

ORDINANCE NO. 2019-8

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE TITLE VII TRAFFIC CODE, CHAPTER 70 GENERAL PROVISIONS – ALL-TERRAIN AND UTILITY VEHICLES; 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. That Wayne Municipal Code Title VII Traffic Code, Chapter 70 General Provisions – All-Terrain and Utility Vehicles, is hereby amended as follows:

78-290 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. **The definitions contained in this section shall mimic the definitions set out in Neb. Rev. Stat. 60-6,355, as said statute may be amended from time to time.**

ALL-TERRAIN VEHICLE. Any motorized off-highway vehicle which:

- (1) Is 50 inches or less in width;
- (2) Has a dry weight of ~~900 pounds or less~~ **1,200 pounds or less**;
- (3) Travels on four or more ~~low-pressure~~ **non-highway** tires;

(4) Is designed for operator use only with no passengers or is specifically designed by the original manufacturer for the operator and one passenger.

~~(5) Has a seat or saddle designed to be straddled by the operator; and~~

~~(6) Has handlebars or any other steering assembly for steering control.~~

(Neb. RS 60-6,355)

STREET or HIGHWAY. 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)

UTILITY-TYPE VEHICLE.

(1) Any motorized off-highway vehicle which:

(a) ~~Is not less than 48 inches, nor more than 74 inches in width;~~ **Is 74 inches in width or less**

(b) Is not more than ~~135~~ **180** inches, including bumper, in length;

(c) Has a dry weight of ~~not 900 pounds nor more than~~ 2,000 pounds **or less**;

(d) Travels on four or more ~~low-pressure~~ **non-highway** 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.~~

(2) **UTILITY-TYPE VEHICLE** does not include **all-terrain vehicles**, golf ~~cars~~ **car vehicles**, or low-speed vehicles.

(Neb. RS 60-6,355)

(2002 Code, § 78-290) (Ord. 2011-32, passed 1-17-2012; Ord. 2012-62, passed 1-2-2013)

§ 78-291 OPERATION ON STREETS.

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

(2002 Code, § 78-291) (Ord. 2011-32, passed 1-17-2012; Ord. 2012-62, passed 1-2-2013)

§ 78-292 HOURS OF OPERATION.

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 30 mph **or the posted speed limit, whichever is less**. When operating an all-terrain vehicle or utility-type vehicle as authorized in this subchapter, 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 the ground attached to the rear of such vehicle. The bicycle safety flag shall be triangular in shape with an area of not less than 30 square inches and shall be day-glow in color.

(2002 Code, § 78-292) (Ord. 2011-32, passed 1-17-2012; Ord. 2012-62, passed 1-2-2013)

§ 78-293 REQUIREMENTS.

(1) EQUIPMENT REQUIRED FOR ALL-TERRAIN AND UTILITY-TYPE VEHICLES.

(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.

(2) MODIFICATIONS AND/OR RETROFITTINGS. All-terrain vehicles and utility-type vehicles which have been modified or retrofitted with after-market parts to include additional equipment not required by Neb. RS 60-6,357 and 60-6,358 shall not be registered under the Motor Vehicle Registration Act, nor shall such modified or retrofitted vehicles be eligible for registration in any other category of vehicle defined in the act.

(a) No person shall:

(1) Equip the exhaust system of an all-terrain vehicle or a utility-type vehicle with a cutout, bypass, or similar device;

(2) Operate an all-terrain vehicle or a utility-type vehicle with an exhaust system so modified; or

(3) Operate an all-terrain vehicle or a utility-type vehicle with the spark arrester removed or modified except for use in closed-course competition events.

(3) Any person operating an all-terrain vehicle or utility-type vehicle as authorized in this subchapter shall have:

(A) A valid Class O operator's license ~~or a farm permit as provided in Neb. RS 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.

(2002 Code, § 78-293) (Ord. 2011-32, passed 1-17-2012; Ord. 2012-62, passed 1-2-2013) **(Neb. RS 60-6,357; 60-6,358, 60-6,359)**

§ 78-294 EXCEPTIONS.

(A) All-terrain vehicles and utility-type vehicles may be operated without complying with §§ 78-292 and 78-293 of this subchapter on streets and highways in parades which have been authorized by the state or any department, board, commission or political subdivision of the state.

(B) An all-terrain vehicle or a utility-type vehicle shall not be operated on any state highway within the city limits, except as provided in § 78-295 of this subchapter.

(C) All ATVs and UTVs are to abide by the state statutes pertaining to the operation of vehicles on roadways within the state.
(2002 Code, § 78-294) (Ord. 2011-32, passed 1-17-2012; Ord. 2012-62, passed 1-2-2013)

§ 78-295 CROSSING STATE HIGHWAYS.

Subject to § 78-294, the crossing of a state highway shall be permitted by an all-terrain vehicle or a utility-type vehicle only if:

(A) The crossing is made at an angle of approximately 90 degrees to the direction of the 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 on-coming traffic that constitutes an immediate potential hazard; and

(D) Both the headlight and taillight of the vehicle are on when the crossing is made.
(2002 Code, § 78-295) (Ord. 2011-32, passed 1-17-2012; Ord. 2012-62, passed 1-2-2013)

§ 78-296 ADDITIONAL REQUIREMENTS.

(A) The vehicle must be licensed with the city and display a city approved, reflective license plate with numbers and/or letters four 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 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 acknowledgment of the terms of this subchapter **at initial yearly registration and every renewal and complete a safety program approved by the city.**

(G) The operator **of any ATV, or any UTV without a factory-installed roll cage,** must wear a protective helmet that meets the motorcycle helmet standards of the state.

(H) **All drivers and passengers of UTV's must wear safety belts if installed.**

(I) The operator must be at least **17 19** years of age.

(J) No operator shall permit any passengers to ride on ATVs which are not specifically designed by the manufacturer to carry passengers.

(2002 Code, § 78-296) (Ord. 2011-32, passed 1-17-2012; Ord. 2012-62, passed 1-2-2013)

§ 78-999 PENALTY.

(A) Any person violating any provision of this appendix for which no specific penalty is prescribed shall be subject to § 10.99 of this code or division (B) hereof.

(B) Waivers.

Section 2. 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 3. This ordinance shall take effect and be in full force after its passage, approval, and publication as required by law.

PASSED AND APPROVED this 6th day of August, 2019.

THE CITY OF WAYNE, NEBRASKA,

By _____
Mayor

ATTEST:

City Clerk