
City of Broken Bow

Monday, June 25, 2012

City Council Regular Session

Ord. # 2012-1117 amending Ord. # 1106

Ord. # 2012-1117 amending Ord. # 1106 to provide for City employees and agents of the City to operate ATV/UTV in Corporate limits during commision of authorized duties.

Staff Contact: City Administrator / City Attorney

ALL-TERRAIN AND UTILITY-TYPE VEHICLE MODEL ORDINANCE

ORDINANCE NO.2012-1117

AN ORDINANCE RELATING TO all-terrain vehicles and utility-type vehicles; relating to all-terrain vehicles to include utility-type vehicles; to allow the operation of all-terrain vehicles and utility-type vehicles within the corporate limits under certain circumstances; to impose restrictions on the use of all-terrain vehicles and utility-type 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/CHAIRPERSON AND BOARD OF TRUSTEES OF THE CITY BROKEN BOW NEBRASKA:

Section 1. A new Section 70.12 is added to the Municipal Code of Broken Bow, Nebraska 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 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.

(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)

(c)(i) 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.

(ii) Utility-type vehicle does not include golf carts or low-speed vehicles.

(Neb. Rev. Stat. 60-6,355)

(2) An all-terrain vehicle and an utility-type vehicle 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 or an utility-type vehicle may be operated only between the hours of sunrise and sunset and shall not be operated at a speed in excess of thirty miles per hour. When operating an all-terrain vehicle or an utility-type 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) Every all-terrain vehicle and utility-type vehicle shall be equipped with: (a) A brake system maintained in good operating condition; (b) An adequate muffler system in good working condition; and (c) A United States Forest Service qualified spark arrester. (Neb. Rev. Stat. 60-6,358)

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

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

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

(6) All-terrain vehicles and utility-type vehicles may be operated without complying with subsections (3) and (5) 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. This Ordinance shall not apply to ATV use within the corporate limits of the City of Broken Bow by the employees or agents of the City of Broken Bow or their agents. That said exemption from the Ordinance shall only be effective during the course of employment and while performing their official duties as an employee or agent of the City of Broken Bow.

(7) An all-terrain vehicle or an 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. Subsections (2) through (4) and (7) of this section authorize and apply to operation of an all-terrain vehicle or an utility-type vehicle only on a street or highway other than a controlled-access highway with more than two marked traffic lanes.

(8) Subject to subsection (7) of this section, the crossing of a street or highway shall be permitted by an all-terrain vehicle or an utility-type vehicle without complying with subsections (3) and (5) 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)

Section 2. A person who violates Section 1 of this ordinance shall be punished as provided generally in the municipal code pursuant to Section 10.99 of the Broken Bow Code or be guilty of a Class III misdemeanor as defined in sections 60-6,356 to 60-6,361 of the Nebraska revised statutes.

Section 3. All terrain and utility type vehicles as defined by this Ordinance shall be registered pursuant to the Nebraska Motor Vehicle Registration Act.

Section 4. It shall be unlawful for any person to operate any all-terrain vehicle on the city streets or alleys in Broken Bow until the owner has demonstrated proof of insurance to the Broken Bow Police Department and obtained a insurance decal for the current year. The Broken Bow Police Department will issue a decal for the current year that must be affixed to the all-terrain vehicle in a conspicuous place. The City will charge a fee of twenty-five (\$25.00) dollars for the issuance of the permit.

The Certificate shall be an annual permit from January 1 through December 31 of each year. The operator shall have until May first of the following year to re-new the certificate. During the first year that a certificate is purchased the fee will be prorated from the month that the certificate is obtained through December at two dollars per month and a one dollar administrative fee.

Any permit purchased by a person for the same ATV and/or UTV in a subsequent year shall not be prorated.

Section 5. 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 6. This ordinance shall take effect and be in full force on _____, 20__, after its passage, approval, and publication as required by law.

Passed and approved this 25 day of June, 2012.

Mayor Cecil Burt

(SEAL)

Clerk

