



## *City Attorney*

**DATE:** March 3, 2020

**FROM:** Janelle Combs, City Attorney

**ITEM:** Ordinance 6414 regarding Accidents Involving Damage to Vehicles

### **REQUEST**

Consider introduction and call for a public hearing on Ordinance 6414 to amend Ordinance 12-10-06 regarding Accidents Involving Damage to Vehicles.

Please place this item on the 3/10/2020 City Commission meeting agenda.

### **BACKGROUND INFORMATION**

When the traffic code in the ordinances was updated with changes to state law made in the 2019 legislative session, a reference in an existing ordinance to one that was repealed was left in the code. This change would clarify that the requirements of a driver after an accident involving an occupied vehicle is the requirements listed in North Dakota Century Code for providing information and aid, as appropriate.

### **RECOMMENDED CITY COMMISSION ACTION**

First reading and introduction of Ordinance 6414 and call for a public hearing.

### **STAFF CONTACT INFORMATION**

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**CITY OF BISMARCK**  
**Ordinance No. 6414**

<i>First Reading</i>	_____
<i>Second Reading</i>	_____
<i>Final Passage and Adoption</i>	_____
<i>Publication Date</i>	_____

AN ORDINANCE TO AMEND SECTION 12-10-03 OF THE BISMARCK CODE OF ORDINANCES RELATING TO ACCIDENTS INVOLVING DAMAGE TO VEHICLE.

BE IT ORDAINED BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF BISMARCK, NORTH DAKOTA:

Section 1. Amendment. Section 12-10-03 of the City of Bismarck Code of Ordinances relating to Purpose is hereby amended and re-enacted to read as follows:

**12-10-03.** Accidents Involving Damage to Vehicle. The driver of any vehicle involved in an accident resulting only in damage to a vehicle which is driven or attended by any person shall immediately stop such vehicle at the scene of such accident or as close thereto as possible but shall forthwith return to and in every event shall remain at the scene of such accident until he has fulfilled the requirements of ~~Section 12-10-04~~North Dakota Century Code 39-08-06. Every such stop must be made without obstructing traffic more than is necessary. Any person who fails to stop or comply with these requirements under such circumstances is guilty of an offense.

*Reference: NDCC 39-08-05 (1980)*

Section 2. Severability. If any section, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 3. Effective Date. This ordinance shall take effect following final passage, adoption and publication.