

CITY OF CASSELTON  
ORDINANCE #288

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CASSELTON, CASS  
COUNT, NORTH DAKOTA:

Section 1. Definitions

- A. Off-road motorcycle shall mean every motor vehicle having a seat or saddle designed to be straddled by the operator designed to travel on not more than three wheels in contact with the ground, and which does not meet State requirements for on-road motor vehicles, but is designed for primary use upon undeveloped land or trails.
- B. All Terrain Vehicle – For purposes of this ordinance all-terrain vehicle shall mean any motorized off-highway vehicle 50 inches or less in width, having a dry weight of 1,000 pounds or less, traveling on three or more low-pressure tires, designed for operator use only with no passengers, having a seat or saddle designed to be straddled by the operator and handlebars for steering control.
- C. Snowmobile – For purposes of this ordinance, snowmobile shall mean a self-propelled vehicle designed for travel on snow or ice or natural terrains steered by wheels, skis or runners.

Section 2. Operation of Snowmobiles

**The provisions of Chapter 39-24 of the North Dakota Century Code, and all subsequent amendments thereto, relating to the operation of snowmobiles, shall be and are hereby incorporated by reference in this ordinance. These provisions shall apply to the operation of snowmobiles within city limits. Further, it shall be unlawful for any person to drive or operate any snowmobile within the city limits of the City of Casselton, North Dakota, except under the following circumstances:**

- A. When loading or unloading such snowmobile onto another vehicle or transporting the snowmobile from one place of storage to another. When loading, unloading or transporting any such snowmobile as authorized by this subsection, the motor shall be operated at the lowest rate which will allow movement of the snowmobile at walking speed;**
- B. On city streets between the owner’s home to the snowmobile trail or out of town via the shortest route at the lowest rate of speed which will allow movement of the snowmobile safely within the speed limit. Snowmobiles must not be driven on Langer Avenue except to cross the railroad tracks, the bridge on the south end of Casselton or for perpendicular crossing of Langer Avenue; or**
- C. In case of an emergency.**

### Section 3. Prohibited Operation of Off-Road Vehicles

**The provisions of Chapter 39-29 of the North Dakota Century Code, and all subsequent amendments thereto shall relating to the operation of off-road vehicles, including all-terrain vehicles, shall be and are hereby incorporated by reference in this ordinance.** Further, it shall be unlawful for any person to drive or operate any off-road motorcycle within the city limits of the City of Casselton, North Dakota, except under the following circumstances:

- A. When loading or unloading such vehicle onto another vehicle or transporting the vehicle from one place of storage to another. When loading, unloading or transporting any such vehicle as authorized by this subsection, the motor shall be operated at the lowest rate which will allow movement of the vehicle at walking speed; or
- B. In case of an emergency.

### Section 4. Driving on Certain Property Prohibited

It shall be unlawful for any person to drive or operate any off-road motorcycle, all-terrain vehicle, snowmobile, or any other vehicle on city dikes, **city parks, golf course or boulevard property.**

### Section 5. Responsibility of Parent, Guardian, or Person Having Custody of Minor

No parent, guardian or person having actual custody of a person under 18 years of age shall allow a person under 18 to operate any vehicle defined in this Ordinance in violation of any of the provisions of this Ordinance within the City. It is a rebuttable presumption that the person having charge of the person under 18 years of age allowed that person to operate the vehicle in violation of this Chapter.

### Section 6. Penalty

**Any violation of this ordinance which is a state law incorporated by reference shall be punishable as provided under North Dakota law.** Any violation of any other provision of this ordinance shall be a non-criminal infraction punishable by a fine of up to \$100.

### Section 7. Effective Date

This ordinance shall be in full force and effect from and after its second reading, and all existing ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

APPROVED:

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Lee Anderson, Mayor

ATTEST:

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Sheila Klevgard, City Auditor

FIRST READING: February 1, 2016

SECOND READING: March 7, 2016

PUBLICATION: March 23, 2016