

CHAPTER EIGHT  
TRAFFIC

ARTICLE 1 - Definitions

8.0101 Definitions

ARTICLE 2 - Traffic Administration

8.201 Duty of Police Department

8.202 Engine Braking

ARTICLE 3 - Following Fire Apparatus Prohibited

8.0301 Following Fire Apparatus Prohibited

ARTICLE 4 – Operation of Snowmobiles and All-Terrain Vehicles

8.0401 Definitions

8.0402 Rules for Operation of Snowmobiles

8.0403 Operation of Snowmobiles and All-Terrain Vehicles in City

CHAPTER EIGHT  
TRAFFIC

ARTICLE 1 – Definitions

8.0101 Definitions

Words and phrases used in this chapter shall have the meaning and be defined as provided in the North Dakota Century Code in Title 39, and NDCC Section 39-01-01 and all subsequent amendments shall be and are hereby incorporated by reference in this chapter.

ARTICLE 2 – Traffic Administration

8.0201 Duty of Police Department

It shall be the duty of the police department to enforce the street traffic regulations of this City and all of the state vehicle laws, to make arrests for traffic violations, to investigate accidents and to cooperate with the City traffic engineer and other officers of the City in the administration of the traffic laws and in developing ways and means to improve traffic conditions, and to carry out the traffic ordinances of this City.

8.0202 Engine Braking Prohibited

It shall be unlawful for the driver of any motor vehicle to intentionally use compression release engine brakes on a public road, highway, street, parking lot or alley located within and adjacent to the city limits of the City of Ellendale, except when the use of such engine brake is necessary for the safe operation of the vehicle. This Ordinance is not intended to prohibit the passage of vehicles equipped with engine brakes in posted areas, but rather limit the use of such equipment in posted areas under the aforesaid circumstances.

- A. Definition. Compression release engine brakes, for the purpose of this ordinance, shall include any engine retarding brake system which alters the normal compression of the engine thereby converting the engine into an air compressor for the purposes of braking without the use of wheel brakes.
- B. Signage. Appropriate signage shall be erected at locations throughout the City of Ellendale as deemed necessary by the City Council and/or the Ellendale Chief of Police.

Penalty: The penalty for violation of this Article constitutes an infraction and is punishable by a fine as set forth in Section 1.0104 herein.

ARTICLE 3 – Following Fire Apparatus Prohibited

8.0301 Following Fire Apparatus Prohibited

The provisions of North Dakota Century Code Section 39-10-57 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

The driver of any vehicle other than one on official business may not follow any fire apparatus traveling in response to a fire alarm closer than five hundred (500) feet or stop such

vehicle within five hundred (500) feet of any fire apparatus stopped in answer to a fire alarm.

#### ARTICLE 4 – Operation of Snowmobiles and Off-Highway Vehicles

##### 8.0401 Definitions

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

1. “Dealer” means every person, partnership, corporation or limited liability company engaged in the business of buying, selling or exchanging snowmobiles or who advertises or holds out to the public as engaged in the buying, selling or exchanging of snowmobiles or who engages in the buying of snowmobiles for resale.
2. “Operate” means to ride in or on and control the operation of a snowmobile.
3. “Operator” means every person who operates or is in actual physical control of a snowmobile.
4. “Owner” means a person, other than a lienholder, having the property in or title to a snowmobile entitled to the use or possession thereof.
5. “Person” includes an individual, partnership, corporation, limited liability company, association, the state and its departments, agencies and political subdivisions and any body of persons, whether incorporated or not.
6. “Register” means the act of assigning a registration number to a snowmobile.
7. “Registrar” or “Director” means the director of the Department of Transportation of this state as provided in Section 24-02-01.3 of the North Dakota Century Code.
8. “Roadway” means that portion of a highway improved, designed or ordinarily used for vehicular travel.
9. “Snowmobile” means a self-propelled vehicle designed for travel on snow, ice or a natural terrain and steered by skis or runners. (Source: North Dakota Century Code Section 39-24-01)

##### 8.0402 Rules for Operation of Snowmobiles

1. The provisions of Section 39-24-09 of the North Dakota Century Code, and all subsequent amendments thereto, relating to the operation of snowmobiles, shall be and is hereby incorporated by reference in this ordinance. These provisions shall apply to the operation of snowmobiles within city limits.
2. No person may operate a snowmobile upon the roadway, shoulder or inside bank or slope of any road, street or highway in this City except as provided pursuant to this article. No snowmobile shall be operated at any time within the right of way of any interstate highway except for emergency purposes.

3. A snowmobile may make a direct crossing of a street or highway provided:
  - a. The crossing is made at an angle of approximately ninety (90) degrees to the direction of the highway and at a place where no obstruction prevents a quick and safe crossing;
  - b. The snowmobile is brought to a complete stop before crossing the shoulder or main traveled way of the highway;
  - c. The driver 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 such highway with another public street or highway.
4. No snowmobile may be operated unless it is equipped with at least one (1) headlamp, one tail lamp and brakes, all in working order, which conform to standards prescribed by rule of the director pursuant to the authority vested in the director by state law.
5. The emergency conditions under which a snowmobile may be operated other than as provided by this article shall be such as to render the use of an automobile impractical under such conditions at such period of time and location.
6. It is unlawful for any person to drive or operate any snowmobile 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 such person or property.
  - c. While under the influence of intoxicating liquor or a drug as defined in Section 39-24.1-01 of the North Dakota Century Code, or a combination thereof.
  - d. Without a lighted headlamp and tail lamp when required for safety.
  - e. In any tree nursery or planting in a manner which damages or destroys growing stock.
  - f. Without a manufacturer-installed or equivalent muffler in good working order and connected to the snowmobile exhaust system.
  - g. Upon any private land when the private land is posted by the owner or tenant prohibiting trespassing. The name of the person posting the land must appear on each sign in legible characters. The posted signs shall be readable from the outside of the land and shall be placed conspicuously at a distance of not more than eight hundred eighty (880) yards (804.68

meters) apart, provided further that as to land entirely enclosed by a fence or other enclosure, posting of signs at or on all gates through the fence or enclosure constitutes posting of all the enclosed lands.

7. It is unlawful for any person to operate a snowmobile pursuant to Chapter 39-24 of the North Dakota Century Code without having in possession a valid driver's license or permit, except as provided by Section 39-24-09.1.
8. When snowmobiles are operated within the right of way of any road, street or highway of this state pursuant to this chapter, during times or conditions that warrant the use of lights, such snowmobiles shall travel in the same direction as the direction of motor vehicles traveling on the side of the roadway immediately adjacent to the side of the right of way traveled by the snowmobile.
9. It is unlawful for any person to operate a snowmobile within a highway right of way as defined in subsection 37 of Section 24-01-01.1 of the North Dakota Century Code between April 1 and November 1 of any year.
10. No snowmobile may be operated at any time within the right of way of any highway within this state 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 secure hitch.
11. No person under the age of eighteen years may operate, ride or otherwise be propelled on a snowmobile unless the person wears a safety helmet meeting United States department of transportation standards.

#### 8.403 Operation of Off-Highway Vehicles in City

##### 1. Definitions:

- a. "Dealer" means any person engaged in the business of buying, selling, or exchanging off-highway vehicles or who advertises, or holds out to the public as engaged in the buying, selling, or exchanging of off-highway vehicles, or who engages in the buying of off-highway vehicles for resale.
- b. "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. An off-highway vehicle must be classified into one of the following categories:
  - i. Class I off-highway vehicle is a vehicle that does not qualify as road capable under 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.
  - ii. 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 non-highway 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 non-highway tires.

- iii. 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.
- c. "Operate" means to ride in or on and control the operation of an off-highway vehicle.
- d. "Operator" means an individual who operates or is in actual physical control of an off-highway vehicle.
- e. "Owner" means a person, other than a lienholder, having the property in or title to an off-highway vehicle and entitled to its use or possession.
- f. "Register" means the act of assigning a registration number to an off-highway vehicle.

2. General Rules of Operation:

- a. The provisions of Section 39-29-09 of the North Dakota Century Code, and all subsequent amendments thereto, relating to the operation of off-highway vehicles, shall be and are hereby incorporated by reference in this ordinance. These provisions shall apply to the operation of off-highway vehicles within city limits.
- b. Off-highway vehicles are permitted to be operated within the city limits of the City of Ellendale, so long as they are registered, insured, licensed and 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 or the individual is operating a class I off-highway vehicle.
- c. Except as provided in section 39-29-10, an individual may not operate an off-highway vehicle without having in possession a valid driver's license or permit.
- d. Off-highway vehicles must display the appropriate registration and permit identification provided by the State of North Dakota.
- e. Off-highway vehicle operators shall obey all local, state and federal laws while operating said off road vehicles.
- f. An individual may not operate an off-highway vehicle in the follow ways, which are declared to be unsafe and a public nuisance:
  - 1. At a rate of speed greater than reasonable or proper under all the surrounding circumstances.

2. 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.
  3. While under the influence of intoxicating liquor or a controlled substance.
  4. In a tree nursery or planting in a manner that damages growing stock.
  5. Without a manufacturer-installed or equivalent muffler in good working order and connected to the off-highway vehicle's exhaust system.
  6. On any private land without the permission of the landowner.
- g. 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.
  - h. 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.

#### 8.404 Golf Carts on City Streets

1. In addition to the provisions of North Dakota Century Code Section 40-05-22 and subsequent amendments thereto, the following rules and regulations shall govern the operation of golf carts within the City limits as follows:
  - a. Because operators of golf carts will have to drive on public streets for ingress and egress to the City, all operators must be licensed motor vehicle drivers within the State of North Dakota.
  - b. Golf carts may be operated within the City of Ellendale only for the purposes of daytime travel between the owner's place of residence and a golf course, but may not travel on state or federal or county highways.
  - c. Golf carts may be operated within the City of Ellendale during a special event for the purposes of daytime travel in conjunction with that event, but may not travel on state or federal or county highways.
  - d. The speed limit for golf carts within the city is 15 miles per hour.
  - e. Golf carts may not be operated on federal, state, or county highways in the city, except for the perpendicular crossing of those highways.
  - f. Golf carts that are operated on the city streets in accordance with this ordinance are exempt from the title, registration, and equipment provisions of title 39 of the N.D.C.C.
2. Penalties – Every person convicted of a violation of any of the provisions of this Ordinance shall be guilty of a Class B Misdemeanor