

ORDINANCE NO. 1437

An Ordinance to Amend and Re-enact
Sections 24-14-24(2) and 24-16-2(2) of the Mandan Code of Ordinances,
Relating to Move Over Law and Speed in Construction Zone

Be it Ordained by the Board of City Commissioners as follows:

Sec. 24-14-24. – Vehicle to stop or yield the right of way for authorized emergency vehicle or vehicle used for maintaining the state highway system.

Citations issued into municipal court under this section are for a violation of N.D.C.C. § 39-10-26.

39-10-26. Vehicle to stop or yield the right of way for authorized emergency vehicle or vehicle used for maintaining the state highway system - Penalty.

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2. If an authorized emergency vehicle is parked or stopped on a roadway, or on private property with right to public vehicular access, and is displaying a flashing, revolving, or rotating red, blue, white, and/or amber light, the driver of an approaching vehicle shall yield the right of way by moving to a lane that is not adjacent to the authorized emergency vehicle if the move may be made with due regard to safety and traffic conditions. If unable to move to an adjacent lane, except when otherwise directed by emergency personnel, the driver shall proceed with due caution, reduce the speed of the vehicle, and maintain a safe speed for road conditions.

Sec. 24-16-2. – Speed limitation.

Citations issued into municipal court under this section are for a violation of N.D.C.C. § 39-09-02.

39-09-02. Speed limitations.

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2. *Speed in Construction Zone.* The city engineer may designate and post special areas of streets and highways where lower speed limits apply. If there is a violation of a construction zone speed limit, where within that zone individuals engaged in construction

were present at the time of the violation, then the fees required for a noncriminal disposition are eighty dollars for one through ten miles per hour over the posted speed limit, and eighty dollars, plus two dollars for each additional mile per hour over ten miles per hour over the posted speed limit. The construction zone speed limit posted sign must state "Minimum Fee \$80 When Workers Present."

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By: 

Tim Helbling, President, Board of
City Commissioners

Attest:



James Neubauer, City Administrator

First Consideration: November 21, 2023

Second Consideration and Final Passage: December 5, 2023

Publication: December 29, 2023