

## **ORDINANCE NO. 506**

**AN ORDINANCE RELATING TO ALL-TERRAIN VEHICLES AND 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 OR UTILITY-TYPE VEHICLES; TO ESTABLISH PENALTIES FOR VIOLATIONS; TO REPEAL ORDINANCE NO. 496 AND ALL CONFLICTING ORDINANCES AND SECTIONS; TO PROVIDE AN EFFECTIVE DATE.**

**BE IT ORDAINED BY THE CHAIRPERSON AND BOARD OF TRUSTEES OF THE VILLAGE OF ANSLEY, NEBRASKA, that:**

**Section 1. Definitions.** For the purposes of this section:

A. All-Terrain Vehicle means any motorized off highway vehicle which is: (a) fifty inches (50") or less in width; (b) has a dry weight of nine hundred pounds (900 lbs.) or less; (c) travels on four (4) 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 (1) 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.

B. A Utility-Type Vehicle means any motorized off highway vehicle which is: (a) not less than forty-eight inches (48") nor more than seventy-four inches (74") in width; (b) is not more than one hundred thirty-five inches (135"), 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.

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.

D. A Utility-Type vehicle does not include golf carts or low-speed vehicles.

### **Section 2.**

An All-Terrain Vehicle or Utility-Type Vehicle may be operated on streets and highways, other than a controlled-access highway with more than two (2) marked traffic lanes, within the corporate limits of the Village of Ansley, only if the operator and the vehicle comply with the provisions of this Ordinance.

### **Section 3.**

Every All-Terrain Vehicle or Utility-Type Vehicle operated on the streets and highways within the corporate limits of the Village of Ansley shall be equipped with a bicycle safety flag which extends not less than six feet (6') above ground attached to the rear of the vehicle. The safety flag shall be triangular in shape with an area of not less than thirty square inches and shall be day-glow in color. Every All-Terrain Vehicle and Utility-Type Vehicle shall also 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.

#### **Section 4. Operation.**

1. An All-Terrain Vehicle or Utility-Type Vehicle shall not be operated at a speed in excess of thirty miles per hour (30 mph) and shall observe posted speed limits if lower than thirty miles per hour.
2. When operating an All-Terrain Vehicle or Utility-Type Vehicle, the headlight and taillight of the vehicle shall be on. Whenever an All-Terrain Vehicle or Utility-Type Vehicle is operated within the Village of Ansley with a trailer and cargo, all cargo must be secured.
3. All-Terrain Vehicles and Utility-Type Vehicles may be operated on streets and highways without complying with sections 1 and 3 of this Ordinance while in parades which have been authorized by the State of Nebraska, any department, board, commission, or political subdivision of the State of Nebraska.
4. Any person operating an All-Terrain Vehicle or Utility-Type Vehicle shall have obtained a valid Class O Operator's License or a farm permit from the Nebraska Department of Motor Vehicles pursuant to the Motor Vehicle Operator's License Act.
5. Any person operating an All-Terrain Vehicle or Utility-Type Vehicle shall have liability insurance coverage for the All-Terrain Vehicle or Utility-Type Vehicle while operating the All-Terrain Vehicle or Utility-Type Vehicle within the Village of Ansley. The person operating the All-Terrain Vehicle or Utility-Type Vehicle shall provide proof of such insurance coverage to any peace officer requesting such proof within five (5) days of such request.
6. An All-Terrain Vehicle/Utility-Type Vehicle cannot be operated on any controlled-access highway with more than two (2) marked traffic lanes, and the crossing of any controlled-access highway with more than two (2) marked traffic lanes shall not be permitted.
7. The crossing of any one of these streets or avenues shall be permitted by an All-Terrain Vehicle or Utility-Type Vehicle if:
  - a. The crossing is made at an angle of approximately ninety degrees (90°) to the direction of the street or avenue 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 avenue;
- c. The operator yields the right-of-way to all oncoming traffic that constitutes an immediate potential hazard;
- d. The crossing is made only at an intersection of such street or avenue with another street or avenue; and
- e. Both the headlight and taillight of the vehicle are on when the crossing is made. (Neb. Rev. Stat. 60-6,356).

**Section 5. No person shall:**

- a. Equip the exhaust system of an All-Terrain Vehicle or Utility-Type Vehicle with a cutout, bypass or similar device.
- b. Operate an All-Terrain Vehicle or Utility-Type Vehicle with an exhaust system so modified.
- c. Operate an All-Terrain Vehicle or Utility-Type Vehicle with the spark arrester removed or modified, except for use in a closed-course competition event.
- d. Operate a three wheeled All-Terrain Vehicle or Utility-Type Vehicle within the city limits of the Village of Ansley.
- e. Operate an All-terrain Vehicle or Utility-Type Vehicle in a Hazardous or off-road manner within the Village of Ansley on public or private property.

**Section 6. Registration.**

1. In order to be authorized for operation on the streets and highways of the Village of Ansley, Nebraska, the All-terrain Vehicle/Utility-Type Vehicle must be registered with the office of the Village Clerk. A registration sticker will be issued upon submitting the proof of the following:

- a. A certificate, issued by the authorized Village representative as appointed by the Village Board of Trustees, indicating that the All-Terrain Vehicle/ Utility-Type Vehicle has been inspected and complies, in full, with the equipment requirements identified in Section 3.
- b. Proof of Liability insurance coverage for the All-Terrain Vehicle/Utility-Type Vehicle while operating such vehicle on the street or highway of the village of Ansley.
- c. A \$25.00 annual fee for registration of the vehicle. All such fees shall be credited to

the general fund of the Village of Ansley. The registration sticker will entitle the vehicle to be operated on the streets and highways of the Village of Ansley from January 1<sup>st</sup> in any year to December 31<sup>st</sup> and shall be renewable annually. The fee shall not be prorated. A registration sticker shall be displayed on the lower left corner of the windshield of such vehicle, or if the vehicle is not equipped with a windshield, at the left front of such vehicle.

2. Village Clerk shall issue a registration sticker for the All-Terrain Vehicle /Utility-Type Vehicle being registered. Said registration sticker must be prominently displayed on said vehicle at all times while such vehicle is in operation on the streets and highways of the Village of Ansley.

### **Section 7. Work Permit.**

The Village of Ansley, Nebraska, may issue a work permit to an operator that otherwise complies with the terms of this Ordinance with the exception of age. A work permit shall be issued by the Village Clerk, upon receipt of the following:

- a. Application signed by the applicant, who is at least 16 years of age as of the date thereof, and signed by the parent or legal guardian of the applicant. The applicant will acknowledge receipt of this Ordinance with a certification by the applicant and parent/legal guardian that the applicant will fully comply with all provisions thereof.
- b. Upon issuance of a work permit, the holder hereof may operate an All-Terrain Vehicle/ Utility-Type Vehicle for legitimate employment purposes (snow removal, lawn care or agricultural use), and in addition, holder may operate such vehicle to or from the site where the operator is engaged in such employment and the residence of the operator, over the most direct and accessible route through the streets of the Village of Ansley.

The holder of the work permit shall not use any type of interactive wireless communications device while operating such vehicle on the streets of the Village of Ansley.

### **Section 8. Local Requirements.**

1. Any operation of an All-Terrain vehicle/Utility-Type vehicle within the Village limits shall, in addition to the above requirements, obey all municipal traffic Ordinances and regulations, including, but not limited to, posted stop signs and speed limits.

2. Any operator who is 18 years of age or younger must wear a D.O.T. certified motorcycle helmet at all times.

### **Section 9 Hours of operation.**

1. An All-Terrain vehicle/Utility-Type vehicle may be operated only between the hours of sunrise and sunset, unless equipped with operable snow plow blade and apparatus, and shall not be operated at a speed in excess of the posted speed limit and in no event in

excess of 30 mph.

2. All-Terrain Vehicle/Utility-Type vehicle may be operated inside the corporate limits of the Village of Ansley by Village personnel within the course of their employment in accordance with the operation requirements, with the exception that the operator of the vehicle need not be limited to the hours between sunrise and sunset.

**Section 10. Fines.**

1. A person who is found to be in violation of this Ordinance shall be guilty of a misdemeanor punishable by a minimum fine of \$100.00 and up to a maximum fine of \$300.00 for each separate offense.

2. In addition to any penalties for violation hereof, the Ansley Police Department may impound any All-Terrain Vehicle or Utility-Type Vehicle when operated in violation of Nebraska law or city ordinance, in the same situation as any violation in connection with a motor vehicle.

**Section 11. Accidents.**

If an accident results in the death of any person or in the injury of any person which requires a treatment of the person by a physician, the operator of each All-Terrain Vehicle or Utility-Type Vehicle involved in the accident shall give notice of the accident in the same manner as provided by Neb. Rev. Stat. §60-699.

**Section 12.**

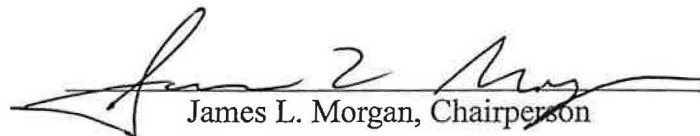
That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

**Section 13.**

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

Passed and approved this 10th day of August, 2015.

ATTEST:

  
James L. Morgan, Chairperson

  
Lorette C. Doane, Clerk

(Seal)