# City of Kramer Municipal Code **Chapter 14 – Operation of All Terrain Vehicles and Golf Carts on City of Kramer Streets**

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**Section 1 - Definitions**

**14.1. Definitions.** As used in this chapter, unless the context otherwise requires.

* "All-terrain vehicle" means any motorized off-highway vehicle fifty (50) inches or less in width, having a dry weight of one thousand (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.
* “Golf cart” means a motor vehicle that has not less than three wheels in contact with the ground, an unladen weight of not more than 1,800 pounds, or is designed to be, and is operated at not more than 25 mph, and is designed to carry not more than 4 persons including the driver.
* “Utility Terrain Vehicles” mean any motor-driven vehicle that: is designed or adapted for travel on surfaces other than maintained roads and has one or more tires or tracks equipped with a rollover safety system and/or safety belts and is 65 inches in width or less, has a net weight that does not exceed 2,000 pounds and is capable of carrying passengers or other payloads.
* "Operate" means to ride in or on and control the operation of an all-terrain vehicle.
* "Operator" means a person who operates or is in actual physical control of an all-terrain vehicle.
* "Owner" means a person, other than a lienholder, having the property in or title to an all-terrain vehicle and entitled to its use or possession.
* “Register" means the act of assigning a registration number to a vehicle.

**Section 2 – Regulation of Use of Said Vehicles**

**14.2. Be it ordained by the Kramer City Council of the City of Kramer, North Dakota** shall regulate use of golf cart and utility-terrain type vehicles in areas under their jurisdiction by ordinance and resolutions for the safety and welfare of the community and provide restrictions for the safety of operators and the general publicprohibiting certain behaviors and actions. Furthermore, the City of Kramer declares an individual may operate a registered off-highway vehicle on a gravel, dirt, or loose surface roadway within the City of Kramer when adhering to the requirements outlined herein. Registered is defined as the act of assigning a registration number to an off-highway vehicle in accordance with NDCC 39-29.

**14.2.1. Vehicle Equipment**

An individual may not operate an off-highway vehicle unless it is equipped with at least one headlamp, one taillamp, and brakes, all in working order, which conform to standards prescribed by rule of the law and the display of State registration tags.

**14.2.2. Unsafe Behavior Defined**

An individual may not operate an off-highway 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 or greater than the posted speed limit of 20 miles per hour within the confines of the City of Kramer.
* In a careless, reckless, or negligent manner to endanger the person or property of another or to cause injury or damage to another person or the property of another person.
* While under the influence of intoxicating liquor or a controlled substance.
* Without a lighted headlamp and taillamp
* Without a manufacturer-installed or equivalent muffler in good working order and connected to the off-highway vehicle's exhaust system.
* 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 land and be placed conspicuously at a distance of not more than eight hundred eighty 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.

**14.2.3. Age Restrictions**

**14.2.3.a. Operations by Persons under Sixteen Years of Age**

Except as otherwise provided in this section, a person under sixteen years of age who is not in possession of a valid operator's license or permit to operate an all-terrain, golf cart or utility terrain vehicles may not, except upon the lands of the person's parent or guardian, operate an all-terrain vehicle.

**14.2.3.b. Fourteen Years of Age**

A person at least fourteen years of age may operate an all-terrain vehicle if the person has completed an all-terrain vehicle safety training course and has received the appropriate all-terrain vehicle safety in accordance with NDCC. The failure of an operator to exhibit an all-terrain vehicle safety certificate on demand to any official authorized to enforce this chapter is presumptive evidence that person does not hold such a certificate.

**14.2.3.c. Safety Helmet**

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.

**14.2.4. Passengers**

 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.

**Section 3 - Operation within City Limits**

**14.3.1. Use of Lights Bars within the City Limits**

Use of light bar lighting devices are strictly prohibited. For purposes of Chapter 14, the term ‘light bar lighting device’ means a bar-shaped lighting device comprised of multiple lamps capable of projecting a beam of light at an intensity greater than [25 candlepower] are not authorized for use on City of Kramer streets or on personal property when said lights may create a nuisance for people in the immediate vicinity of the users property.

**14.3.1.a. Exception of the Use of Light Bars**

Only emergency operations under which operations use high intensity lighting are light bars permitted to be used within the City of Kramer. Examples include:

* searches for missing individuals during extreme weather conditions
* examination of city street conditions during extreme weather conditions
* emergency transport of injured personnel or movement of emergency responders during extreme weather conditions

**14.3.2. Towing**

A person shall not operate an all-terrain, golf cart or utility terrain vehicle within the City of Kramer while towing a sled, skid, or other device occupied by people for the purpose of entertainment. Under no circumstances shall it be permitted to tow people in any device behind the vehicle.

**14.3.3. Helmet required.**

No person under the age of eighteen (18) shall operate, ride or otherwise be propelled on an all-terrain, golf cart or utility terrain vehicles that can exceed a rate of speed 15 miles per hour or greater unless the person wears a safety helmet meeting United States Department of Transportation standards.

**14.3.4. Restrictions**

* No operator of an all-terrain vehicle may carry a passenger while operating unless properly equipped with seats and seatbelts for multiple occupancy.
* All all-terrain, golf cart or utility terrain vehicles must be registered with registration visible on the vehicle.
* All all-terrain, golf cart or utility terrain vehicles must be insured. Proof of insurance is required to be carried by operators.

**14.3.5. Private and Public Property Restrictions**

It is unlawful for any person to operate an all-terrain, golf cart or utility terrain vehicles on any public or private property within the city limits without permission from the property owner, unless the operator is in the performance of city inspections of infrastructure, assessing storm or related damage, or performing pest control or survey work for the City of Kramer.

**Section 4 - Enforcement**

**14.4. Penalties.**

The City of Kramer has authority under North Dakota Century Code (NDCC) 39-29 to regulate use of golf cart and utility-terrain vehicles in areas under their jurisdiction by ordinance for the safety and welfare of the operators and community.

The City of Kramer decrees a violation of any provision within Section 2 of City of Kramer Municipal Code (CKMC) Chapter 14 a penalty of twenty dollars ($20.00) must be assessed.

The City of Kramer decrees a violation of any provision within Section 3 of CKMC Chapter 14 a penalty of fifty dollars ($50.00) must be assessed.

**14.4.2.a. Proof of Registration following an Infraction**

If the person provides proof of registration since the violation, the penalty may be reduced by one-half and refunded as such.

**14.5.** **Date of Authorization**

 This municipal Chapter requires two readings and a vote of approval by the Kramer City Council after which the penalties as established, shall be published in the Bottineau Courant and become effective on the date of publication.

**14.6. Supremacy Clause.**

This Chapter supersedes all previous ordinance and amendments and negates and replaces all and any previous contracts and agreements, spoken or written, in regard to the operation of all-terrain vehicles and golf carts type vehicles on the street of the City of Kramer.

Attorney Review

Date of First Reading: City Officer in Attendance

Date of Second Reading: City Officer in Attendance

Documented Vote:

Adopted this day: Mayor: Auditor Attests