

## **ORDINANCE NO. 2604**

AN ORDINANCE AMENDING THE ALLIANCE MUNICIPAL CODE BY ADDING TO ARTICLE 3 AT CHAPTER 3, RELATING TO ALL-TERRAIN VEHICLES; TO ALLOW THE OPERATION OF ALL-TERRAIN VEHICLES WITHIN THE CORPORATE LIMITS UNDER CERTAIN CIRCUMSTANCES; TO IMPOSE RESTRICTIONS ON THE USE OF ALL-TERRAIN VEHICLES; TO ESTABLISH PENALTIES FOR VIOLATION; AND REPEAL EXISTING PROVISIONS OF CITY CODE NOT CONSISTENT HEREWITH.

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

SECTION 1. The Nebraska State Statutes allow cities of the first class to regulate the travel of vehicles on city streets.

SECTION 2. There has been a request that the City of Alliance authorize the operation of all-terrain vehicles within the City of Alliance.

SECTION 3. The Alliance Municipal Code at Chapter 3, shall be amended to include an addition to Article 3, as follows:

### **ALL-TERRAIN VEHICLE**

#### **3-313. ALL-TERRAIN VEHICLE, DEFINED.**

For the purposes of this section, all-terrain vehicle means any motorized off-highway vehicle which is (a) 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.

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.

#### **3-314. ALL-TERRAIN VEHICLE, OPERATION.**

An all-terrain vehicle may be operated on streets and highways, other than a controlled-access highway with more than two marked traffic lanes, within the corporate limits of the City of Alliance only if the operator and the vehicle comply with the provisions of this Article.

#### **3-315. ALL-TERRAIN VEHICLE, HOURS AND PURPOSE OF OPERATION.**

An all-terrain vehicle may be operated only between the hours of sunrise and sunset. It is unlawful to operate an all-terrain vehicle on the City streets and alleys for pleasure. A three wheeled all-terrain vehicle shall not be operated in the City of Alliance.

#### **3-316. ALL-TERRAIN VEHICLE, SPEED.**

An all-terrain vehicle shall not be operated at a speed in excess of thirty miles per hour and shall observe posted speed limits if lower than thirty miles per hour.

### 3-317. ALL-TERRAIN VEHICLE, REQUIREMENTS.

When operating an all-terrain vehicle, the headlight and taillight of the vehicle shall be on. Whenever an all-terrain vehicle is moving all cargo must be securely attached to the vehicle in such a manner that the cargo will remain secured without any assistance of the operator.

### 3-318. ALL-TERRAIN VEHICLE, EQUIPMENT REQUIRED.

Every all-terrain vehicle shall be equipped with a bicycle safety flag which extends not less than six feet above ground attached to the rear of the vehicle. The safety flag shall be triangular in shape with an area of not less than thirty square inches and shall be day-glow in color. Every all-terrain vehicle shall also be equipped with: (1) A brake system maintained in good operating condition; (2) An adequate muffler system in good working condition; and (3) A United States Forest Service qualified spark arrester.

### 3-319. ALL-TERRAIN VEHICLE, MODIFICATIONS, PROHIBITED.

No person shall: (1) Equip the exhaust system of an all-terrain vehicle with a cutout, bypass, or similar device; (2) Operate an all-terrain vehicle with an exhaust system so modified; or (3) Operate an all-terrain vehicle with the spark arrester removed or modified except for use in closed-course competition events.

### 3-320. ALL-TERRAIN VEHICLE, COMPETITIVE EVENTS; EXEMPTIONS.

All-terrain vehicles participating in competitive events may be exempted from Section 3-319 (Modifications, Prohibited).

### 3-321. ALL-TERRAIN VEHICLE, PERSONS AUTHORIZED.

Any person operating an all-terrain vehicle shall be 19 years of age and have a valid Class O operator's license as provided in Neb. Rev. Stat. 60-4,126.

### 3-322. ALL-TERRAIN VEHICLE, INSURANCE REQUIRED.

Any person operating an all-terrain vehicle shall have 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 days of such a request.

It shall be unlawful for any person to operate any all-terrain vehicle on the city streets or alleys in Alliance until the owner has demonstrated proof of insurance to the Alliance Police Department and obtained a insurance decal for the current year. The Alliance Police Department will issue a decal for the current year that must be affixed to the all-terrain vehicle in a conspicuous place. The City will charge a fee of twenty-five (\$25.00) dollars for the issuance of the permit.

### 3-323. ALL-TERRAIN VEHICLE, OPERATION WITHOUT COMPLYING.

All-terrain vehicles may be operated without complying with Sections 3-315 (Hours), 3-316 (Speed), 3-318 (Equipment Required), 3-321 (Persons Authorized), and 3-322 (Insurance Required) of this Article, 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.

3-324. ALL-TERRAIN VEHICLE, OPERATION NOT PERMITTED.

An all-terrain 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.

An all-terrain vehicle shall not be operated on the following streets in the City of Alliance, Box Butte Avenue between 1<sup>st</sup> Street to 16<sup>th</sup> Street, and 3<sup>rd</sup> Street. Provided that the crossing of these streets and avenues shall be permitted by an all-terrain vehicle if:

- (a) The crossing is made at an angle of approximately ninety degrees to the direction of the street or avenue 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 avenue;
- (c) The operator yields the right-of-way to all oncoming traffic that constitutes an immediate potential hazard;
- (d) The crossing is made only at an intersection of such street or avenue with another street or avenue; and
- (e) Both the headlight and taillight of the vehicle are on when the crossing is made.

3-325. ALL-TERRAIN VEHICLE, CROSSING OF A HIGHWAY.

Subject to Section 3-324 (Operation Not Permitted) the crossing of a highway shall be permitted by an all-terrain vehicle without complying with Sections 3-315 (Hours), 3-316 (Speed), 3-318 (Equipment Required), 3-321 (Persons Authorized), and 3-322 (Insurance Required) of this Article only if:

- (a) The crossing is made at an angle of approximately ninety degrees to the direction of the 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 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.

3-326. ALL-TERRAIN VEHICLE.

All-terrain vehicles may be operated outside the corporate limits of any municipality by electric utility personnel within the course of their employment in accordance with the operation requirements of Sections 3-315 (Hours), 3-316 (Speed), and 3-318 (Equipment Required) of this

section, except that the operation of the vehicle pursuant to this subsection need not be limited to the hours between sunrise and sunset.

3-327. ALL-TERRAIN VEHICLE, ACCIDENT, REPORT REQUIRED.

If an accident results in the death of any person or in the injury of any person which requires the treatment of the person 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. §60-699.

3-328. ALL-TERRAIN VEHICLE, VIOLATIONS, PENALTY.

- (1) Any person who violates sections 3-313 to 3-327 shall be guilty of a misdemeanor and shall be subject to the penal provisions of 12-101.
- (2) Any violation of any other provision of the Alliance Municipal Code or the State of Nebraska Rules of the Road under Nebraska Revised Statutes in Chapter 60 may be punished under the penalty provisions of such chapter.

SECTION 5. That current applicable City Codes of the City of Alliance, Nebraska, and all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 6. This ordinance shall be in full force and effect June 1, 2008.

PASSED AND APPROVED this 15<sup>th</sup> day of May, 2008.

(SEAL)

/s/ Dan Kusek, Mayor

Attest: /s/ Linda S. Jines, City Clerk

Approved as to Form and Legality:

/s/ Larry Miller, City Attorney