

**ORDINANCE NO. 2025**

**AN ORDINANCE AMENDING AND RE-ENACTING SECTION 58-698 OF  
THE MUNICIPAL CODE OF THE CITY OF DICKINSON, NORTH  
DAKOTA, RELATING TO VIOLATIONS INVOLVING OPERATION OF  
OFF-HIGHWAY VEHICLES**

BE IT ORDAINED BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF DICKINSON, NORTH DAKOTA, AS FOLLOWS:

**Section 1:** Section 58-698 of the City Code of the City of Dickinson is hereby amended and re-enacted as follows:

**Sec. 58-698. Violations involving operation of off-highway vehicles.**

- (a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

*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.

*Emergency circumstances* means emergency conditions (including snow emergency, natural disaster, human-made disaster, or public health emergency) that renders the use or operation of passenger vehicles impractical or impossible in the particular conditions at the time and location in question.

*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 "off-highway vehicle" includes a motorized vehicle converted to operate on snow. The term "off-highway vehicle" does not include an electric bicycle. An off-highway vehicle must be classified into one of the following categories:

- (1) Class I off-highway vehicle is a vehicle that does not qualify as road capable under N.D.C.C. Chs. 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. Example: Dirt bike.
- (2) Class II off-highway vehicle is 50 inches (1270.00 millimeters) or less in width, weighs 1,200 pounds (544.31 kilograms) or less, and travels on three or more nonhighway tires; or is 65 inches (1651 millimeters) or less in width, weighs 2,000 pounds (907.19 kilograms) or less, and travels on four or more nonhighway tires. Example: ATV/4-wheeler
- (3) Class III off-highway vehicle weighs less than 8,000 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 N.D.C.C. Ch. 39-04 or 39-24. Example: UTV/Side-by-Side.

*Operate* means to ride in or on and control the operation of an off-highway vehicle.

*Operator* means an individual who operates or is in actual physical control of an off-highway vehicle.

*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.

*Register* means the act of assigning a registration number to an off-highway vehicle.

- (b) *Registration.* Except as provided in this section, a person may not operate an off-highway vehicle unless it has been registered in accordance with N.D.C.C. §§ 39-29-02, 39-29-03, 39-29-04, 39-29-05 and 39-29-06.
- (c) *Permitted operation.* It shall be lawful for any person ~~16 years of age or older and~~ who is in possession of a valid driver's license to operate a Class III off-highway vehicle on any street or highway within the City limits; provided, however, that the Class III off highway vehicle is equipped with such safety equipment, including head lights, tail lights, brake lights, and such other safety equipment, all in working order, which may be required by standards prescribed by rule of the State Highway Commissioner as may apply to passenger automobiles. At all times, Class III off highway vehicles within the City limits shall comply with such standards and rules of operation governing passenger automobiles as may be otherwise provided by City ordinance or State statute.
- (d) *Restricted operation on City streets and public rights-of-way.* It shall be unlawful for any person to drive or operate any Class I or Class II off-highway vehicle on any street or public right-of-way within the City limits, except in the following circumstances:
  - (1) A Class I or Class II off highway vehicle may be operated on City streets and other public rights-of-way in the event of Emergency Circumstances, as defined in Subsection (a) of this section.
  - (2) A Class I or Class II off highway vehicle may be operated on City streets and other public rights-of-way for a special off highway vehicle event of limited duration, when conducted on a prearranged schedule under permit from the governing body. Example: Permitted Parade.
  - (3) ~~A Class II off highway vehicle may travel from the operator's place of residence to the edge of the City limits, using the shortest route from such operator's residence to the edge of the City's limits; provided, however, that the Class II off highway vehicle shall not be operated on any street or public right of way having more than two lanes or with a speed limit in excess of 25 miles per hour.~~
  - (3) Class II off-highway vehicles may be used for snow removal, provided that the off-highway vehicle has a mounted blade and an amber flashing light visible from all directions. The off-highway vehicle may go from one job site to another job site on City streets provided the operator obeys all other sections of the off-highway vehicle ordinance.
- (e) ~~*Prohibited operation within City limits not on City streets or public rights-of-way.* It shall be unlawful for any person to drive or operate any Class I or Class II off-highway vehicle within the City limits in the following ways or under the following circumstances, which are hereby declared to be unsafe and a public nuisance:~~

- ~~(1) On a roadway, shoulder or inside bank or slope of any road, street or highway, except as provided in this section. Except in the event of emergency circumstances as defined in Subsection (a) of this section, a person may not operate an off-highway vehicle within the right-of-way of any controlled access highway.~~
- ~~(2) On direct crossing of a street or highway, unless:~~
- ~~a. The crossing is made at an angle of approximately 90 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.~~
- ~~(2) Without a lighted headlamp and taillamp except when used by an off-highway vehicle instructor during a certified off-highway vehicle safety training course~~
- ~~(3) At a rate of speed greater than reasonable or proper under all the surrounding circumstances.~~
- ~~(4) 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.~~
- ~~(5) While under the influence of intoxicating liquor or a controlled substance.~~
- ~~(6) In any tree nursery or planting in a manner which damages growing stock.~~
- ~~(7) Without a manufacturer installed or equivalent muffler in good working order and connected to the off-highway vehicle's exhaust system.~~
- ~~(8) Without having in possession a valid driver's license or permit.~~
- ~~(9) In a direction other than 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 travelled by the off-highway vehicle, when such 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.~~
- ~~(10) In violation of any rule or regulation promulgated for regulating the use of off-highway vehicles by the State Highway Commissioner where applicable within the geographical limits of the City.~~
- ~~(11) In any municipal park or recreation area, except when posted as open to off-highway vehicles, and only along established paths and trails and within the hours permitted.~~
- ~~(12) 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 property and be placed conspicuously at a distance of not more than 880 yards 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.~~

~~(13) Without observing all traffic signs, signals, rules and regulations applying to motor vehicles when also applicable to off-highway vehicles.~~

~~(f) *Operation by persons under 16 years of age.* Except as otherwise provided in this section, a person under 16 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 person's parent or guardian, operate an off-highway vehicle. A person at least 12 years of age may operate an off-highway vehicle if the person has completed an off-highway vehicle safety training course prescribed by the Director of the State Parks and Recreation Department and has received the appropriate off-highway vehicle safety certificate issued by the Commissioner. The failure of an operator to exhibit an off-highway vehicle safety certificate on demand to any official authorized to enforce this section is presumptive evidence that that person does not hold such a certificate.~~

(e) *Liability insurance.* Any operator of an off-highway vehicle operated in the City under this section is required to have liability insurance on the off-highway vehicle and present proof when it is requested by any law enforcement officer.

(f) *Enforcement.* Only peace officers of the State and their respective duly authorized representatives may enforce this section.

(g) *Penalties.* Violation of any provision of Subsection (c), (d) or (e) of this section is an infraction, for which a fee of \$20.00 must be assessed, except Sections (e)(5), (6) and (13), which constitute Class B misdemeanors under N.D.C.C. § 39-29-12. Violation of Subsection (b) of this section is an infraction, for which a fee of \$50.00 must be assessed. Violation of any other provisions of this section is an infraction, for which a fee of \$10.00 must be assessed.

(Code 1993, § 23.76.070; Ord. No. 931, § 1; Ord. No. 974, § 1; Ord. No. 1202, § 6; Ord. No. 1316, § 1; Ord. No. 1354, § 1; Ord. No. 1658, § 1; Ord. No. 1723, § 4).

**Section 3:** Repeal of Ordinances in Conflict. All Ordinances and parts of Ordinances in conflict herewith are hereby repealed.

**Section 4:** Severability. In the event any section of this Ordinance is held invalid by court of competent jurisdiction, the invalidity shall extend only to the section affected, and other sections of this Chapter shall continue in full force and effect.

**Section 5:** Effective Date: This Ordinance shall be in full force and effect from and after final passage.

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Scott Decker, President  
Board of City Commissioners

ATTEST

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Dustin Dassinger, City Administrator

First Reading: \_\_\_\_\_, 2025

Second Reading: \_\_\_\_\_, 2025

Final Passage: \_\_\_\_\_, 2025