

ARTICLE 5: MINIBIKES, SNOWMOBILES, ALL-TERRAIN VEHICLES,

UTILITY-TYPE VEHICLES AND GOLF CARS

§ 5-501 MINIBIKES; UNLAWFUL OPERATION.

It shall be unlawful for any person to operate a minibike upon any street or highway within the corporate limits of the Municipality. For purposes of this Article, "minibike" shall mean a two-wheel motor vehicle which has a total wheel and tire diameter of less than fourteen (14) inches or an engine rated capacity of less than forty-five (45) cubic centimeters displacement or any other two-wheel motor vehicle primarily designed by the manufacturer for off-road use only. (Ref. 60-2101.01, 60-2107 RS Neb.) (Amended by Ord. No. 381, 12/8/81)

§ 5-502 MINIBIKES; EMERGENCIES AND PARADES.

Minibikes shall be exempt from the provisions of this Article during any public emergency or while being used in parades by regularly organized units of any recognized charitable, social, educational or community service organization. (Ref. 60-2102 RS Neb.)

§ 5-503 MINIBIKES; PUBLIC LANDS.

Minibikes shall be prohibited upon the public lands owned by the Municipality except where allowed by resolution of the Governing Body. (Ref. 60-2106 RS Neb.)

§ 5-504 SNOWMOBILES; EQUIPMENT.

Every snowmobile operated within the Municipality shall be registered with the State of Nebraska, as required by law. No snowmobile shall be operated upon a public street or highway unless it is equipped with at least one head lamp, one tail lamp, reflector material of a minimum area of sixteen (16) square inches mounted on each side forward of the handle bars, and with brakes as prescribed by the Director of Motor Vehicles.

All laws applying to the operation of other motor vehicles shall apply to snowmobiles, except those relating to required equipment and those which, by their nature, have no application. (Ref. 60-2002, 60-2013 RS Neb.)

§ 5-505 SNOWMOBILES; UNLAWFUL ACTS.

It shall be deemed a misdemeanor for any person to allow a snowmobile, either owned or operated by him, to be operated:

1. Within the congested area of the Municipality unless weather conditions are such that it provides the only practicable method of safe vehicular travel, or said snowmobile is engaged in responding to an emergency.
2. At a rate of speed greater than reasonable or proper under the surrounding circumstances.
3. In a careless, reckless or negligent manner so as to endanger person or property.
4. Without a lighted headlight and tail light when such would be required by conditions.
5. In any tree nursery or planting in a manner which damages or destroys growing stock.
6. Upon any private lands without first having obtained permission of the owner, lessee or operator of such lands.

(Ref. 60-2013, 60-2015 RS Neb.)

§ 5-506 SNOWMOBILES; PUBLIC LANDS.

Snowmobiles shall be prohibited from operation on the public lands owned by the Municipality, except where allowed by resolution of the Governing Body. (Ref. 60-2016 RS Neb.)

§ 5-507 ALL-TERRAIN VEHICLES; OPERATION, RESTRICTIONS.

(1) For purposes of this section:

(a) ALL-TERRAIN VEHICLE means any motorized off-highway vehicle which:

1. Is fifty (50) inches or less in width;
2. Has a dry weight of nine hundred (900) pounds or less;
3. Travels on three (3) or more low-pressure tires;
4. Is designed for operator use only with no passengers or is specifically designed by the original manufacturer for the operator and one (1) 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.

(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.

(2) An all-terrain vehicle may be operated on streets and highways within the corporate limits of the City only if the operator and the vehicle comply with the provisions of this section.

(3) An all-terrain vehicle may be operated only between the hours of sunrise and sunset and shall not be operated at a speed in excess of thirty (30) miles per hour. When operating an all-terrain 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 (5) 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 (30) square inches and shall be day-glow in color.

(4) Any person operating an all-terrain vehicle as authorized in subsection (2) of this section shall have:

(a) A valid Class O operator's license; and

(b) Liability insurance coverage for the all-terrain vehicle while operating the all-terrain vehicle on a street or highway. The person operating the all-terrain vehicle shall provide proof of such insurance coverage to any peace officer requesting such proof within five (5) days of such a request.

(5) All-terrain 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 shall not 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. Subsections (2) through (4) and (7) of this section authorize and apply to operation of an all-terrain vehicle only on a street or highway other than a controlled-access highway with more than two (2) marked traffic lanes.

(7) Subject to subsection (6) of this section, the crossing of a street or highway shall be permitted by an all-terrain vehicle without complying with subsections (3) and (4) of this section only if:

(a) The crossing is made at an angle of approximately ninety (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. *(Ref. 60-6,356 RS Neb.)*

(8) Specific local requirements:

(a) Any operation of an all-terrain vehicle within the City limits shall, in addition to the requirements above, obey all municipal traffic ordinances and regulations, including, but not limited to, posted speed limits and stop signs; and

(b) Any operator of an age of twenty (20) years or younger shall wear a D.O.T. certified motorcycle helmet at all times.

(9) A person who violates this section shall be punished as provided generally in Chapter 12 of this code. *(Ord. No. 864, 7/15/08)*

§ 5-508 UTILITY-TYPE VEHICLES (UTVS); OPERATION, RESTRICTIONS.

(1) For purposes of this section:

(a) UTILITY-TYPE VEHICLES means vehicles weighing between nine hundred (900) and two thousand (2,000) pounds with:

1. Widths between forty-eight (48) and seventy-four (74) inches;
2. Lengths no more than one hundred thirty-five (135) inches;
3. Four (4) or more low-pressure tires;
4. Steering wheels; and
5. Bench or bucket-type seating for at least two people to sit side-by-side.

This definition does not include golf carts or low speed vehicles as defined by Nebraska law.

(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.

(2) Utility-type vehicles may be operated on streets and highways within the corporate limits of the City only if the operator and the vehicle comply with the provisions of this section.

(3) Utility-type vehicles must be titled under state law, may be operated only between the hours of sunrise and sunset, and shall not be operated at a speed in excess of thirty (30) miles per hour. When operating a 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 (5) 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 (30) square inches and shall be day-glow in color.

(4) Any person operating utility-type vehicles as authorized in subsection (2) of this section shall:

(a) Hold a valid Class O operator's license; and

(b) Have liability insurance coverage for the utility-type vehicles while operating the utility-type vehicle on a street or highway. The person operating the utility-type vehicle shall provide proof of such insurance coverage to any peace officer requesting such proof within five (5) days of such a request.

(5) 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) Utility-type vehicles shall not 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. Subsections (2) through (4) and (7) of this section authorize and apply to operation of utility-type vehicles only on a street or highway other than a controlled-access highway with more than two (2) marked traffic lanes.

(7) Subject to subsection (6) of this section, the crossing of a street or highway shall be permitted by utility-type vehicles without complying with subsections (3) and (4) of this section only if:

(a) The crossing is made at an angle of approximately ninety (90) degree 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 utility-type vehicle are on when the crossing is made. (Ref. 60-6,356 RS Neb.)

(8) Additional requirements:

(a) Any operation of utility-type vehicles within the City limits shall, in addition to the requirements above, obey all municipal traffic ordinances and regulations, including, but not limited to, posted speed limits and stop signs; and

(b) Any owner of utility-type vehicles who knowingly allows an unlicensed or otherwise unqualified rider to access or operate the owners utility-type vehicle may be cited for a violation hereunder.

(9) A person who violates this section shall be punished as provided generally in Chapter 12 of the municipal code. (Ord. No. 888, 12/14/10)

§ 5-509 GOLF CAR VEHICLES; OPERATION, RESTRICTIONS.

(A) *Definition.*

GOLF CAR VEHICLE.

(a) At least four (4) wheels;

(b) Maximum level ground speed of less than twenty miles (20) per hour;

(c) Maximum payload capacity of one thousand two hundred (1,200) pounds;

(d) Maximum gross vehicle weight of two thousand five hundred (2,500) pounds;

(e) Maximum passenger capacity of not more than four (4) persons; and

(f) Designed and manufactured for operation on a golf course for sporting and recreational purposes.

(B) Golf car vehicles 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.

(C) Golf car vehicles may be operated only between the hours of sunrise and sunset and on streets with a posted speed limit of thirty-five (35) miles per hour or less, and shall not be operated at a speed in excess of twenty (20) miles per hour.

(D) Any person operating golf car vehicles as authorized in division (B) above shall:

(1) Hold a valid Class O operator's license; and

(2) Have Liability insurance coverage for the golf car vehicle. The person operating the golf car vehicle shall provide

proof of such insurance coverage to any peace officer requesting such proof within five (5) days of such a request.

(3) Liability insurance coverage shall be subject to limits, exclusive of interest and costs, as follows: Twenty-five thousand dollars (\$25,000) because of bodily injury to or death of one (1) person in any one (1) accident and, subject to such limit for one (1) person, fifty thousand dollars (\$50,000) because of bodily injury to or death of two (2) or more persons in any one (1) accident, and twenty-five thousand dollars (\$25,000) because of injury to or destruction of property of others in any one (1) accident.

(E) Golf car vehicles shall not be operated at any time on any state or federal highway.

(F) Subject to this section, the crossing of a street or highway shall be permitted by golf car vehicles only if:

(1) The crossing is made at an angle of approximately ninety (90) degrees to the direction of the highway and at a place where no obstruction prevents a quick and safe crossing;

(2) The vehicle is brought to a complete stop before crossing the shoulder or roadway of the highway;

(3) The operator yields the right-of-way to all oncoming traffic that constitutes an immediate potential hazard; and

(4) In crossing a divided highway, the crossing is made only at an intersection of such highway with a street or road, as applicable.

(G) For purposes of this section:

(1) ROAD means a public way for the purposes of vehicular travel, including the entire area within the right-of-way;

(2) STREET means a public way for the purposes of vehicular travel in a city or village and includes the entire area within the right-of-way.

(H) Additional requirements:

(1) Any operation of golf car vehicles within the City limits shall, in addition to the requirements above, obey all municipal traffic ordinances and regulations, including, but not limited to, posted speed limits and stop signs; and

(2) Any owner of golf car vehicles who knowingly allows an unlicensed or otherwise unqualified rider to access or operate the owners' golf car vehicle may be cited for a violation hereunder.

(3) When operating a golf car vehicle as authorized in division (B) above, the vehicle shall be equipped with a bicycle safety flag, which extends not less than five (5) 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 (30) square inches and shall be day-glow in color.

(I) A person who violates this section shall be punished as provided generally in Chapter 12 of the Municipal Code. (*Ord. No. 925, 9/15/15*)