

ORDINANCE NO. 879

AN ORDINANCE TO AMEND SECTION 5-415 OF THE MILFORD MUNICIPAL CODE RELATING TO THE OPERATION OF ALL TERRAIN AND UTILITY TYPE VEHICLES; TO PRESCRIBE THE TIME THIS ORDINANCE SHALL BE IN FORCE AND TAKE EFFECT.

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

Section 1. **NEW SECTIONS:** That Article 4, Chapter 5, Section 5-415 of the Municipal code of Milford, Nebraska is adopted as follows:

Section 2. **Definitions; For purposes of this section:**

All-terrain vehicle (ATV): means any motorized off-highway vehicle which (a) is 50 inches or less in width, (b) has a dry weight of 900 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.

Utility type vehicle (UTV): means any motorized off-highway vehicle which (a) is not less than 48 inches nor more than 74 inches in width; (b) is not more than 135 inches, including the bumper in length; (c) has a dry weight of not less 900 pounds nor more than 2,000 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. Golf carts, riding lawn mowers, and motorized wheel chairs are not utility type vehicles as defined in this article.

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. State law reference; R.R.S. 1943, §§ 60-624, 60-6,355.

Section 3 – Operation

- (a) An all-terrain vehicle or 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 section.
- (b) An all-terrain vehicle or 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 miles per hour. When operating an all-terrain vehicle or utility

type vehicle as authorized in subsection (b) 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 30 square inches and shall be day-glow in color.

- (c) It shall be unlawful for any person to operate, or be in actual physical control of any all-terrain or utility type vehicle upon the traveled portion of any public roadway within the corporate limits of the city except as specifically authorized and permitted under the terms of this article
- (d) Any person operating an all-terrain or utility type vehicle as authorized in subsection (b) of this section shall have:
 - (1) A valid class O operator's license and be 21 years of age or older.
 - (2) Have a permit issued by the city clerk permitting operation within the corporate limits of the city.
 - (3) Liability insurance coverage for the all-terrain vehicle or utility type vehicle while operating the all-terrain vehicle or utility type vehicle on a street or highway. The person operating the all-terrain vehicle or utility type vehicle shall maintain proof of such insurance with the vehicle and shall provide proof of insurance coverage to any peace officer requesting the same; and
 - (4) The operator and passenger of utility-type vehicle must wear safety restraint system.
 - (5) All-terrain and utility type vehicles may be operated without complying with subsections (a) and (b) 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) Except as provided in this subsection, a utility type vehicle shall not be operated within the corporate limits on U.S. Highway 6 (5th St.) between F Street / Fairway Drive and 1st Street.
 - (7) 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. Subsections (a) through (e) and (g) of this section authorize and apply to operation of an all-terrain or 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 (f) of this section, the crossing of a street or highway shall be permitted by an all-terrain or utility type vehicle without complying with subsections (a) and (f) of this section only if:
 - a. The crossing is made at an angle of approximately 90 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.
 - f. That operator will allow no more than one (1) passenger who must be seated in the area specifically designed by the manufacturer for a passenger. No passenger may be less than seven (7) years of age

- (9) In order to obtain a permit to operate an all-terrain or utility type vehicle within the corporate limits of the city, an applicant must make an annual application at the office of the city clerk and provide the following information:
 - a. Name and address of the applicant;
 - b. Proof of insurance for the all-terrain or utility type vehicle(s) to be operated within the city by the applicant;
 - c. Be 21 years of age or older;
 - d. Valid class O operator's license issued by the State of Nebraska; and,
 - e. Year, make, model, color, engine size, and vehicle identification number (VIN) of the all-terrain vehicle(s) (ATV's) utility type vehicle(s)(UTV's) to be operated within the city by the applicant.
 - f. The issued permit shall be prominently displayed and plainly visible from the rear of the operator's all-terrain or utility type vehicle. All letters, numbers, printing, writing and other identification marks upon

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such Permits shall be kept clear and distinct and free from grease, dust, or other blurring matter, so that they shall be plainly visible at all times during daylight and under artificial light in the nighttime.

g. No person shall attach to or display on such ATV/UTV any (a) Permit or registration certificate other than as assigned to it for the current registration period, (b) fictitious or altered Permit or registration certificate, (c) Permit or registration certificate that has been cancelled by the City of Milford, or (d) Permits lacking current validation decals.

h. In addition, the all-terrain or utility type vehicle must meet the following requirements: pass inspection by a personnel designated by the city to insure that the vehicle

(1) At least one working headlight and taillight;

(2) A working brake light;

(3) At least one rearview mirror;

(4) Working safety restraint system on utility type vehicles;

(5) UTV's shall be equipped with a manufacturer's original equipment roll bar designed and manufactured to prevent injuries in the event of a roll over;

(6) A bicycle safety flag in compliance with section 3(b) of this article;

(7) A brake system maintained in good operating condition;

(8) A muffler system in good working condition properly attached to the all-terrain or utility type vehicle which reduces the noise of operation of the motor to the minimum necessary for operation. The muffler shall not be audible for a distance of more than five hundred (500) feet. No person shall use a muffler cutout, by-pass, straight pipe, or similar device on an all-terrain vehicle or utility type vehicle; and

(9) A United States Forest Service qualified spark arrester.

State law reference; R.R.S. 1943, §§60-6,356 (7)

Section 4 – ALL-TERRAIN VEHICLES; ACCIDENT REPORT

If an accident results in the death of any person or, in the injury of any person which requires treatment by a physician, the operator of each all-terrain vehicle

involved in the accident shall give notice of the accident in the same manner as provided in Neb. Rev. Stat. §60-505.
(Ref. Neb. Rev. Stat. §60-6,361)

Section 5 – REVOCATION OF OPERATION PRIVILEGE

Violations of these provisions shall be punishable as set forth in Chapter 12 of the Milford City Code. In addition, any person receiving three (3) or more citations within a twelve (12) month period shall, upon conviction of the third or subsequent offense, have his or her privilege to operate an all-terrain or utility type vehicle within the City limits revoked for a period of one (1) year from the date of conviction. Persons operating an ATV/UTV while their privileges are revoked are subject to a fine of \$250.00 for a first offense and \$500.00 for subsequent offenses.

Section 6 – Upon compliance with subsections (a) and (b) herein, and payment of an **application fee** of \$50.00, (which fee may be amended from time to time by resolution of the city council), permits to operate a ATV/UTV shall be valid from the date of issuance until midnight on the 31st day of March of the following year for which the permit is issued.

Section 7 – **PENALTY**

Any person who violates this article shall be punished as provided in Chapter 12 of the municipal code.

Section 8 All ordinances and parts of ordinances passed and approved prior to the passage and approval of this ordinance and in conflict herewith are hereby repealed.

Section 9 This ordinance shall take effect and be in full force from and after passage, approval and publication according to the law.

Amended and approved this 5th day of January, 2016

Dean A. Bruha

MAYOR

Attest:

Leanne Hoggard

City Clerk



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