

ORDINANCE NO. 893

AN ORDINANCE, WHICH UPON ADOPTION, SHALL AMEND IN PART ORDINANCE NO. 564, WHICH HAS BEEN CODIFIED AS SECTION 9.02.010 OF THE DEVILS LAKE MUNICIPAL CODE.

BE IT ORDAINED, by the City Commission of the City of Devils Lake, North Dakota, pursuant to the Home Rule Charter of the City of Devils Lake, that Ordinance No.564 codified as Chapter Section 9.02.010 of the Municipal Code, be amended and shall now provide as follows:

9.02.010 Unlawful to flee. Any person, other than the driver of a motor vehicle under section 39-10-71 of the North Dakota Century Code, who willfully fails or refuses to stop or who otherwise flees or attempts to elude, in any manner, a pursuing peace officer, when given a visual or audible signal to stop, is guilty of a class B misdemeanor for a first and second offense and a class A misdemeanor for a subsequent offense. A signal to stop complies with this section if the signal is perceptible to the person and:

1. If given from a vehicle, the signal is given by hand, voice, emergency light, or siren and the vehicle is appropriately marked showing it to be an official law enforcement vehicle; or
2. If not given from a vehicle, the signal is given by hand, voice, emergency light, or siren, and the officer is in uniform and prominently displays the officer's badge of office.

This section of the Devils Lake Municipal Code is adopted from North Dakota Century Code Section 12.1-08-11, and as this section of the North Dakota law is amended or modified, this section of the Devils Lake Municipal Code shall by reference be amended and modified.

Passed First Reading: January 3, 2011

Passed Second Reading: January 18, 2011

Final Passage and Adoption: January 18, 2011

CITY OF DEVILS LAKE

By: _____
Richard Johnson, President
Devils Lake City Commission

ATTEST:

Linda Lybeck
City Auditor