

## ORDINANCE NO. 1313

AN ORDINANCE Amending Chapter 15, creating Section 15-520 entitled “All-Terrain Vehicles” 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 and direct the publication of this ordinance and to provide an effective date.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CHADRON, NEBRASKA.

Section 1. Chapter 15, Section 15-520, entitled “All-Terrain Vehicles” is added to the Municipal Code of Chadron, Nebraska and shall read as follows:

- (1) For purposes of this section:
  - (a) All-terrain vehicles 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 three or more low-pressure tires, (d) is designed for operator use only with no passengers or is specifically designed by the original manufacturer for the 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 and (g) is equipped with an operational brake light. (Neb. Rev. Stat. 60-6,355)
  - (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 public for purposes of vehicular travel. (Neb. Rev. Stat. 60-624)
- (2) An all-terrain vehicle may be operated on streets and highways within the corporate limits of the City only if the operator and the vehicle comply with the provisions of this section.
- (3) An all-terrain vehicle may be operated only between the hours of sunrise and sunset and shall not be operated at a speed in excess of the posted speed limit and in no event in excess of thirty 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 as authorized in subsection (2) of this section shall:
- (a) Have a valid Class O operator's license or a farm permit as provided in Neb. Rev. Stat. 4-126; and
  - (b) Have 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 (5) days of such a request.
- (5) All-terrain vehicles 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 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. For purposes of this Ordinance turn lanes are deemed to be auxiliary lanes and not traffic lanes. The crossing of a highway shall be permitted by an all-terrain vehicle without complying with Subsections (3) through (4) 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)

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 form and after its passage, approval, and publication as required by law.

Passed and approved this 2<sup>nd</sup> day of June, 2008.

CITY OF CHADRON

/s/ Donald C. Grantham  
Mayor

ATTEST:

/s/ Donna J. Rust  
City Clerk

(S E A L)