

ORDINANCE NO. 1345

AN ORDINANCE to amend Chapter 16, Section 16-419 entitled “All-Terrain Vehicles” of the Municipal Code of the City of Chadron, Nebraska; to allow the operation of utility-type vehicles within the corporate limits under certain circumstances; to impose restrictions on the use of utility-type vehicles, to repeal all ordinances and parts of ordinances in conflict herewith; directing the publication of this Ordinance and prescribing the time when this Ordinance shall be in full force and effect.

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

Section 1. Chapter 16, Section 16-419, entitled “All-Terrain Vehicles” of the Municipal Code of the City of Chadron, Nebraska is amended and shall read as follows:

§ 16-419 ALL-TERRAIN AND UTILITY-TYPE VEHICLES.

- (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. RS 60-6,355)
 - (b) 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 nor 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 vehicle does not include golf carts or low speed vehicles.
 - (c) 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. RS 60-624)

- (2) All-terrain and utility-type vehicles 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) All-terrain and utility-type vehicles 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. Utility-type vehicles shall also be equipped with turn signals, brake lights and a horn.
- (4) Any person operating an all-terrain or utility-type vehicles 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. RS 60-480; and
 - (b) Have liability insurance coverage for the all-terrain or utility-type vehicle while operating the all-terrain or utility-type vehicle on a street or highway. The person operating the all-terrain or utility-type 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 or utility-type 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 or utility-type 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 or utility-type 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.
- (7) If an accident results in the death of any person or in the injury of any person which requires the treatment of the person by a physician, the operator of each all-terrain or utility-type vehicle involved in the accident shall give notice of the accident in the same manner as provided in Neb. Rev. Stat. §60-699.
- (8) Every all-terrain vehicle (ATV) and utility-type vehicle as defined by the Statutes of Nebraska or the Chadron Municipal Code, which are operated within the jurisdiction of the City of Chadron, are hereby declared to be a motor vehicle and subject to all of the motor vehicle Rules of the Road and traffic laws as defined in either the Nebraska State Statutes or the Chadron Municipal Code.

(Neb. RS 60-6,356)

Section 2. A person who violates Section 1 of this Ordinance shall be punished as provided by law.

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 on January 1, 2011.

Passed, approved and ordered published this 1st day of November, 2010.

CITY OF CHADRON

Donald C. Grantham
Mayor

ATTEST:

Donna J. Rust
City Clerk

(S E A L)