

ORDINANCE NO. 510

AN ORDINANCE RELATING TO all-terrain vehicles; to allow the operation of all-terrain vehicles within the corporate limits under certain circumstances; to impose restrictions on the use of all-terrain vehicles; to establish penalties for violation; to repeal conflicting ordinances and sections; to provide an effective date..

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF CHAPPELL, NEBRASKA:

Section 1. A new Section is added to the Municipal Code of Chappell, Nebraska, is amended to read as follows:

(1) For purposes of this section:

(a) All-terrain vehicle means any motorized off-highway vehicle which (a) is fifty inches or less in width, (b) has a dry weight of nine hundred pounds or less, (c) travels on four low-pressure tires, (d) is designed for operator and one passenger, (e) has a seat or saddle designed to be straddled by the operator, and (f) has handlebars or any other steering assembly for steering control. (Neb. Rev. Stat. 60-6,355)

(b) Mini truck means a foreign-manufactured import vehicle or domestic-manufactured vehicle which (a) is power by an internal combustion engine with a piston or rotor displacement of one thousand cubic centimeters or less, (b) is sixty-seven inches or less in width, (c) has a dry weight of four thousand two hundred pounds or less, (d) travels on four or more tires, (e) has a top speed of approximately fifty-six miles per hour, (f) is equipped with a bed or compartment for hauling, (g) has an enclosed passenger cab, (h) is equipped with headlights, taillights, turn signals, windshield wipers, a rearview mirror, and an occupant protection system, and (i) has a four-speed, five-speed, or automatic transmission;

(c) Utility-type vehicle means any motorized off-highway vehicle which (A) is not less than forty-eight inches nor more than seventy-four inches in width, (B) is not more than one hundred thirty-five inches, including the bumper, in length, (C) has a dry weight of not less than nine hundred pounds more than two thousand pounds, (D) travels on four or more low-pressure tires, and (E) is equipped with a steering wheel and bench or bucket-type seating designed for at least two people to sit side-by-side. Utility-type vehicles do not include golf carts or low-speed vehicles.

(b) Street or highway means the entire width between the boundary limits of any street, road, avenue, boulevard, or way which is publicly maintained when any part thereof is open to the use of the (Neb. Rev. Stat. 60-624)

(2) An all-terrain vehicle, utility-type vehicle, or a mini truck, may be operated on streets and highways within the corporate limits of the city/village only if the operator and the vehicle comply with the provisions of this section.

(3) An all-terrain vehicle, utility-type vehicle, a mini truck, may be operated only between the hours of sunrise and sunset and shall not be operated at speed in excess of twenty-five (25) miles per hour. When operating an all-terrain vehicle as authorized in subsection (2) of this section, the headlight and taillight of the vehicle shall be on and the vehicle shall be equipped with a bicycle safety flag which extends not less than five feet above ground attached to the rear of such vehicle. The bicycle safety flag shall be triangular in shape with an area of not less than thirty square inches and shall be day-glow in color.

(4) Any person operating an all-terrain vehicle, utility-type vehicle, or a mini truck, as authorized in subsection (2) of this section shall have:

(a) A valid Class O operator's license as provided in Neb. Rev. Stat. 60-4,126; and

(b) Be 18 years of age or older

(c) Liability insurance coverage for the all-terrain vehicle while operating the all-terrain vehicle on a street or highway. The person operating the all-terrain vehicle shall provide proof of such insurance coverage to any peace officer requesting such proof within five days of such a request.

(5) All-terrain vehicles, utility-type vehicles, or a mini truck may be operated without complying with subsections (3) and (4) of this section on streets and highways in parades which have been authorized by the State of Nebraska or any department, board, commission, or political subdivision of the state.

(6) An all-terrain vehicle, utility-type vehicle, or a mini truck shall not be operated on any controlled-access highway with more than two marked traffic lanes, and the crossing of any controlled-access highway with more than two marked traffic lanes shall not be permitted. Subsections (2) through (4) and (7) of this section authorized and apply to operation of an all-terrain vehicle only on a street or highway other than a controlled-access highway with more than two marked traffic lanes.

(7) Subject to subsection (6) of this section, the crossing of a street or highway shall be permitted by an all-terrain vehicle without complying with subsections (3) and (4) of this section only if:

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

(b) The vehicle is brought to a complete stop before crossing the shoulder or roadway of the street or highway;

(c) The operator yields the right-of-way to all oncoming traffic that constitutes an immediate potential hazard;

(d) In crossing a divided highway, the crossing is made only at an intersection of such highway with another highway; and

(e) Both the headlight and taillight of the vehicle are on when the crossing is made. (Neb. Rev. Stat. 60-6,356)

(8) Only one passenger is allowed on the vehicle at a time and only if said vehicle was designed by the original manufacturer to carry at least one passenger other than the vehicle operator. Any passenger must be 18 years of age or older.

Section 2. A person who violates Section 1 of this ordinance shall be punished as provided generally in the municipal code.

Section 3. Any other ordinance or section passed and approved prior to passage, approval, and publication of this ordinance and in conflict with its provisions is repealed.

Section 4. This ordinance shall take effect and be in full force from and after its passage, approval, and publication as required by law.

Passed and approved this 6th day of July, 2010.

Larry Rahe, Mayor

ATTEST:

Joan Hansen
City Administrator/Clerk