

**A BURLEIGH COUNTY ORDINANCE FOR THE SAFETY REGULATIONS OF OFF
HIGHWAY VEHICLES WHEN OPERATING WITHIN PUBLIC RIGHT OF WAYS**

NOW THEREFORE, BE IT ENACTED BY THE COUNTY COMMISSIONERS OF BURLEIGH
COUNTY, NORTH DAKOTA:

SECTION 1. General Provisions

1. Burleigh County Home Rule Charter allows for the creation of an ordinance which provides for the safe operation of all-terrain or off highway vehicles while traveling on all rights of ways of public roads.

SECTION 2. Purpose.

1. The purpose of this Ordinance is to control and regulate the use of registered off-highway vehicle in the road right-of-way within Burleigh County, to ensure the integrity of, and appropriate use of, said right-of-ways, and to promote the general health, safety, and welfare of the citizens of Burleigh County.

SECTION 3. Definitions.

1. "Exhibition driving" means: driving a vehicle in a manner which disturbs the peace by creating or causing unnecessary engine noise, tire squeal, skid, or slide upon acceleration or braking; or driving and executing or attempting one or a series of unnecessarily abrupt turns; or jumping of ditches.
2. "Jumping of ditches" means: accelerating a vehicle at such speeds as to cause one or more of the vehicle's tires to leave the ground.
3. "Off-highway vehicle" means: Any motorized vehicle not designed for use on a highway and capable of cross-country travel on land, snow, ice, marsh, swampland, or other natural terrain. The term includes a motorized vehicle converted to operate on snow. The term does not include an electric bicycle. An off-highway vehicle must be classified into one of the following categories:
 - a. Class I off-highway vehicle is a vehicle that does not qualify as road capable Under NDCC Chapters 39-21 and 39-27, has a seat or a saddle designed to be straddled by the operator, and has handlebars for steering control of two wheels.
 - b. Class II off-highway vehicle is fifty inches [1270.00 millimeters] or less in width, weighs one thousand two hundred pounds [544.31 kilograms] or less, and travels on three or more nonhighway tires; or is sixty-five inches [1651 millimeters] or less in width, weighs two thousand pounds [907.19 kilograms] or less, and travels on four or more nonhighway tires.
 - c. Class III off-highway vehicle weighs less than eight thousand pounds

[3628.74 kilograms]; travels on skis, runners, tracks, or four or more tires; has a seat; has a wheel, handlebars, or steering for steering control; and is designated for or capable of cross-country on or over land, water, sand, snow, ice, marsh, swampland, or other natural terrain, but does not include a vehicle registered by the department under chapter 39-04 or 39-24.

4. "Road Right-of-Way" means: land, property, or any interest therein, acquired by a governing entity for or devoted to road purposes and includes approaches or driveways into private property.

SECTION 4. Operation of Off Highway Vehicles in Right of Way

1. No person may engage in exhibition driving of any vehicle in the road right-of-way.
2. Exceptions are granted for OHVs operated by government employees when in the performance of official government business.

SECTION 5. Penalty for Offenses While Operating in Right of Way.

1. Any person who violates this ordinance must be assessed a fee of fifty dollars.

SECTION 6. Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 7. Severability Clause. If any section provision or part of this ordinance shall be adjudged invalid or unconstitutional such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 8. When Effective. This ordinance shall be in effect from and after its final passage, approval, and publication as provided by law.

First Reading Passed: _____

Second Reading Passed: _____

Passed and adopted this _____ day of _____ 2023.

, Chairperson

ORDINANCE NO. _____

ATTEST:

Mark Splonskowski, County Auditor