Burleigh County Home Rule Charter Ordinances







May 4, 2026

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Adoption of Ordinances and Resolutions

Definitions: An ordinance is any enactment by the Board of County Commissioners or the people which prescribes a permanent rule or statute governing the actions of persons or bodies.

A resolution is any enactment by the Board of County Commissioners or the people which defines policies or procedures governing the actions of persons or bodies for a limited period of time.

Procedures: Any enactments by the people or the Board of County Commissioners implementing charter provisions or expanding or curtailing any of the powers or authorizations provided herein, will be in the form of ordinances or resolutions. Each ordinance or resolution introduced through the Board of County Commissioners will have two readings, with the first reading consisting of announcement of the title of the ordinance or resolution at a meeting of the Board of County Commissioners and publication of a summary of the enactment in the official newspaper of the county at least twenty (20) days before the second reading.

The proposed enactment will then be given second reading, which will be by title, and submitted to a roll call vote of the Board of County Commissioners. If a majority of the elected commissioners concur, the enactment will become effective on the date stated in the enactment or if no date is stated, on the first day of the month following the date of enactment.

Initiative and Referendum: The powers of initiative and referendum are reserved to the electors of Burleigh County. The applicable provisions of state law will govern the exercise of powers of initiative and referendum under this charter. The number of signatures required to exercise these powers is at least equal in number to fifteen per cent of the number of electors voting in the county of the office of governor in the last general election.

Limitations: No ordinance enacted under this charter will supersede any ordinance of any political subdivision without its consent.

No ordinance may be enacted to diminish the authority of the boards of supervisors of townships or change the structure of organized township government.

Ordinance or Resolution Procedure under Home Rule Charter

Through Board of County Commissioners

1. Proposed ordinance or resolution provided to the Board of County Commissioners. 1st reading at a public meeting consisting of an announcement of the title. Full copies of the proposed ordinance or resolution are available to the public through the Burleigh County Auditor's Office.

2. Publication of the summary of the enactment in the official newspaper of the county at least 20 days before the 2nd reading.

3. A 2nd reading consisting of an announcement by title at the next Commission meeting after 20 days have passed since publication. Public comment can be taken, and amendments may be made.

4. Commission vote on final passage of the ordinance or resolution can be done after the 2nd reading by roll call vote. A majority must concur for passage of the ordinance or resolution.

5. Upon final passage, the ordinance or resolution takes effect on the date stated in the enactment. If no enactment date is stated, the ordinance or resolution becomes effective on the first day of the month following the date of enactment.

Through Initiative

1. A proposed ordinance may be submitted to the Board of County Commissioners by petition.

2. The petition containing the proposed ordinance must signed by at least 15% of the number of electors voting in the county for the office of governor in the preceding general election.

3. The petition must contain a request that the proposed ordinance be submitted to a vote of the qualified electors if it is not passed by the Board of County Commissioners.

4. The petition must be filed with the Burleigh County Auditor's Office.

5. Within 10 days after filing the petition, the Burleigh County Auditor will verify the petition was signed by the required number of qualified electors. The County Auditor shall certify the results of the verification and, if the petition is insufficient, shall state the reasons for that determination.

6. If the petition is verified as sufficient, the Burleigh County Auditor shall include the proposed ordinance on the agenda of the next meeting of the Board of County Commissioners. The meeting must take place within 20 days after the petition is verified by the Auditor.

7. If the petition is deemed insufficient, amendments may be made within 10 days. If the amendments are also deemed insufficient, a new petition may be initiated. If the amendments are sufficient, the Burleigh County Auditor shall include the proposed ordinance on the agenda of the next meeting of the Board of County Commissioners

8. The Board of County Commissioners can either adopt the proposed ordinance without changes or submit the proposed ordinance to the next election if it will be held within 90 days. If there is no election scheduled within 90 days, a special election must be called.

Through Referendum (Protest of an Ordinance Adopted by Board of County Commissioners)

1. A petition protesting an adopted ordinance may be presented to the Board of County Commissioners no later than 4 p.m. on the 10th day after the ordinance takes effect. The petition may be filed with the Burleigh County Auditor.

2. The petition of protest must be signed by at least 10% of the number of electors voting in the county for the office of governor in the preceding general election.

3. Within 10 days after filing the petition, the Burleigh County Auditor will verify the petition was signed by the required number of qualified electors. The County Auditor shall certify the results of the verification and, if the petition is insufficient, shall state the reasons for that determination.

4. In most cases, the ordinance will be suspended upon the filing of the petition.

5. The Board of County Commissioners shall reconsider the ordinance at their next meeting and the Commission can either repeal the entire ordinance or submit the ordinance to the next election if it will be held within 90 days. If there is no election scheduled within 90 days, a special election must be called.

Approved Ordinances

ORDINANCE NO. 2024-01

A BURLEIGH COUNTY ORDINANCE FOR THE REGULATION/USE OF UN-MUFFLED COMPRESSION BRAKES WHERE PROHIBITED

NOW THEREFORE, BE IT ENACTED BY THE COUNTY COMMISSIONERS OF BURLEIGH COUNTY, NORTH DAKOTA:

SECTION 1. General Provisions

1. Burleigh County Home Rule Charter allows for the creation of an ordinance which prohibits the use of un-muffled compression brakes on public roadways in posted areas.

SECTION 2. Purpose

1. The purpose of this Ordinance is to control the use of un-muffled compression brakes adjacent to residential areas and to promote the general health, safety, and welfare of the citizens of Burleigh County.

SECTION 3. Definitions

1. "Compression Brakes" means the use of the engine to retard the forward motion of a motor vehicle by compression of the engine. "Compression brakes" are also referred to as "exhaust brakes" and/or "Jake brakes."

SECTION 4. Use of un-muffled compression brakes where prohibited.

1. No person shall use motor vehicle brakes on public roadways within posted areas of the County that are in any way activated or operated by the un-muffled compression of the engine of that motor vehicle or any unit or part thereof. It shall be an affirmative defense to prosecution under this section that the un-muffled compression brakes were applied in an emergency and were necessary for the protection of persons and/or property.

2. This section shall not apply to motorcycles or vehicles of any municipal fire department, whether or not responding to an emergency.

SECTION 5. Penalty for Offenses

1. The County engineer shall have authority to post appropriate signs consistent with these provisions. The penalty for a violation of this section is fifty dollars.

SECTION 6. Repealer

1. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 7. Severability Clause

1. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 8. When Effective

1. This ordinance shall be in effect from and after its final passage, approval, and publication as provided by law.

First Reading Passed: October 7th

Second Reading Passed: November 4th

Passed and adopted this 4th day of November 2024.

BURLEIGH COUNTY MUNICIPAL CORPORATION
COUNTY
SEAL
STATE OF NORTH DAKOTA

Burleigh County Commission – Chairperson

Attest: Mark Splonskowski, County Auditor

ORDINANCE NO. 26-01

AN ORDINANCE TO AMEND AND RE-ENACT 0RDINANCE 23-1 AMENDED ORDINANCE OF BURLEIGH COUNTY, NORTH DAKOTA RELATING TO OPERATION OF ALL-TERRAIN OR OFF HIGHWAY VEHICLES IN A PUBLIC RIGHTS OF WAYS.

NOW THEREFORE , BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF BURLEIGH COUNTY, NORTH DAKOTA.

SECTION 1. General Provisions

1. Burleigh County Home Rule Charter allows for the creation of an ordinance which provides for the safe operation of all-terrain or off highway vehicles while traveling on all rights of ways of public roads.

SECTION 2. Purpose.

1. The purpose of this Ordinance is to control and regulate the use of registered off-highway vehicle in the road right-of-way within Burleigh County, to ensure the integrity of, and appropriate use of, said right-of-ways, and to promote the general health, safety, and welfare of the citizens of Burleigh County.

SECTION 3. Definitions.

1. "*Exhibition driving*" means: driving a vehicle in a manner which disturbs the peace by creating or causing unnecessary engine noise, tire squeal, skid, or slide upon acceleration or braking; or driving and executing or attempting one or a series of unnecessarily abrupt turns; or jumping of ditches.

2. "*Jumping of ditches*" means: accelerating a vehicle at such speeds as to cause one or more of the vehicle's tires to leave the ground.

3. "*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 includes a motorized vehicle converted to operate on snow. The term does not include an electric bicycle. An off-highway vehicle must be classified into one of the following categories:
    a. Class I off-highway vehicle is a vehicle that does not qualify as road capable Under NDCC 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.
    b. 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 nonhighway 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 nonhighway tires.

c. 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 t 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 North Dakota DMV under chapter 39-04 or 39-24.

d. Only an OHV with a minimum width of 50 inches meeting the requirements of this Section may be operated on Burleigh County Roads. No other class of OHV's are allowed to operate upon any road, street or highway in this County kept open for vehicular traffic.

4. *"Road Right-of-Way"* means: land, property, or any interest therein, acquired by a governing entity for or devoted to road purposes and includes approaches or driveways into private property.

SECTION 4. Operation of Off Highway Vehicles in Right of Way

1. No person may engage in exhibition driving of any vehicle in the road right-of-way.
2. Exceptions are granted for OHVs operated by government employees when in the performance of official government business, including:
    a. in normal operations of a property owner, business or agricultural activity would be exempt
3. Restrict wheeled OHV operations in the road right of way from December 1st to May 1st with a fine of $750 for riding during that period.

SECTION 5. Temporary Restrictions of Off Highway Vehicle Operation During Certain Conditions.

1. In the event of adverse weather conditions or soil conditions, the Board of County Commissioners may, by resolution, restrict operation of off highway vehicles in the affected area to prevent damage to that area. The restrictions may not be continued or renewed for a period in excess of seven days except by further resolution of the Board.
2. Any resolution adopted under this section must be given prompt and general publicity and must be filed promptly with the county auditor and posted prominently on the county website.

SECTION 6. Penalty for Offenses While Operating in Right of Way.

1. Any person who violates this ordinance must be assessed a fee in the following order:
    a. $250 for the first offense,
    b. $500 for the second offense,
    c. $750 for the third offense.

SECTION 7. Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 7. Severability Clause. If any section provision or part of this ordinance shall be adjudged invalid or unconstitutional such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 8. When Effective. This ordinance shall be in effect from and after its final passage, approval, and publication as provided by law.

First Reading Passed: March 16, 2026

Second Reading Passed: May 4, 2026

Passed and adopted this May 4, 2026

Brian Bitner , Chairperson

ATTEST:

Mark Splonskowski, County Auditor

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