

ORDINANCE NO. 920

AN ORDINANCE AMENDING SECTIONS 10-383, 10-385, 10-386, 10-387, 10-390, 10-391, 10-392 and 10-393 OF THE CODE OF ORDINANCES FOR THE CITY OF WILLISTON, NORTH DAKOTA, RELATING TO SNOWMOBILES AND ALL TERRAIN VEHICLES.

Be it ordained by the Board of City Commissioners of the City of Williston, North Dakota: That Sections 10-383, 10-385, 10-386, 10-387, 10-390, 10-391, 10-392 and 10-393 of Williston Code of Ordinances are hereby amended as follows:

**ARTICLE XIII. SNOWMOBILES AND
ALL-TERRAIN VEHICLES (OFF HIGHWAY VEHICLES)**

Sec. 10-383. Definitions.

For the purpose of this article, the following definitions are hereby adopted:

- (1) *All-terrain vehicle/ off highway vehicle* shall mean a motor vehicle using more than two (2) low pressure tires and with a dry weight of less than twelve hundred (1200) pounds (544.31 kilograms).
- (2) *Operate* shall mean to ride in or on and control the operation of a snowmobile or all-terrain vehicle.
- (3) *Operator* shall mean every person who operates or is in actual physical control of a snowmobile.
- (4) *Owner* shall mean a person, other than a lienholder, having the property in or title to a snowmobile or all-terrain vehicle, who is entitled to the use or possession thereof.
- (5) *Person* shall mean and include an individual, firm, partnership, corporation, trustee, association, estate and its agencies and subdivision and any body of persons, whether incorporated or not, and with respect to acts prohibited or required herein shall include employees and licensees.
- (6) *Roadway* shall mean that portion of a highway, street, boulevard, avenue, or alley improved, designed or ordinarily used for vehicular travel.
- (7) *Snowmobile* shall mean a self-propelled vehicle designed for travel on snow or ice or a natural terrain steered by wheels, skis or runners.
- (8) *Street, highway, boulevard, avenue or alley* shall mean the entire width between the boundary lines of the same.
(Ord. No. 469, §1, 1-18-72; Ord. No. 648, 7-9-85)
State law reference – Similar provisions, N.D.C.C. §39-24-01.

Sec. 10.384. Reserved. (Ord. No. 648, 7-9-85)

Sec. 10-385. Prohibited generally.

It shall be unlawful for any person to drive or operate any snowmobile or within the corporate limits of the city, subject to the following exceptions:

- (1) A police officer may operate a snowmobile for the purpose of enforcing this article.
- (2) In the event of an emergency, the chief of police or his designate may authorize temporary use of a snowmobile within the city.
(Ord. No. 469, § 2, 1-18-72; Ord. No. 510, § 2, 9-23-75; Ord. No. 648, 7-9-85)

Sec. 10-386. Parent or guardian's responsibility.

Any parent or guardian who knowingly allows his or her child or ward to operate his or her snowmobile upon or over the city streets, highways, boulevards, avenues or alleys except with the permission of the chief of police or his designate in the case of an emergency shall be guilty of a misdemeanor and subject to the penalties of this article (Ord. No. 469, § 3, 1-18-72; Ord. No. 510, § 3, 9-23-75; Ord. No. 648, 7-9-85)

State law reference – Operation by persons under age 16, N.D.C.C. §39-24-09.1.

Sec. 10-387. General regulations.

(a) No person shall drive a snowmobile on city streets, avenues, boulevards, or alleys, except under the provisions of this article and as necessary to go from his residence to outside the city limits and return in a reasonably direct route, and then only subject to the following rules and regulation no person shall drive:

- (1) In a careless, reckless or negligent manner so as to endanger the person or property of another or to cause injury or damage to such person property.
- (2) While under the influence of intoxicating liquor or a controlled substance.
- (3) In any tree nursery or planting in a manner which damages or destroys growing stock.
- (4) Without a manufacturer-installed or equivalent muffler in good working order and connected to the snowmobile or all-terrain vehicles exhaust system.
- (5) The driver of a snowmobile must yield the right-of-way to all oncoming traffic which constitute an immediate hazard.
- (6) In violation of any rules or regulations promulgated for regulating the use of snowmobiles by the state highway commissioner where applicable within the geographical limits of the city.
- (7) While towing a sled, skid or other vehicle, unless the sled, skid or other vehicle is connected to the snowmobile by a hinged swivel and secured hitch and lighted or reflectorized at night.
- (8) Abreast of another snowmobile upon any highway as defined in this article.
- (9) Between the hours of 11:00 p.m. and 7:00 a.m., except when returning to the city at a reasonably direct route to the residence of an operator.
- (10) In any municipal park or recreation area or school grounds except when posted as open to snowmobiles within the hours permitted.
- (11) Upon private property within the corporate limits of the city.
- (12) At any time with more than two persons riding therein in addition to the operator.
- (13) Without observing all traffic signs, signals, rules and regulations applying to motor vehicles when also applicable to snowmobiles.
- (14) At a rate of speed greater than reasonable or proper under all the surrounding circumstances and in no event at a speed greater than twenty (20) miles per hour.
- (15) No person shall drive on any street or highway or through street except to cross, and then only at a ninety degree (90°) angle.

(b) Except as otherwise provided in this section, a person under sixteen (16) years of age who is not in possession of a valid operator's license or permit to operate a snowmobile may not, except upon the lands of the person's parents or guardian, operate a snowmobile. (Ord. No. 469, §2, 1-18-72; Ord. No. 513m 11-12-75; Ord. No. 591, 3-23-82; Ord. No. 648, 7-9-85)

State law reference – Similar provisions, N.D.C.C. §39-24-09.

Sec. 10-390. Operation of off-highway vehicles.

1. An individual may operate a registered and insured off-highway vehicle on any city street except divided four lane roadways within the city limits. An individual may not operate an off-highway vehicle on the roadway, shoulder, or inside bank or slope of any road, street or highway except as provided in this chapter. Except in emergencies, an individual may not operate an off-highway vehicle within the right of way of any controlled-access city street. An individual may operate a registered off-highway vehicle on a gravel, dirt, or loose surface roadway. All terrain vehicles must observe all city speed limits.
2. The operator of an off-highway vehicle may make a direct crossing of a street of highway only if:

- a. The crossing is made at an angle of approximately ninety degrees to the direction of the highway and at a place where no obstruction prevents a quick and safe crossing;
 - b. The off-highway vehicle is brought to a complete stop before crossing the shoulder or main traveled way of the highway;
 - c. The operator yields the right of way to all oncoming traffic which constitutes an immediate hazard; and
 - d. In crossing a divided highway, the crossing is made only at an intersection of the highway with another public street or highway.
3. Unless an individual is operating a class 1 off-highway vehicle, an individual may not operate an off-highway vehicle unless it is equipped with at least one headlamp, one tail lamp, and brakes, all in working order, which conform to standards prescribed by rule of the director, except when under the direct supervision of an off-highway vehicle instructor teaching a certified off-highway vehicle safety training course, the requirement for a headlamp and tail lamp may be waived.
 4. The emergency conditions under which an off-highway vehicle may be operated other than as provided by this chapter are only those that render the use of an automobile impractical under the conditions and at the time and location in question.
 5. An individual may not operate an off-highway vehicle in the following ways, which are declared to be unsafe and a public nuisance:
 - a. At a rate of speed greater than reasonable or proper under all the surrounding circumstances.
 - b. In a careless, reckless, or negligent manner so as to endanger the person or property of another or to cause injury or damage to another person or the property of another person.
 - c. While under the influence of intoxicating liquor or a controlled substance.
 - d. Without a lighted headlamp and tail lamp except when used by an off-highway vehicle instructor during a certified off-highway vehicle safety training course.
 - e. In any tree nursery or planting in a manner that damages growing stock.
 - f. Without a manufacturer-installed or equivalent muffler in good working order and connected to the off-highway vehicle's exhaust system.
 - g. On any private land where the private land is posted prohibiting trespassing. The name and address of the person posting the land and the date of posting must appear on each sign in legible characters. The posted signs must be readable from outside the land and be placed conspicuously at a distance of not more than eight hundred eighty yards (804.68 meters) apart. Land entirely enclosed by a fence or other enclosure is sufficiently posted by posting of these signs at or on all gates through the fence or enclosure.
 6. An individual may not operate an off-highway vehicle without having in possession a valid driver's license or permit.
 7. When an off-highway vehicle is operated within the right of way of any road, street, or highway, during times or conditions that warrant the use of lights by other motor vehicles, the off-highway vehicle must be operated in the same direction as the direction of other motor vehicles traveling on the side of the roadway immediately adjacent to the side of the right of way traveled by the off-highway vehicle.
 8. An individual may not operate an off-highway vehicle within the right-of-way of any highway while towing a sled, skid, or other vehicle, unless the object towed is connected to the off-highway vehicle by a hinged swivel and secure hitch.
 9. An individual under the age of eighteen years may not operate, ride, or otherwise be propelled on an off-highway vehicle unless the person wears a safety helmet meeting United States department of transportation standards.
 10. An operator of an off-highway vehicle may not carry a passenger while operating the vehicle unless the off-highway vehicle is equipped and recommended by the

manufacturer to carry a passenger and the passenger is carried as recommended by the manufacturer.

- 11. Unless otherwise provided by law, an off-highway vehicle may be operated on an aggregate road surface only when designated as part of an active off-highway vehicle trail by the managing entity
- 12. A person who is performing pest control or survey work for a political subdivision may operated an all-terrain vehicle on the bottom, back-slope, inside slope, and shoulder of a highway other than a controlled-access highway.

Sec. 10-391. Equipment.

To operate an off-highway vehicle on a paved city street or gravel, dirt, or loose surface roadway under subsection 1 of section 10-390, the off-highway vehicle must be equipped with a mirror, a horn, a speedometer and odometer, a brake light, a lighted headlamp, and a motor of at least three hundred fifty cubic centimeters.

Sec. 10-392. Operation by persons under age sixteen.

Except as otherwise provided in this section, an individual under sixteen years of age who is not in possession of a valid operator's license or permit to operate an off-highway vehicle may not, except upon the lands of the individual's parent or guardian or as a participant in an organized sporting event that involves the use of off-highway vehicles, operate an off-highway vehicle.


Sec. 10-393. Penalties.

Violation of subdivision b, c, or g of subsection 5 of section 10-390 is a class B misdemeanor. Violation of any other provision of section 10-390 is an infraction for which a fee of twenty dollars must be assessed. Failure to register an off-highway vehicle is an infraction, for which a fee of fifty dollars must be assessed. If the individual provides proof of registration since the violation, the fee may be reduced by one-half.

This ordinance shall be in full force and effect upon its final passage, approval and publication.

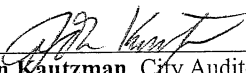
Commissioner Bogar moved the adoption of the foregoing Ordinance.
 The Motion was seconded by Commissioner Lawson. On roll call vote of the
 Commissioners vote "AYE": Klug, Lawson, Bogar, Bekkedahl, Koeser
 _____, and the following Commissioners vote "NAY":
None. Absent and not voting:
None.

WHEREUPON, the Motion was passed and the Ordinance declared adopted this 12th day of May, 2009.



 E. Ward Koeser, President
 Board of City Commissioners

ATTEST:



 John Kautzman, City Auditor

First Reading: April 28, 2009 Second Reading: May 12, 2009

Published: May 21, 2009

Adopted the 12th day of May, 2009.