

OFFICE OF THE CITY ATTORNEY  
FARGO, NORTH DAKOTA

ORDINANCE NO. 5089

AN ORDINANCE AMENDING SECTIONS 8-0101, 8-0305 8-0920, 8-0921,  
8-0925, 8-0925.1, AND 8-0925.8 OF  
ARTICLES 8-01, 8-03, 8-09 AND ENACTING SECTIONS 8-0920.1  
AND 8-0921.1 OF ARTICLE 8-09 OF CHAPTER 8 OF THE  
FARGO MUNICIPAL CODE  
RELATING TO THE TRAFFIC CODE

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 Century 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 purpose; 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. Amendment.

Section 8-0101 of Article 8-01 of Chapter 8 of the Fargo Municipal Code is hereby amended to read as follows:

8-0101. Definitions.--In this chapter, unless the context or subject matter otherwise requires:

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68. "Vehicle" shall include every device in, upon, or by which any person or property may be transported or drawn upon a public highway, except devices moved by human power or used exclusively upon stationary rails or train tracks.

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Section 2. Amendment

Section 8-0305 of Article 8-03 of Chapter 8 of the Fargo Municipal Code is hereby amended to read as follows:

8-0305. – Current license and registration required—Impoundment for violation.

A. It shall be unlawful for any person to commit any of the following acts:

1. To operate, drive or park or the owner thereof knowingly to permit anyone to operate, drive or park, upon the streets of the city of Fargo, any motor vehicle, trailer or semi-trailer which is required to be registered pursuant to chapter 39-04, N.D.C.C., and which registration has been cancelled or revoked, or which is not registered.

To display or permit to be displayed, or to have in possession, any registration card or registration number plate knowing the same to be fictitious or to have been cancelled, revoked, suspended, or altered.

3. To lend any registration number plate or registration card to any person not entitled thereto, or knowingly permit the use of any registration number plate or registration card by any person not entitled thereto. A vehicle not displaying the current license as required herein may be impounded in accordance with § 8-0126 of this chapter.
4. To operate, drive or park or the owner thereof knowingly to permit anyone to operate, drive or park, upon the streets of the city of Fargo, any motor vehicle, trailer, or semi-trailer which does not have attached thereto and displayed thereon a number plate, plates or validation tags assigned thereto by the North Dakota registrar for the current registration year, subject to the exemptions permitted in chapter 39-04, N.D.C.C.

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Section 3. Amendment.

Section 8-0920 of Article 8-09 of Chapter 8 of the Fargo Municipal Code is hereby amended to read as follows:

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8-0920. Size, weight, and load restrictions of vehicles operated within the city.

- A. No person, partnership, or corporation shall drive, operate or park, or permit to be driven, operated or parked through any agent or employee on any street or alley within the city any vehicle in violation of the restrictions on size, weight, and load established by North Dakota Century Code Chapter 39-12.
- B. No person, partnership or corporation shall drive, operate or park, or permit to be driven, operated or parked through any agent or employee on any street or alley within the city any vehicle the gross weight of which exceeds that determined by the bridge length formula calculation of:

$$W = 500\left(\frac{LN}{N-1} + 12N + 36\right)$$

where W equals the maximum weight in pounds of any group of two or more axels; L equals the distance in feet between the extremes of any group of two or more consecutive axels; and N equals the number of axels in group under consideration.

- C. No person, partnership or corporation shall drive, operate or park, or permit to be driven, operated or parked through any agent or employee on any street or alley in the city of Fargo which is not designated as a city truck route pursuant to §8-0923 any vehicle the gross weight of which exceeds 80,000 pounds unless otherwise posted.
- D. No person, partnership or corporation shall drive, operate or park, or permit to be driven, operated or parked through any agent or employee on any street or alley in the city of Fargo which is designated as a city truck route pursuant to §8-0923 any vehicle the gross weight of which exceeds 105,500 pounds unless otherwise posted.
- E. All maximum gross weight limitations in subsections C and D are subject to the bridge length formula calculation in subsection B. The maximum gross vehicle weight limitation is either the maximum allowed as per designation of the roadway or the bridge length formula calculation, whichever is the least amount of weight allowed.

Section 4. Enactment.

Section 0920.1 of Article 8-09 of Chapter 8 of the Fargo Municipal Code is hereby enacted to read as follows:

8-920.1 – Width, height, and length limitations of vehicles operated within the city.

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A. Vehicles driven, operated or parked on a street or alley in the city of Fargo may not exceed a total outside width, including load thereon, of eight feet six inches (8'6"). This limitation does not apply to:

1. Construction and building contractors' equipment and vehicles used to move such equipment which does not exceed ten feet (10') in width when being moved by contractors or resident carriers.
2. Implements of husbandry being moved by farmers, ranchers, dealers, or manufactures between sunrise and sunset which do not exceed a total outside width, including the load thereon, of fourteen feet six inches (14'6"). Any implement of husbandry that exceeds fourteen feet six inches (14'6") in width will require a city of Fargo overdimensional permit to move or operate within the city. Permits must be in the possession prior to starting any movement. The permit will contain such other restrictions as deemed necessary by the permit issuing official. The width requirements of this subsection do not apply to implements of husbandry between fourteen feet six inches (14'6") and twenty feet (20') in width on multi-lane roads and implements of husbandry that exceed fourteen feet six inches (14'6") on a single lane roads but do not cross the center line or travel on the unpaved section of the roadway.

B. Vehicles driven or operated on a street or alley in the city of Fargo may not exceed a height of fourteen feet (14'), whether loaded or unloaded. The maximum legal height limitation of fourteen feet (14') applies unless routes of travel include structures such as bridges, underpasses or other structures are less than fourteen feet (14') in height. This limitation does not apply to:

1. Implements of husbandry being moved by farmers, ranchers, dealers or manufactures between sunrise and sunset which do not exceed a total height of fifteen feet six inches (15'6") high. Any implement of husbandry that exceeds fifteen feet six inches (15'6") in height will require a city of Fargo overdimensional permit to move or operate within the city. Permits must be in the possession prior to starting any movement. The permit will contain such other restrictions as deemed necessary by the permit issuing official.

C. Vehicles driven or operated on a street or alley in the city of Fargo may not exceed the following length limitations:

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1. A single unit vehicle with two or more axels, including the load thereon, shall not exceed a length of fifty feet (50').
2. A combination of two, three or four units, including the load thereon, shall not exceed a length of seventy-five feet (75') on a non-designated streets. Three and four unit combinations are subject to safety rules adopted by the highway commissioner. All streets in the city of Fargo are non-designated streets except those streets designated by the city of Fargo as city truck routes pursuant to §8-0923.
3. A combination of two, three or four units, including the load thereon, may exceed seventy-five feet (75') in length but may not exceed one-hundred and ten feet (110') in length when traveling on designated city truck routes.
4. The length of a trailer or semi-trailer, including the load thereon, may not exceed fifty-three feet (53'), except that trailers and semitrailers titled and registered in North Dakota before July 1, 1987, and towed vehicles may not exceed a length of sixty feet (60').
5. Converter dollies that are used to convert semi-trailers to trailers are considered trailers if they meet all lighting requirements and are equipped with brakes and safety chains. No more than one converter dolly can be towed behind a truck-tractor, semi-trailer and trailer; and no more than two converter dollies can be towed behind a truck-tractor and semi-trailer.

Section 5. Amendment.

Section 8-0921 of Article 8-09 of Chapter 8 of the Fargo Municipal Code is hereby amended to read as follows:

8-0921. – Regulating movement of engines, tractors, and heavy vehicles on pavement.

No person, firm, or corporation shall move, park, or cause to be moved or parked, over or on the paved streets, sidewalks, crosswalks, culverts, bridges, and viaducts within the city any motor vehicle, tractor, trailer, wagon, truck or other commercial vehicle, or other vehicle, object, or thing which will tend to injure the paving, sidewalks, crosswalks, culverts, bridges, or viaducts over which the same are transported or which exceeds the weight or weights as established pursuant to the preceding § 8-0920 or as established in any ordinance or resolution established under § 8-0924, or any vehicle to the wheels of which are attached spurs, bars, angle irons, or cleats which will tend to mar or deface the paving, sidewalk, crosswalks, culverts, bridges, or viaducts, except as authorized by a permit granted under § 8-0922. Any person, firm, or corporation moving, parking or causing to be moved or parked, any such engines, tractors,

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trailers, or vehicles shall pay or cause to be paid to said city, upon demand, any and all damages done to the paving, sidewalks, crosswalks, culverts, bridges, and viaducts.

Section 6. Enactment.

Section 8-0921.1 of Article 8-09 of Chapter 8 of the Fargo Municipal Code is hereby enacted to read as follows:

8-0921.1 – Failure to obtain overweight or over-dimensional vehicle permits.

No person, firm, or corporation shall move, park, or caused to be moved or parked, over or on the paved streets, sidewalks, crosswalks, culverts, bridges, and viaducts within the city any vehicle, motor vehicle, tractor, trailer, wagon, truck or other commercial vehicle, or such vehicle as may be required to obtain a permit pursuant to pursuant to §8-0921, §8-0922, or both said sections, without obtaining said permit.

Section 7. Amendment.

Section 8-0925 of Article 8-09 of Chapter 8 of the Fargo Municipal Code is hereby amended to read as follows:

8-0925. – Peace officers or other agents may weigh vehicle and require removal of excess load.

Any peace officer, designated agent of city, or city-designated personnel, having reason to believe that the weight of a vehicle and load is unlawful is authorized to weigh the same, either by means of portable or stationary scales, and may require that such vehicle be driven to the nearest scales. The peace officer, or other designated individual as aforesaid, may then require the driver to unload immediately such portion of the load as may be necessary to decrease the gross weight of such vehicle to the maximum allowed therefor.

If the driver, operator or owner of the vehicle and load fails or refuses to drive the vehicle to the nearest scale, the peace officer, or other designated individual as aforesaid, may retain and use the services of individuals capable of moving the vehicle and load to the nearest scale and require that the driver, operator or owner of the vehicle compensate the city for such services.

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Section 8. Amendment.

Section 8-0925.1 of Article 8-09 of Chapter 8 of the Fargo Municipal Code is hereby amended to read as follows:

8-0925.1 – Impounding overweight vehicle.

Any vehicle found to have been located, parked, moved or used upon any highway, street, alley or other public way within the city at a weight exceeding the limitations as specified in any ordinance or resolution established under § 8-0924, or as limited by § 8-0920, may be impounded by any peace officer, designated agent of city, or city-designated personnel and taken to a warehouse, garage or other facility for storage.

Section 9. Amendment.

Section 8-0925.8 of Article 8-09 of Chapter 8 of the Fargo Municipal Code is hereby amended to read as follows:

8-0925.8 -- Trial—Charges.

At the trial of the action, the court shall hear testimony concerning the facts and if it is found that such vehicle or vehicles were located, parked, moved, or used upon the highways, streets, alleys or other public roadways of the city at a weight in excess of the limitations imposed under the provisions of this article, charges for the extraordinary use of the highways, streets, alleys, or roadways must be assessed as follows:

1. The storage charges and costs of the action must be assessed; and  
An additional charge must be assessed as follows:

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Section 10. Penalty.

Violations of sections 8-0101, 8-0920,8-0920.1, 8-0921, 8-0921.1, 8-0925, 8-0925.1 and 8-0925.8 of the Fargo Municipal Code are infractions which are punishable by a fine not to exceed \$1,000.00; the court to have power to suspend said sentence and to revoke the suspension thereof.

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A violation of Section 8-0305 A. 1. is a non-criminal offense and shall pay a fee as provided in Section 1-0305.C of the Fargo Municipal Code.

Section 11. Effective Date.

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

/s/  
Timothy J. Mahoney, Mayor

(SEAL)

Attest:

/s/  
Steven Sprague, City Auditor

First Reading:	3-27-17
Second Reading:	4-10-17
Final Passage:	4-10-17
Publication:	4-17-17