

ORDINANCE 25.a.

AN ORDINANCE TO REGULATE TRAFFIC WITHIN THE CITY OF PARK RIVER.

Section 1. - Adoption of North Dakota Century Code Adoption of North Dakota Century Code. There is hereby adopted by the City of Park River, for the purpose of providing for additional regulations for traffic within the bounds and jurisdiction of the City of Park River, as well as regulation of operators , being particularly the adoption of the following statutes , to- wit : 39-06-38, 39-06-40, 39-06-40.1, 39-06-42, 39-06-44, 39-06 - 45, 39-06.1, Chapter 39-04, Chapter 39-07, Chapter 39-08, Chapter 39-09 , Chapter 39-10, Chapter 39-10.1, Chapter 39-10.2, Chapter 39-13, Chapter 39-21.

It is the expressed purpose of this Ordinance to adopt by the City of Park River the same provisions that exist with respect to driving under the laws of the State of North Dakota; by creating this Ordinance, the violation of state law of the above statutes will henceforth be also a violation of the city ordinances of the City of Park River.

Section 2. - Definitions

The following words and phrases used in this ordinance shall, for the purpose of this ordinance, have the meanings respectively ascribed to them in this section, except in those instances where the content clearly indicates a different meaning.

Business district shall mean the territory contiguous to a highway when fifty percent (50%) or more of the frontage thereon for a distance of three hundred feet (300') or more is occupied by buildings in use for business.

Crosswalk shall mean that portion of the roadway ordinarily included within the prolongation of curb and property lines at intersections, or any other portion of a roadway clearly indicated for pedestrian crossing by lines or other markings on the surface.

Curb shall mean the boundary of that portion of the street open to the public and for the use of vehicles.

Driver shall include the rider or driver of any animal, the rider of wheels or operator of a vehicle, motorcycle, bus, or any person who pushes, draws, propels, operates, or is in charge of any such vehicle.

Farm tractor shall include every motor vehicle designated and used primarily as a farm implement for drawing plows, mowing machines, and other implements of husbandry.

Intersection shall mean the area embraced within prolongation of the lateral curb lines, or if none, then the lateral boundary lines of two (2) or more highways which join one another at an angle, whether or not one such highway crosses the other.

Motorcycle shall include every motor vehicle designed to travel on not more than three (3) wheels in contact with the ground, except any such vehicle as may be included in the term "tractor" as herein defined, but shall include motor scooters and motor bicycles. Same shall not be operated after 9:00 P.M. in the City of Park River, except as provided in this ordinance.

Motor vehicle shall mean every vehicle as herein defined, which is self-propelled.

Official traffic signs shall include all signs, markings, and devices, other than signals, not inconsistent with this ordinance, placed or erected by authority of a public body or official having jurisdiction, for the purpose of guiding, directing, warning, or regulating traffic.

Official traffic signals shall include all signals, not inconsistent with this ordinance, placed or erected by authority of a public body or official having jurisdiction, for the purpose of directing, warning, or regulating traffic.

Operator shall mean any person who is in actual physical control of a vehicle.

Owner shall mean any person who holds the legal title of a vehicle, or in the event a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession. Such conditional vendee or lessee or mortgagor shall be deemed the owner for the purpose of this ordinance.

Parking shall mean the standing of a vehicle, whether occupied or not, upon a roadway, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading, or in obedience of traffic regulations or traffic signs or signals.

Pedestrian shall mean any person afoot.

Person shall mean every natural person, firm, co-partnership, association, or corporation.

Private road or driveway shall mean every road or driveway not open to the use of the public for purposes of vehicular travel.

Public building shall mean any theater, moving picture house, hospital, church, school, city hall, public library, United States post office, or courthouse.

Residence district shall mean the territory not otherwise designated as the "business district".

Right-of-way shall mean the privilege of the immediate use of the highway.

Safety zone shall mean the area or space officially set aside within a highway for the exclusive use of pedestrians and which is so plainly marked or indicated by proper signs as to be plainly visible at all times while set apart as a safety zone.

School zone shall mean the area or space of any public street or alley, any part of which abuts or lies opposite any public or private property used exclusively for school purposes, wherein any children of the age of fourteen (14) or less receive educational training, including public playgrounds.

Street or highway shall include every way or place of whatever nature open to the use of the public, as a matter of right, for the purposes of vehicular travel. The term "street or highway" shall not be deemed to include a roadway or driveway upon grounds owned by private persons.

Vehicle shall include every device in, upon, or by which any person or property is or may be transported or drawn upon the public highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks; provided, that for the purposes of this ordinance, a bicycle or a ridden animal shall be termed a vehicle.

Section 3. - Bicycles

Operators not to hold on or attach to other vehicles. No person, while riding or operating a bicycle on any street, alley, or public highway in the City of Park River shall hold on to another vehicle.

Bicycle racing prohibited, exception. No person or persons shall run or engage in or to cause to run or to be engaged in any bicycle race on any street, alley, or public place within the corporate limits of the City of Park River, except under permit from and supervision of the Chief of Police of said city.

Lights on bicycles required, when. No person shall ride or operate any bicycle upon any street, alley, or public place within the corporate limits of the City of Park River during the period from ½ hour after sunset to ½ hour before sunrise, and all times when fog or other atmospheric conditions render the operation of said bicycle dangerous to traffic or the use of the streets, or at any other time when there is not sufficient light to render clearly discernible any person on the street a distance of two hundred feet (200') ahead without having a lighted lamp affixed on the frame of said bicycle visible under normal atmospheric conditions, from a distance of at least three hundred feet (300') in front of said bicycle, exhibiting a red light visible under like conditions from a distance of at least two hundred feet (200') to the rear of such bicycle, and also a reflex mirror or lighted lamp on the rear of said bicycle, except in case of emergency.

Section 4. - Size and Weight of Vehicles.

Flag or light at end of load. Whenever the load on any motor vehicle shall extend more than four feet (4') beyond the rear of the bed or body thereof, there shall be displayed at the end of such load in such position as to be clearly visible at all times

from the rear of such load, a red flag not less than twelve inches (12") both in length and width, except that between ½ hour after sunset and ½ hour before sunrise there

shall be displayed at the end of any such load a red light plainly visible, under normal atmospheric conditions, at least two hundred feet (200') from the rear of such vehicle.

Police officer may weigh vehicle and require removal of excess load. Any police officer having reason to believe that the weight of a vehicle and load is unlawful is authorized to weigh the same either by means of portable or stationary scales, and may require that such vehicle be driven to the nearest scales in the event that such scales are within two (2) miles. The officer may then require the driver to unload immediately such portion of the load as may be necessary to decrease the gross weight of such vehicle to the maximum therefore specified by such authority.

Motor vehicle over 2 tons. It shall be unlawful to operate or park any motor vehicle, except recreational vehicles, with a gross vehicle rating of two (2) tons or larger upon the residential streets of the City of Park River, except when such vehicle is proceeding to or from a point of delivery or making a delivery within the city limits.

City council may restrict right to use highways. The City Council by resolution may restrict the right to use highways for a total period of not to exceed ninety (90) days in anyone calendar year, whenever any such highways by reason of deterioration, rain, snow, or other climatic conditions, will be seriously damaged or destroyed unless the use of vehicles thereon is prohibited or the permissible weights thereof reduced. Signs shall be erected and maintained designating the provisions of such resolution at each end of that portion of the highway affected thereby and the resolution shall not be effective until or unless such signs are erected and maintained. The City Council may also by ordinance or resolution prohibit the operation of trucks or other commercial vehicles, or impose limitations as to the weight thereof on designated highways, which provisions and limitations shall be designated by appropriate signs placed on such highways.

Trailer and towed vehicles. The draw bar or other connection between any two (2) vehicles, one of which is towing or drawing the other on a highway, shall not exceed fifteen feet (15') in length from one vehicle to the other. Whenever such connection consists of a chain, rope, or cable, there shall be displayed upon such connection a red flag or other signal or cloth not less than twelve inches (12 ") both in length and width.

**Section 5. - Tampering with, injuring or
taking and removing vehicles
without consent of owner.**

Tampering with vehicle. No person shall tamper with, drive, operate, or use a motor vehicle without the permission of the owner. No person shall, without authority of the person in charge, climb upon or in any automobile, whether the same is in motion or at rest, or hurl stones or other missiles at the same or at the occupants thereof, or while such motor vehicle is at rest and unattended. No person shall sound the horn or other signaling device, or attempt to manipulate any of the levers, starting crank, brakes, or machinery thereof, or set such vehicle in motion, or otherwise damage or tamper with same.

Taking and removing without consent of owner. Any person who enters any warehouse, garage, or other building of any kind and takes and removes therefrom or from where same may be left standing on any street or other place, for his own use or that of others, any automobile or motor vehicle, without the knowledge and consent expressed or implied of the owner thereof, shall be guilty of a violation of this ordinance and upon conviction shall be punished accordingly. The fact that such automobile or motor vehicle was voluntarily returned to its original place by the party taking the same before or after the owner discovers such removal, or the fact that the party taking the same was then and there in the employ of the owner of such property, shall not be deemed a defense in the prosecution of such offender.

Section 6. - Traffic and traffic signs.

Police to direct traffic. It shall be the duty of the Police Department of the City to enforce the provisions of this ordinance. Officers of the Police Department are hereby authorized to direct all traffic, either in person or by means of visible or audible signals, in conformance with the provisions of this ordinance. Provided that, in the event of a fire or other emergency or to expedite traffic or safeguard pedestrians, officers of the Police or Fire Department may direct traffic, as conditions may require, notwithstanding the provisions of this ordinance.

Police department authorized to adopt emergency regulations. The Police Department is hereby empowered to make and enforce regulation necessary to make effective the provisions of this ordinance and to make and enforce temporary regulations to cover emergencies or special conditions.

Obedience to police. No person shall refuse or fail to comply with any lawful order, signal, or direction of a police officer.

Regulation and control of traffic signs and signals. The City Council shall by resolution determine and designate the character or type of all official traffic signs and signals. Subject to this selection, it shall be the Chief of Police's duty and is hereby authorized, and as to those signs and signals required hereunder, to place and maintain or cause to be placed and maintained all official traffic signs and signals. All signs and signals required hereunder for a particular purpose shall so far as practicable be uniform as to type and location throughout the city.

No provisions of this ordinance for which signs are required shall be enforceable against an alleged violator, if, at the time and place of the alleged violation, the sign herein required is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular section does not state signs are required, such section shall be effective without signs being erected to give notice thereof.

Police to designate safety zones and traffic lanes. The Police Department is hereby empowered to establish safety zones of such kind and character at such places as it may deem necessary for the protection of pedestrians.

The Police Department is also authorized to mark lanes for traffic on street pavements at such places as it may deem advisable, consistent with the provisions of this ordinance.

Section 7. - Through streets and highways.

Through streets and highways - designated. The City Council shall have the power to designate "through traffic streets " in the City of Park River, from time to time as occasion demands, and shall make whatever regulations the said City Council shall deem necessary for traffic thereon. Through streets and the placement of stop signs are hereby enumerated as follows:

1.) Park Street shall be a through street and all traffic shall come to a complete stop before entering upon same.

2.) Briggs Avenue shall be a through street and all traffic entering upon same shall come to a complete stop, except traffic entering on same from Park Street and Cecil Avenue, and Fourth Street where a 4-way stop is placed.

3.) Prospect Avenue shall be a through street and all traffic entering thereon shall come to a complete stop, except traffic which enters on same from Park Street.

4.) Stop signs shall be placed on the West side of Railroad Avenue West at the junctions of Railroad Avenue West and Third, Fourth, Fifth, Sixth, and Seventh Streets; Regina and Fourth Street , stop sign leaving trailer court; East Railroad Avenue and Fourth Street, a 4-way stop sign; East Railroad Avenue and Seventh Street; Code Avenue and Fourth Street, a 4-way stop sign; Code and Sixth Street, change stop sign to yield; 4-way stop signs placed on Harris Avenue and Fifth Street; Harris Avenue and Sixth Street; Wedge Avenue and Fifth Street; Wedge Avenue and Sixth Street; Wedge Avenue and Third Street, a 4 -way stop ; stop sign on Eighth Street entering Wedge Avenue; stop sign at Hill and Fifth by school; yield sign on Milberg farm road; watch for children signs both ends of Elm Drive; stop signs on East and West side of service road at Birch Street; stop sign on service road at Westside of alley behind Block One (1) of Meagher's Addition; and a stop sign to be put up at the East exit of the City parking lot on Briggs Avenue South.

5.) Yield signs to be put up at the intersection of Wedge Avenue South and Fourth Street West for East/West traffic.

6.) 135th Ave NE shall be a through street for 1.5 miles south of Highway 17 and all traffic shall come to a complete stop before entering the same. The posted speed limit shall be set at 40 miles per hour. Stop signs shall be installed on 67th Place NE where it intersects with 135th Ave NE and 67th Street NE where it intersects with 135th Ave NE. (amended 11-12-13)

Regulations governing through streets and highways. Every operator of a vehicle, or other conveyance traveling upon any street intersecting any through street, shall bring such vehicle or conveyance to a full stop at the place where such street meets the

prolongation of the nearest property line of such through streets, subject however to the direction of any traffic control sign or signal or any police officer at such intersection.

The Police Department is hereby authorized and required to place and maintain or cause to be placed and maintained on each and every street intersection designated a through street and at or near the property line of the through street, appropriate signs upon the street. In addition, there may be placed and maintained any appropriate devices or marks in the roadway, such signs, devices, or marks to bear the word "Stop" to be located in such position and to be provided with letters of a size to be clearly legible from a distance of at least one hundred feet (100') along the street intersecting the through street. All such signs shall be illuminated by street lights or by the headlights of approaching motor vehicles.

Section 8. Railroad cars and crossings.

Flagmen or signal at railroad crossing, when required. Whenever the City council shall deem it necessary for the safety of travel on the public streets and avenues of the city crossing a railway within the city, to have and maintain a flagman, or lights, or crossing signal, or gates at such railroad crossing, the Council shall by resolution declare that it is necessary that such flagmen or lights or crossing signal or gates be maintained at the crossing or crossings mentioned in such resolution.

Notification of railroad company. Immediately upon the passage of such resolution, it shall be the duty of the City Auditor to cause to be served a copy thereof upon such person, firm, or corporation affected thereby.

Duty of railroad company to comply with order, when. It shall be the duty of such person, firm, or corporation within ten (10) days after receipt of the copy of the resolution as hereinbefore provided, to install such gates, flagman, or lights, or either or all of same as designated and required in such resolution, and to thereafter keep and maintain the same at all times as provided in and by said resolution. Where gates are provided, a red light shall be hung upon each of the same at all times during the night time. Such gates shall be lowered at all times while trains are crossing said streets during the daytime, and also during the night time if the City Council shall by resolution require.

Obstruction of streets and crossings prohibited, when. No street shall be obstructed by any standing locomotive engine, railroad car, or train of cars within the city for a period longer than five (5) minutes, and where a street or sidewalk is obstructed by such train, the vestibule side doors at the end of each car across such street shall be opened to permit pedestrians to cross from one side of such train to the other and shall remain open during the entire time such train remains standing on such crossing.

Speed of trains, etc. Any person, firm, or corporation running or driving, or causing to be run or driven, any locomotive engine, railroad car, or train of cars within the limits of the City of Park River, shall drive the same or cause the same to be driven with due care and at a careful and prudent speed not greater than is reasonable and proper under conditions then existing.

Bell of locomotive, when to be rung. The bell of each locomotive engine shall be rung continually while in motion within the city limits, and any engineer, fireman, or other person in charge of any such engine violating the provisions of this section shall be subject to penalty.

Railroad warning signals must be obeyed. Whenever any person driving a vehicle approaches a highway and steam or interurban railway grade crossing and a clearly visible and positive signal gives warning of the immediate approach of a railway train or car, it shall be unlawful for the driver of the vehicle to fail to bring the vehicle to a complete stop before traversing such grade crossing.

Duty to plank crossing, when. It shall be the duty of such person, firm, or corporation owning such railroad or operating the same to provide and maintain plank crossings, same to be placed on a level with the top surface of the rails and between the same and on each side thereof. Where sidewalks lead up to such railroad tracks or at any crossings where, by resolution the City council declares it necessary, such planking shall be provided and maintained the full width of the street.

Right of way to be maintained. It shall be the duty of such person, firm, or corporation to at all times keep its entire right of way in said city clear of accumulations or weeds, stagnant water, manure, offal, and rubbish of all kinds, and to keep all of its stations, depots, and platforms in a clean and sanitary condition.

Section 9. General rules of the road.

Turning at intersections. Turning left on "go " signal – The operator of a vehicle intending to turn to the left at an intersection, where traffic is controlled by traffic control signals or by a police officer, shall proceed to make such turn with proper care to avoid accident and only upon the "go" signal, unless otherwise directed by a police officer.

Fire department approaching, what to do. At the sound of the fire alarm, all drivers of motor vehicles in the business portion of the city shall park at the first available parking space, or pull their vehicles as close as possible to the right side of the street and stop.

"U" turns, making of prohibited, where. No person shall cause any automobile, motorcycle, truck, carriage, wagon, bicycle, motor scooter, motor bike, or other vehicle to reverse direction, or to make complete turns, sometimes called "U" turns, on Highway 17 or at any intersection within the city of Park River where there is a "No U Turn" sign posted.

Reversing direction of vehicle. No vehicle shall be turned around on Briggs Avenue between Third (3rd) Street and Fifth (5th) Street of the City of Park River.

Unlawful to drive through procession, when. It shall be unlawful for the operator of any vehicle to drive between the vehicles comprising a funeral or other authorized procession while they are in motion, provided that said vehicles are conspicuously so

designated. This provision shall not apply at intersections where traffic is controlled by traffic control signals or police officers.

Clinging to moving vehicles. No one shall ride or jump upon any vehicle except with the consent of the driver, and no person, when riding, shall allow any part of the body to protrude beyond the limits of the vehicle, nor shall any person hang onto any vehicle whatsoever.

No engine braking, the driver of any vehicle, including but not limited to motor carriers, trucks, semi - trailers and tractor trailers, shall not cause their vehicle to brake or slow by any method which increases the noise emissions levels of the engine, including but not limited to the method commonly known as "Jake Braking" wherein engine compression is used to slow the vehicle in lieu of applying the clutch to brakes.

(Revision dated October 3, 2005)

Section 10. - Standing and Parking.

Parking: Manner specified in certain areas Diagonal parking shall be employed on Briggs Avenue between Third Street and Sixth Street, and on Fourth Street from the alley of Blocks Nine and Sixteen to Code Avenue and from the alley of blocks Ten and Fifteen to Railroad Avenue West, on Fifth Street from Code Avenue to Railroad Avenue West, and on the West side of Code Avenue from Vivian Street to the South boundary of Cecil Street. On all other streets, parking shall be parallel with the curb and within one foot (1') of same. No vehicle shall be parked on any street, alley, or City parking lot for a longer period than forty-eight (48) hours. Nor shall it be parked in the direction opposite the traffic flow (wrong side of the street).

(revised 10-10-11)

Same: Prohibited in certain places, exception No person shall station or park or leave unattended any truck, bus, or automobile, with trailer attached, against the curb, or otherwise, in and upon Briggs Avenue in the City of Park River, between Third and Fifth Streets.

Motor vehicles left unattended, brakes to be set and engine stopped. No person having control or charge of a motor vehicle shall allow such vehicle to stand on any street unattended without first setting the brakes thereon and stopping the motor of said vehicle. When standing upon a perceptible grade, the wheels of the vehicle are to be turned to the curb or side of the street or highway.

Loading or unloading. The provisions hereof shall not apply to a truck, bus, or automobile with trailer attached which is parked or stationed temporarily at the curb or otherwise in and upon said Briggs Avenue, between the intersections before mentioned, which is so parked or stationed for the purpose of being loaded or unloaded. But such truck, bus, or automobile with trailer attached shall be so allowed to be parked or stationed for such purposes only while actually being loaded or unloaded and no longer.

Section 11. - Procedure upon arrest.

Any officer or representative of the Police Department who finds any motor vehicle located within the city at a place or in a condition which is at the time in violation of this ordinance, may affix a tag to any portion of such motor vehicle giving notice in writing requiring the owner or person in possession thereof to appear before the City Judge. This shall constitute legal and sufficient notice requiring the owner or person in possession of said motor vehicle to appear before the City Judge at the time or within the time specified on said tag. In the event the owner or person in possession of said motor vehicle shall fail to respond to said notice to appear before the City Judge at the time or within the time specified on such tag, then he may be arrested at any subsequent time and prosecuted for violation of this ordinance.

Section 12. - Penalty.

The fine for violation of Section 10. shall be included on the schedule of fees and rates which is included in these ordinances and adopted herein by reference.

(revised 12-30-2015)

ORDINANCE 25.b.

ORDINANCE TO RESTRICT THE USE OF BICYCLE PATHS LOCATED IN THE CITY OF PARK RIVER.

Section 1.

Intent. Use of the bike path located adjacent to Highway 17 East and any other bike path hereinafter constructed shall be limited to pedestrians and operators of bicycles powered by human power or the use of a motorized vehicle for a temporary period for the purpose of maintenance or improvement of said path. Provided, however, that motorized devices used to transport handicapped persons, such as an electric wheelchair, are permitted to use the path.

Section 2.

Prohibition.

1.) No person shall operate any motorized vehicle, to include motorized bicycles, on any bike path within the City of Park River.

2.) No person shall utilize any bike path while riding upon any horse or other animal nor allow any horse or other animal to walk upon said path, however, persons may exercise dogs and other pets on said bike path if said pet is leashed at all times. Any person allowing any animal to use the bike path shall be responsible for cleaning up any waste or feces deposited on the path by said animal, as well as any fines for violation of this section, or costs incurred with cleaning up after any such animal.

ORDINANCE 25.c.

AN ORDINANCE TO REGULATE THE USE OF SNOWMOBILES IN THE CITY OF PARK RIVER. NORTH DAKOTA.

Section 1.

Definition. A snowmobile is hereby defined to be a gasoline motor powered vehicle designed and used primarily for travel on snow and ice by means of an endless belt driven mechanism, and capable of transporting persons.

Section 2.

Prohibition - Operators. It shall be unlawful for any person to drive or operate a snowmobile on any street, alley, avenue, right-of-way, or publicly owned property within the city limits of the City of Park River, except as provided herein.

Section 3.

Prohibition - Owners. It shall be unlawful for any owner of a snowmobile to allow the operation of such snowmobile on any street, alley, avenue, right-of-way, or publicly owned property within the city limits of the City of Park River, except as provided herein.

Section 4.

Hours of operation. It shall be unlawful for any person to operate a snowmobile within the City of Park River, after 10:00 o'clock p.m. of any day or before 7:00 O'clock a.m. of any day.

Section 5.

Permissible operation. Except under emergency conditions, snowmobiles shall be operated in the City of Park River as follows:

1.) Snowmobiles stored within the City of Park River may be operated upon the streets provided the operator takes the most direct route from the location where the snowmobile is stored to the city limits.

2.) Snowmobiles passing through the City of Park River shall take the following designated route:

North & South route - County Highway 12B or Alley East of Regina Avenue

East & West route - 4th Street

Section 6.

Rules for operation of snowmobiles.

1.) No person shall operate a snowmobile upon any street in this city except as provided herein.

2.) A snowmobile may make a direct crossing of a street or highway provided that:

A.) The crossing is made at an angle of approximately ninety degrees (90°) to the direction of the street or highway and at a place where no obstruction prevents a quick and safe crossing; and

B.) The snowmobile is brought to a complete stop before crossing the shoulder or main traveled way of the highway; and

C.) The driver yields the right-of-way to all oncoming traffic which constitutes an immediate hazard.

3.) No snowmobile shall be operated unless it is equipped with at least one head lamp, one tail lamp, and brakes, all in working order, which conform to standards prescribed by rules of the highway commissioner pursuant to the authority vested in him by the code and this chapter.

4.) The emergency conditions under which a snowmobile may be operated other than as provided by this ordinance shall be such as to render the use of an automobile impractical under such conditions at such period of time and location.

5.) It shall be 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, but in no event greater than the speed limit for motor vehicles on said street.

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 narcotics or habit-forming drugs.

D.) Without a lighted head lamp and tail lamp when required for safety.

E.) Without a manufacturer installed or equivalent muffler in good working order and connected to the snowmobile exhaust system.

F.) Upon any private land where the private land is posted by the owner or tenant prohibiting trespassing. The name and address of the person posting the land and the date of posting shall 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 eighty (80) rods apart. Provided further, that as to land entirely enclosed by a fence or other enclosure, posting of such signs at or on all gates through such fence or enclosure shall be construed to be a posting of all such enclosed land.

G.) In a manner that will cause excessive noise. In this respect, any snowmobile operated within the City of Park River shall be operated in a manner that will cause the snowmobile to create the least noise possible while traveling through the city.

6.) It shall be unlawful for any person to operate a snowmobile without having in his possession a valid driver's license or permit.

7.) When snowmobiles are operated 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.

8.) It shall be 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 between April 1st and November 1st of any year.

ORDINANCE 25.d.

AN ORDINANCE TO REGULATE THE USE OF ALL-TERRAIN VEHICLES IN THE CITY OF PARK RIVER, NORTH DAKOTA.

Section 1.

Definition. An all-terrain vehicle is hereby defined to be a self-propelled vehicle which is less than 50 inches in width, travels on low-pressure tires, has a saddle designed to be straddled by the operator, and has handlebars for steering control.

Section 2.

Prohibition - Operators. It shall be unlawful for any person to drive or operate an all-terrain vehicle on any street, alley, avenue, right-of-way, or publicly owned property within the city limits of the City of Park River, except as provided herein.

Section 3.

Prohibition - Owners. It shall be unlawful for any owner of an all-terrain vehicle to allow the operation of such all-terrain vehicle on any street, alley, avenue, right-of-way, or publicly owned property within the city limits of the City of Park River, except as provided herein.

Section 4.

Hours of operation. It shall be unlawful for any person to operate an all-terrain vehicle within the City of Park River, after 10:00 o'clock p.m. of any day or before 7:00 o'clock a.m. of any day.

Section 5.

Permissible operation. Except under emergency conditions, all-terrain vehicles shall be operated in the City of Park River as follows:

a.) All-terrain vehicles stored within the City of Park River may be operated upon the streets provided the operator takes the most direct route from the location where the all-terrain vehicle is stored to the city limits.

b.) All-terrain vehicles passing through the City of Park River shall take the following designated route:

North & South route - County Highway 12B

Alley East of Regina Avenue

East & West route - 4th Street

Section 6.

Rules for operation of all-terrain vehicles.

1.) No person shall operate an all-terrain vehicle upon any street in this city except as provided herein.

2.) An all-terrain vehicle may make a direct crossing of a street or highway provided that:

A.) The crossing is made at an angle of approximately ninety degrees (90N) to the direction of the street or highway and at a place where no obstruction prevents a quick and safe crossing; and

B.) The all-terrain vehicle is brought to a complete stop before crossing the shoulder or main traveled way of the highway; and

C.) The driver yields the right-of-way to all oncoming traffic which constitutes an immediate hazard.

3.) No all-terrain vehicle shall be operated unless it is equipped with at least two head lamps, two tail lamps, and brakes, all in working order, which conform to standards prescribed by rules of the highway commissioner pursuant to the authority vested in him by the code and this chapter.

4.) The emergency conditions under which an all-terrain vehicle may be operated other than as provided by this ordinance shall be such as to render the use of an automobile impractical under such conditions at such period of time and location.

5.) It shall be unlawful for any person to drive or operate any all-terrain 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, but in no event greater than the speed limit for motor vehicles on said street.

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 narcotics or habit-forming drugs.

D.) Without lighted head lamps and tail lamps when required for safety.

E.) Without a manufacturer installed or equivalent muffler in good working order and connected to the all-terrain vehicle exhaust system.

F.) Upon any private land where the private land is posted by the owner or tenant prohibiting trespassing. The name and address of the person posting the land and the date of posting shall 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 eighty (80) rods apart. Provided further, that as to land entirely enclosed by a fence or other enclosure, posting of such signs at or on all gates through such fence or enclosure shall be construed to be a posting of all such enclosed land.

G.) In a manner that will cause excessive noise. In this respect, any all-terrain vehicle operated within the City of Park River shall be operated in a manner that will cause the all-terrain vehicle to create the least noise possible while traveling through the city.

6.) It shall be unlawful for any person to operate an all-terrain vehicle without having in his possession a valid driver's license or permit.

7.) When all-terrain vehicles are operated during times or conditions that warrant the use of lights, such all-terrain vehicles 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 all-terrain vehicle.

(adopted 10-1-2007)