

ORDINANCE NO. 2012-62

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE, CHAPTER 78 BY ADDING ARTICLE VII. 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; AND TO PROVIDE AN EFFECTIVE DATE.

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

Section 1. A new Section 78, Article VII, is added to the Municipal Code of Wayne, Nebraska, as follows:

Sec. 78-290 Definitions

(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 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)

Sec. 78- Operation on Streets

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

Sec. 78- Hours of Operation

(3) An all-terrain vehicle or a 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.

Sec. 78- Requirements

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

Sec. 78- Exceptions

(5) All-terrain vehicles and 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 vehicle or an utility-type vehicle shall not be operated on any Nebraska State Highway within the city limits of Wayne, except as provided in Paragraph (8).

(7) All ATVs and UTVs are to abide by the state statutes pertaining to the operation of vehicles on roadway's within the state.

Sec. 78- Crossing Sate Highways

(8) Subject to subsection (6) of this section, the crossing of a state highway shall be permitted by an all-terrain vehicle or an utility-type vehicle only if:

- (a) The crossing is made at an angle of approximately ninety degrees to the direction of state 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 state highway;
- (c) The operator yields the right-of-way to all oncoming traffic that constitutes an immediate potential hazard;
- (d) Both the headlight and taillight of the vehicle are on when the crossing is made.

(Neb. Rev. Stat. 60-6,356)

Sec. 78- Additional Requirements.

- (a) The vehicle must be licensed with the City of Wayne and display a city approved, reflective license plate with numbers and/or letters 4 inches high, prominently and clearly displayed on the rear of the vehicle;
- (b) The vehicle license shall be renewed no later than April 1 of each year;
- (c) Each and every operator of an ATV or Utility Vehicle shall possess an ATV operator's permit and shall carry said permit on his or her person while in operation of the ATV or Utility Vehicle;
- (d) Operator's permits shall be renewed within thirty (30) days prior to the operator's license's date of expiration;
- (e) Any operator operating an ATV or Utility Vehicle must stop immediately when signaled to do so by a law enforcement officer;
- (f) The operator must sign a written acknowledgement of the terms of this Ordinance and complete a safety program approved by the City of Wayne;
- (g) The operator must wear a protective helmet that meets the motorcycle helmet standards of the State of Nebraska;
- (h) The operator must be at least 19 years of age; and
- (i) No operator shall permit any passengers to ride on ATVs which are not specifically designed by the manufacturer to carry passengers.

Section 2. Section 1-9 of the City Code of Wayne, Nebraska, is amended as follows "...such violation of any such provision of this Code or any ordinance shall be punishable by a fine not exceeding \$500 except for Section 78, Article VII, which, for a first offense, shall be punishable by a \$100 fine, which may be paid by waiver. If such person has one prior conviction

within one year of the second offense, conviction of the second offense shall be punishable by a \$100 fine, and the operator's City of Wayne ATV/utility vehicle license shall be impounded for one year from the date of conviction. Penalties for subsequent convictions are not waivable. "Prior conviction within one year" shall be measured by the time that passes from the date of conviction of the prior offense to the date of offense for the subsequent offense.

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 after its passage, approval, and publication as required by law, and shall remain in effect indefinitely.

PASSED AND APPROVED this 2nd day of January, 2013.

THE CITY OF WAYNE, NEBRASKA,

By _____
Mayor

ATTEST:

City Clerk