

8-1220. – Overtaking and passing a bicycle

Overtaking and passing a bicycle. The driver of a vehicle shall leave a safe distance when  
overtaking and passing a bicycle proceeding in the same direction on a roadway and shall maintain  
clearance until safely clear of the overtaken bicycle. "Safe distance" as used in this section means  
no less than three feet [0.91 meters] clearance.

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Section 2. Amendment.

8-1424. Reserved - Yielding and stopping while operating a bicycle on a roadway.

1. An individual operating a bicycle who is approaching a stop sign at an intersection with a roadway having three or more lanes for moving traffic shall come to a complete stop before entering the intersection.
2. An individual operating a bicycle who is approaching a stop sign at an intersection where a vehicle is stopped in the roadway at the same stop sign shall come to a complete stop before entering the intersection
3. An individual operating a bicycle who is approaching a stop sign at an intersection with a roadway having two or fewer lanes for moving traffic shall reduce speed and, if required for safety, stop before entering the intersection. After slowing to a reasonable speed or stopping, the individual shall yield the right - of - way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time the individual is moving across or within the intersection, except that an individual, after slowing to a reasonable speed and yielding the right - of - way if required, cautiously may make a turn or proceed through the intersection without stopping.
4. An individual operating a bicycle who is approaching an intersection shall yield the right - of - way to any vehicle that already has entered the intersection.
5. When an individual operating a bicycle and a vehicle enter an intersection from different roadways at approximately the same time, the operator of the vehicle or bicycle on the left shall yield the right - of - way to the vehicle or bicycle on the right.
6. If the individual operating a bicycle is involved in a collision with a vehicle in the intersection or junction of roadways after proceeding past a stop sign without stopping or past a steady red traffic - control light, the collision is deemed prima facie evidence of the individual's failure to yield the right of way.

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Section 3. Amendment.

8-1411. - Obedience to traffic-control devices.

- A. Any person operating a bicycle shall obey the instructions of official traffic-control signals, signs, and other control devices applicable to vehicles, unless otherwise directed by a police officer, or except as to special regulations in this article.
- B. Whenever authorized signs are erected indicating that no right or left or U-turn is permitted, no person operating a bicycle shall disobey the direction of any such signs, but where the rider dismounts from the bicycle to make any such turn, he shall then obey the regulations applicable to pedestrians.

Section 4. Amendment.

1-0305. Classification of ordinance violations.

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- C. Violations of the following ordinances are noncriminal offenses and shall require payment of a fee as follows:

\* \* \* \*

- 4. For a violation of the following ordinances a fee of \$40.00.

Section 8-0105 (driving wrong way on one-way street), section 8-0106 (obey temporary traffic sign/barrier), section 8-0303(B) (parent/guardian allow unlicensed/under 16 to drive), section 8-0303(C) (owner allowing unlicensed/under 16 to drive), section 8-0305(B) (current license required), section 8-0306 (violation of restricted license), section 8-0316 (permit unauthorized person to drive), section 8-0403 (disobey traffic control device (barricade)), section 8-0405 (traffic control signals), section 8-0407 (flashing signals), section 8-0506 (impeding traffic), article 8-06 (regulating turning movements), section 8-1010 (motor vehicle left unattended—brakes to be set, engine stopped, and keys removed), section 8-1011 (drive or park on private property), section 8-1018 (taking on or discharging passengers), section 8-1111 (vehicle required to stop at railroad crossing), section

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8-1201 (following too closely), sections 8-1202 thru 8-1218(D) (general rules of the road), section 8-1220 (overtaking and passing a bicycle), section 8-1301(C) (driving over fire hose), section 8-1301(D) (driving through/around barricade), section 8-1305 (driving vehicle on sidewalk), section 8-1306 (improper backing), 8-1308 (helmet required—operator/passenger), section 8-1309 (number of riders on motorcycle limited), section 8-1310 (clinging to a vehicle or allowing same), section 8-1313 (unlawful riding on vehicle), section 8-1315 (unlawful towing), section 8-1316(A) (operating motor vehicle with view obstructed by load/passengers), section 8-1316(B) (passenger obstructing driver's view), section 8-1319 (unlawful operation of motor vehicle private property), section 8-1321 (use of seat belts required), section 8-1804 (driving through school patrols), section 8-1415 (right-of-way emerging from alley or driveway), section 8-1417 (parking restriction).

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Section 5. Penalty.

A person who violates section 8-1220 is guilty of a noncriminal offense, punished by a \$40.00 fee, which may not be suspended.

Section 6. Effective Date.

This ordinance shall be in full force and effect from and after its passage and approval.

/s/  
Timothy J. Mahoney, Mayor

Attest:

/s/  
Steven Sprague, City Auditor

First Reading:	9-7-21
Second Reading:	9-20-21
Final Passage:	9-20-21
Publication:	9-29-21