

**ORDINANCE NO. 323 (23)**

AN ORDINANCE OF THE CITY OF ALBION, NEBRASKA, REPEALING SECTIONS 3-511, 3-512, 3-513, 3-514, 3-515, 3-516, 3-517, 3-518, 3-519 AND 3-601 OF THE MUNICIPAL CODE, CHANGING THE NAME OF CHAPTER THREE, ARTICLE FIVE, ADOPTING CHAPTER THREE, ARTICLE SIX OF THE MUNICIPAL CODE ESTABLISHING RULES AND REGULATIONS FOR THE OPERATION OF ALL-TERRAIN VEHICLES, UTILITY TYPE VEHICLES AND GOLF CAR VEHICLES WITHIN THE CITY LIMITS OF THE CITY OF ALBION AND ADOPTING CHAPTER THREE, ARTICLE NINE OF THE MUNICIPAL CODE ESTABLISHING PENAL PROVISIONS FOR THE VIOLATION OF THE PROVISIONS OF CHAPTER THREE.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF ALBION, NEBRASKA, AS FOLLOWS:

SECTION 1: Sections 3-511 through 3-519 of the Municipal Code of the City of Albion are hereby repealed.

SECTION 2: The title of Chapter Three, Article Five is hereby changed to "Motorcycles, Minibikes, Snowmobiles and Mopeds".

SECTION 3: Chapter Three, Article Six is hereby repealed in its entirety.

SECTION 4: Chapter Three, Article Six is hereby adopted and shall be titled "All-Terrain Vehicles, Utility Type Vehicles and Golf Car Vehicles".

SECTION 5: Section 3-601, Definitions, is hereby adopted and should read as follows:

SECTION 3-601: DEFINITIONS

A. *All-Terrain Vehicle*: All-Terrain Vehicle (ATV) shall mean any motorized off-highway vehicle which (i) is fifty inches or less in width, (ii) has a dry weight of twelve hundred pounds or less, (iii) travels on three or more nonhighway tires, and (iv) is designed for operator use only with no passengers or is specifically designed by the original manufacturer for the operator and one passenger. (Neb. Rev. Stat § 60-6,355)

B. *Utility Type Vehicle*: Utility Type Vehicle (UTV) shall mean any motorized off-highway vehicle which (A) is seventy-four inches in width or less, (B) is not more than one hundred eighty inches, including the bumper, in length, (C) has a dry weight of two thousand pounds or less, (D) travels on four or more nonhighway tires. Utility-type vehicle does not include all-terrain vehicles, golf car vehicles, or low-speed vehicles. (Neb. Rev. Stat § 60-6,355)

C. *Golf Car Vehicle*: Golf Car Vehicle shall mean a vehicle that has at least four wheels, has a maximum level ground speed of less than twenty miles per hour, has a

maximum payload capacity of one thousand two hundred pounds, has a maximum gross vehicle weight of two thousand five hundred pounds, has a maximum passenger capacity of not more than four persons, and is designed and manufactured for operation on a golf course for sporting and recreational purposes. (Neb. Rev. Stat § 60-116.01)

D. *Low-Speed Vehicle*: Low-Speed Vehicle shall mean a (1) four-wheeled motor vehicle (a) whose speed attainable in one mile is more than twenty miles per hour and not more than twenty-five miles per hour on a paved, level surface, (b) whose gross vehicle weight rating is less than three thousand pounds, and (c) that complies with 49 C.F.R. part 571, as such part existed on January 1, 2022, or (2) three-wheeled motor vehicle (a) whose maximum speed attainable is not more than twenty-five miles per hour on a paved, level surface, (b) whose gross vehicle weight rating is less than three thousand pounds, and (c) which is equipped with a windshield and an occupant protection system. A motorcycle with a sidecar attached is not a low-speed vehicle. (Neb. Rev. Stat § 60-119.01)

SECTION 6: Section 3-602, Operator's License, is hereby adopted and should read as follows:

#### SECTION 3-602: OPERATOR'S LICENSE

It shall be unlawful for any person to drive, operate or be in physical control of an All-Terrain Vehicle, Utility Type Vehicle or Golf Car Vehicle upon any road, street, highway, or alley within the City without having in full force and effect a valid Class O operator's license issued by the Nebraska Department of Motor Vehicles as provided by the laws of the State or to operate an All-Terrain Vehicle, Utility Type Vehicle or Golf Car Vehicle upon any road, street, highway or alley without carrying the operator's license while operating the said vehicle. This provision shall not apply to vehicles operated on public ways as part of parades which have been authorized by the State of Nebraska, County of Boone, or City of Albion. (Neb. Rev. Stat § 60-6,356(3))

SECTION 6: Section 3-603, Liability Insurance, is hereby adopted and should read as follows:

#### SECTION 3-603: LIABILITY INSURANCE

Any person operating an All-Terrain Vehicle, Utility Type Vehicle or Golf Car Vehicle shall have liability insurance coverage for the vehicle while operating it within the City. Such liability insurance shall be issued by an insurance company authorized to do business in the State of Nebraska and shall be within the limits stated in the Neb. Rev. Stat. §60-509, as amended from time to time. The person operating the vehicle shall provide proof of insurance coverage to any law enforcement officer requesting such proof within five days of such request. This provision shall not apply to vehicles operated on public ways as part of parades which have been authorized by the State of Nebraska, County of Boone, or City of Albion. (Neb. Rev. Stat § 60-6,356(3))

SECTION 7: Section 3-604, Registration, is hereby adopted and should read as follows:

SECTION 3-604: REGISTRATION

Any person operating an All-Terrain Vehicle, Utility Type Vehicle or Golf Car Vehicle within city limits shall have a certified copy of the registration of the vehicle obtained by providing the City Clerk with the make and serial number, or if none, other identifying items, the name, phone number and address of the owner, the name and address of the person registering the vehicle and an annual registration fee as set by resolution. The registration must be in writing and shall expire on December 31<sup>st</sup> of the year issued. The City Clerk is authorized to require use of a uniform registration form. The City Clerk shall file the registration and provide the registrant with a certified copy bearing the file time and date and the signature of the City Clerk. The copy provided to the registrant shall be present on the vehicle at all times it is being operated on the public ways of the City. This provision shall not apply to vehicles operated on public ways as part of parades which have been authorized by the State of Nebraska, County of Boone, or City of Albion.

SECTION 8: Section 3-605, Hours of Operation, is hereby adopted and should read as follows:

SECTION 3-605: HOURS OF OPERATION

Any person operating an All-Terrain Vehicle, Utility Type Vehicle or Golf Car Vehicle within city limits shall do so only between the hours of sunrise and sunset. Operation outside of these hours is strictly prohibited. This provision shall not apply to vehicles operated on public ways as part of parades which have been authorized by the State of Nebraska, County of Boone, or City of Albion. (Neb. Rev. Stat § 60-6,356(3))

SECTION 9: Section 3-606, Required Equipment; All Types, is hereby adopted and should read as follows:

SECTION 3-606: REQUIRED EQUIPMENT; ALL TYPES

Every All-Terrain Vehicle, Utility Type Vehicle or Golf Car Vehicle while being operated on the public ways of the City, shall be equipped with (1) a brake system maintained in good operating condition; (2) a lighted headlight and taillight; and (3) a bicycle safety flag which extends not less than 5 feet above the ground and is attached to the rear of the 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. This provision shall not apply to vehicles operated on public ways as part of parades which have been authorized by the State of Nebraska, County of Boone, or City of Albion. (Neb. Rev. Stat § 60-6,356(3), 60-6,358)

SECTION 10: Section 3-607, Required Safety Equipment, is hereby adopted and should read as follows:

#### SECTION 3-607: REQUIRED SAFETY EQUIPMENT

It shall be unlawful for any person to operate or be a passenger on an All-Terrain Vehicle, Utility-Type Vehicle or Golf Car Vehicle without at least one of the following pieces of safety equipment: (1) a protective helmet of the type and design manufactured for use by operators or such vehicles and secured properly on the person's head with a chin strap while the vehicle is in motion; (2) a three-point safety belt system which is properly adjusted and fastened; or (3) a lap belt safety system which is properly adjusted and fastened. This provision shall not apply to vehicles operated on public ways as part of parades which have been authorized by the State of Nebraska, County of Boone, or City of Albion.

SECTION 11: Section 3-608, Subject to Laws, is hereby adopted and should read as follows:

#### SECTION 3-608: SUBJECT TO LAWS

Except as otherwise specifically stated in this article, the operation of an All-Terrain Vehicle, Utility-Type Vehicle or Golf Car Vehicle shall be subject to all of the requirements of state statutes and requirements of city ordinances for the operation of any motor vehicle in the State or City, specifically including those statutes dealing with the rules of the road, child restraint systems and the operation of a motor vehicle by any person impaired by alcohol or drugs.

SECTION 12: Section 3-610, ATVs and UTVs: Required Equipment, is hereby adopted and should read as follows:

#### SECTION 3-610: ATVS AND UTVS: REQUIRED EQUIPMENT

In addition to any equipment required by Section 3-606, every All-Terrain Vehicle and Utility-Type Vehicle while being operated on the public ways of the City, shall be equipped with (1) an adequate muffler system in good working condition; and (2) a United States Forest Service qualified spark arrester. This provision shall not apply to vehicles operated on public ways as part of parades which have been authorized by the State of Nebraska, County of Boone, or City of Albion. (Neb. Rev. Stat § 60-6,358)

SECTION 13: Section 3-611, ATVs and UTVs: Modifications Prohibited, is hereby adopted and should read as follows:

#### SECTION 3-611: ATVS AND UTVS: MODIFICATIONS PROHIBITED

It shall be unlawful for any person to operate an All-Terrain Vehicle or Utility-Type Vehicle which has been modified by (1) the equipping of the exhaust system of the vehicle with a cutout, bypass, or similar device, and/or (2) the removal or modification of the spark arrester except when in use in closed-course competition events. This provision shall not

apply to vehicles operated on public ways as part of parades which have been authorized by the State of Nebraska, County of Boone, or City of Albion. (Neb. Rev. Stat § 60-6,359)

SECTION 14: Section 3-612, ATVs and UTVs: Speed, is hereby adopted and should read as follows:

SECTION 3-612: ATVS AND UTVS: SPEED

Any person operating an All-Terrain Vehicle or Utility-Type Vehicle shall not exceed 30 mph when the posted speed limit is 30 mph or more and shall not exceed any posted speed limit which is 30 mph or less.

SECTION 15: Section 3-620, Golf Car Vehicles: Speed, is hereby adopted and should read as follows:

SECTION 3-620: GOLF CAR VEHICLES: SPEED

Any person operating a Golf Car Vehicle shall not operate it on any street with a posted speed limit of more than twenty-five miles per hour. Any person operating a Golf Car Vehicle shall not exceed 20 mph when the posted speed limit is 20 mph or more and shall not exceed any posted speed limit which is 20 mph or less.

SECTION 16: Section 3-621, Golf Car Vehicles: Highways, is hereby adopted and should read as follows:

SECTION 3-621: GOLF CAR VEHICLES: HIGHWAYS

No person shall operate a Golf Car Vehicle at any time on a state or federal highway regardless of whether or not said highway is also a public street. A golf car vehicle shall only be operated on such a highway in order to cross a portion of the highway system and only in the manner provided under Neb. Rev. Stat. §60-6,381(3). (Neb. Rev. Stat. §60-6,381(2)(a))

SECTION 17: Section 3-690, Violations, is hereby adopted and should read as follows:

SECTION 3-690: VIOLATIONS

Any person, firm, association, or corporation who shall violate any of the provisions of Chapter Three, Article Six hereof, shall in addition to the penalties prescribed in Section 3-901, have the registration revoked for the vehicle operated in violation of said article. Furthermore, the violator shall also be prohibited from registering said vehicle with the City for a period of one year from the date of violation.

SECTION 18: Chapter Three, Article Nine is hereby adopted and shall be titled "Penal Provisions".

SECTION 19: Section 3-901, Violation: Penalty, is hereby adopted and should read as follows:

SECTION 3-901: VIOLATION: PENALTY

Any person, firm, association, or corporation violating any of the provisions of Chapter Three hereof, shall, upon conviction, be deemed guilty of a misdemeanor, and be fined in a sum not more than \$500.00 for each offense, and each day's maintenance of the same shall constitute a separate offense.

SECTION 20: This ordinance shall go into full force and effect on May 1, 2023. Publication to be done in pamphlet form.

INTRODUCED BY: JON PORTER

SECONDED BY: MARCUS JOHNSON

PASSED AND APPROVED THIS 14th DAY OF February, 2023.

PUBLISHED THIS 22nd DAY OF February, 2023.

CITY OF ALBION, NEBRASKA

Mayor 

ATTEST:

  
City Clerk (Seal)

