

ORDINANCE NO. 2025-1

AN ORDINANCE RELATING TO PARKING AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MAX, IN THE STATE OF NORTH DAKOTA:

DEFINITIONS:

For the purpose of this ordinance "Vehicle" shall mean any/all motorized modes of transportation, and ALL items that are assisted by motorized transportation. Examples are trailers, RV's, boats, machinery, etc.

FINES:

For any violation in this ordinance within the city limits of Max, there will be a ten dollar (\$10) fine, unless otherwise specified in the following sections of this ordinance.

SECTION 1: 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 vehicle in or upon the streets or alleys of the city.

Prohibited Vehicle Parking – Residential

It shall be unlawful to park or leave standing any semi tractor/trailers, farm machinery, stock trailers, Anhydrous Ammonia tanks, Liquified Petroleum, or any vehicles storing hazardous or potentially explosive materials, creating loud continuous noise, or exuding odors that would be offensive to a reasonable person, on or upon streets and alleys in ALL residential areas of the City of Max. Exception is trailers and equipment that is necessary for Max Rodeo participants, Rodeo Association members, and volunteers, during the weekend of the Annual Max Rodeo, in designated rodeo use areas only. Any violation of this section there will be a fee of twenty-five dollars (\$25).

SECTION 2: Methods of Parking

1. Angle parking shall be unlawful except on Main Street of the city's business district.
2. No person may 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 or other items within eighteen (18) inches of the curb or edge of the roadway except as otherwise provided in this ordinance.

SECTION 3: Officers authorized to Remove Illegally Stopped Vehicles

The provisions of North Dakota Century Code section 39-10-48 and all subsequent amendments are hereby incorporated by reference in this ordinance.

1. If a law enforcement officer finds a vehicle standing upon a highway in violation of Section 3, the officer may remove the vehicle or require the driver or other person in charge of the vehicle to move the vehicle to a position off the paved or main-traveled part of the city street/highway to a place where the vehicle does not block the highway or otherwise endanger public safety.
2. If a law enforcement officer finds a vehicle unattended upon any city street/highway and the vehicle may obstruct traffic or otherwise endanger public safety, the officer may have the vehicle moved to a location where it may be securely held.
3. A law enforcement officer may remove or cause to be removed any vehicle found upon a city street/highway and move the vehicle to any location where the vehicle may be securely held if:
 - a. A report has been made the vehicle has been stolen or taken without the consent of its owner;
 - b. The owner or driver of the vehicle is unable to provide for its custody or removal; or
 - c. The individual driving or in control of the vehicle is arrested for an offense and taken into custody and another individual is not available to lawfully operate the vehicle.
4. If a law enforcement officer finds a vehicle standing, stopped, or parked in a dangerous location or in violation of any official traffic-control device prohibiting or restricting the stopping, standing, or parking of any vehicle upon city streets/highway, the officer shall place a written warning on the vehicle for the first offense and issue a traffic citation for a subsequent violation.
5. A law enforcement officer and the officer's employing agency, the department of transportation or an employee of the department of transportation, or a political subdivision or employee of a political subdivision authorized by a law enforcement officer is not liable in civil damages for loss or damage to any vehicle removed from a highway or state property under this section, so long as reasonable care is used in the removal process.
6. The decision and method used to remove a vehicle or any personal property, or cause a vehicle or any personal property to be removed, is a discretionary decision under this section. In the event of a public necessity, a law enforcement officer, an employee of the department of transportation, or an employee of a political subdivision authorized by a law enforcement officer may take an action that may damage a vehicle or property removed under this section.

SECTION 4: Stopping, Standing or Parking Prohibited in Specified Places

1. On a sidewalk;
2. Public or private driveway;
3. Within an intersection;
4. Within ten (10) feet of a fire hydrant
5. On a crosswalk;
6. Within ten (10) feet of a crosswalk at an intersection;
7. Within fifteen (15) feet upon the approach to any flashing beacon, stop sign or traffic-control signal located at the side of a roadway;
8. Between a safety zone and the adjacent curb immediately opposite the ends of a safety zone, unless the North Dakota Department of Transportation or the City indicates a different length by signs or markings;
9. Within fifteen (15) feet of the nearest rail of a railroad crossing;
10. Within twenty (20) feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within seventy-five (75) feet of said entrance when properly signposted;
11. Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic;
12. On the roadway side of any vehicle stopped or parked at the edge or curb of a street;
13. At any place where official signs prohibit stopping

No person shall move a vehicle not lawfully under his control into any such prohibited area or away from a curb such distance as is unlawful.

SECTION 5: Additional Parking Regulations

The provisions of North Dakota Century Code section 39-10-50 and all subsequent amendments are hereby incorporated by reference in this ordinance.

1. Except as otherwise provided in this ordinance, every vehicle stopped or parked upon a two-way roadway must be so stopped or parked with the right-hand wheels of such vehicle parallel to and within twelve (12) inches of the right-hand curb or as close as practicable to the right edge of the right-hand shoulder.
2. Except where otherwise provided by ordinance, every vehicle stopped or parked upon a one-way roadway must be so stopped or parked parallel to the curb or edge of the roadway, in the direction of authorized traffic movement, with its right-hand wheels within twelve (12) inches of the right-hand curb or as close as practicable to the right edge of the right-hand shoulder, or with its left-hand wheels within twelve (12) inches of the left-hand curb or as close as practicable to the left edge of the left-hand shoulder.
3. The city governing body may permit angle parking on any roadway, except that angle parking is not permitted on any federal-aid or state highway without first obtaining the written authorization of the director of the North Dakota Department of Transportation.
4. The North Dakota Department of Transportation with respect to highways under its jurisdiction may place official traffic-control devices prohibiting or restricting the stopping, standing or parking of vehicles on any highway where in its opinion such stopping, standing or parking is dangerous to those using the highway or where the stopping, standing or parking of vehicles would unduly interfere with the free movement of traffic thereon. No person may stop, stand or park any vehicle in violation of the restrictions indicated by such devices.

SECTION 6: Stopping – Parking – Congested – Hazardous Places

The city engineer or other person designated by the governing body is hereby authorized to determine and designate by proper signs, places in which the stopping, standing or parking of vehicles would create an especially hazardous condition or would cause unusual delay to traffic.

When official signs are erected at hazardous or congested places as authorized herein, no person may stop, stand or park a vehicle in any such designated place.

SECTION 7: Stopping – Parking – In Streets, Avenues and Alleys

No person may park a vehicle within an alley, nor shall any person stop a commercial vehicle so as to leave available less than twelve (12) feet of the width thereof for free movement of vehicular traffic within the available City of Max right away. Nor shall any person stop in such a position as to block the driveway entrance to, any abutting property.

SECTION 8: Parking Adjacent to Schools

1. The city traffic engineer or authorized person may erect signs indicating no parking upon either or both sides of any street adjacent to any school property when such parking would, in his opinion, interfere with traffic or create a hazardous situation.

2. When official signs are erected indicating no parking upon either side of a street adjacent to any school property as authorized herein, no person may park a vehicle in any such designated place.

SECTION 9: Temporary Parking

Any parking within the City of Max boulevard and/or alley shall be considered overnight, or temporary parking if allowed. The owner of a vehicle, must be the parcel/lot owner that the vehicle is parked upon, so as not to impede neighboring properties, unless written permission is obtained. This section also pertains to guest vehicles, of parcel/lot owners.

SECTION 10: 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 forty-eight (48) hours consecutively, provided this section shall not include any area where a shorter time is provided for parking.

SECTION 11: Parking Privileges for Mobility – Impaired – Corticate -Revocation

Parking Privileges for Mobility-Impaired - Certificate - Revocation The provisions of North Dakota Century Code Section 39-01-15 and all subsequent amendments shall be and are hereby incorporated by reference- in this ordinance. 1. Any mobility-impaired person who displays prominently upon an automobile parked by that person or under that person's direction and for that person's use, a distinguishing certificate or insignia for mobility-impaired persons issued by the North Dakota Department of Transportation shall be entitled to courtesy in the parking of the automobile. Provided, however, that the city may prohibit parking on any street or highway for the purpose of creating a fire lane, or to provide for the accommodation of heavy traffic during morning and afternoon busy hours, and the privileges extended to such impaired persons do not apply on streets or highways where and during such times as parking is prohibited. 2. A mobility-impaired person as used in this section includes any person who uses portable oxygen; requires personal assistance or the use of crutches, a wheelchair, or a walker to walk two hundred feet without rest; is restricted by cardiac, pulmonary or vascular disease from walking two hundred feet without rest; has a forced expiratory volume of less than one liter or one second or an arterial oxygen tension of less than sixty millimeters to mercury on room air while at rest and is classified III or IV by standards for cardiac disease set by the American Heart Association; or has an orthopedic, neurological or other medical condition that makes it impossible for the person to walk two hundred feet without assistance or rest. 3. If a law enforcement officer finds that mobility-impaired certificate or insignia is being improperly used, the officer may report to the director of the North Dakota Department of Transportation. Any person who is not mobility-impaired and who exercises the privileges granted to a mobility- impaired person under subsection I shall be guilty of an infraction. 4. Whenever any public or private entity designates parking spaces for use by motor vehicles operated by mobility-impaired persons, those reserved spaces must be indicated by blue paint on the curb or edge of the paved portion of the street or parking lot adjacent to the space. In addition to blue paint, the space reserved must be indicated by an official sign approved by the director of the North Dakota Department of Transportation. The City may enforce the provisions of this subsection in any parking lot or parking facility that is generally open to the public, whether publicly or privately owned. 5. A person may not stop,

stand or park any vehicle in any designated parking space which is reserved for the mobility-impaired unless the vehicle displays a mobility-impaired identification certificate or insignia issued by the director of the North Dakota Department of Transportation. For a violation of this section, there will be a fee in the amount of one hundred dollars (\$100.00).

SECTION 12: - Reserved Parking Areas

No person, firm or corporation shall, when signs are erected giving notice thereof, park or leave standing, either attended or unattended, any motor vehicle on street areas which are reserved for the following temporary uses: loading and unloading, bus parking, guest parking, taxi parking, emergency parking, no parking, law enforcement or fire use. The fine and penalty shall be \$10.00 for each violation, plus any towing and storage charges incurred by the City. The City Council may establish from time-to-time areas for loading and unloading, bus parking, guest parking, taxi parking, emergency parking, no parking or law enforcement and fire use on such public streets in such places and in such number as the chief shall determine or as the governing body may specifically designate to be of greatest benefit and convenience to the public. These areas shall be designated by appropriate signs.

SECTION 13: Snow Removal Parking

Parking is prohibited on all streets and avenues during periods of snow removal. Snow removal is required when it is forecasted 4 or more inches of snow. Vehicles parked in violation of this article may receive a ticket. Vehicles which have not been removed within 12 hours of the issuance of the ticket may be impounded and towed. The fine and penalty shall be \$25.00 for each violation of the provisions of this article, plus any towing and storage charges incurred by the City.

SECTION 14: Time Limit Parking Zones

When signs are erected giving notice thereof, no person, firm or corporation shall park or leave standing, either attended or unattended any motor vehicle for more than the amount of time posted. The city engineer or authorized person may establish time parking zones from time to time in such places as they determine, or as the governing body shall specifically designate, to promote the greatest benefit and convenience to the public and the best use of the street areas.

SECTION 15: Effective Date

This ordinance shall be in full force and in effect from and after the date of its final passage and publication.

Date of 1st reading: 07/07/2025

Date of second reading: 08/04/2025

Approve - Mayor



Attest - Auditor

