

Ordinance No. 793

AN ORDINANCE OF THE VILLAGE OF HEMINGFORD, NEBRASKA, RELATING TO ALL-TERRAIN VEHICLES, UTILITY-TYPE VEHICLES, AND GOLF CAR VEHICLES; TO ALLOW THE OPERATION OF ALL-TERRAIN VEHICLES, UTILITY-TYPE VEHICLES AND GOLF CAR VEHICLES WITHIN THE CORPORATE LIMITS UNDER CERTAIN CIRCUMSTANCES; TO IMPOSE RESTRICTIONS ON THE USE OF ALL-TERRAIN VEHICLES, UTILITY-TYPE VEHICLES, AND GOLF CAR VEHICLES; TO ESTABLISH PENALTIES FOR VIOLATION; REPEALING ANY ORDINANCES OR OTHER PROVISIONS IN CONFLICT THEREWITH, DIRECTING THE PUBLICATION OF THIS ORDINANCE AND PRESCRIBING THE TIME WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT.

BE IT ORDAINED BY THE CHAIRMAN AND TRUSTEES OF THE VILLAGE OF HEMINGFORD, BOX BUTTE COUNTY, NEBRASKA:

Section 1: All-Terrain Vehicles, Utility-Type Vehicles, and Golf Car Vehicles

(1) For purposes of this entire section:

- a. All-terrain vehicle means 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. 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.
Road means a public way for the purposes of vehicular travel, including the entire area within the right of way.
(Neb. Rev. Stat. §60-624)
(Neb. Rev. Stat. §60-6,381)
- c. (i) Utility-type vehicle means 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.

(ii) Utility-type vehicle does not include all-terrain vehicles, golf carts, or low-speed vehicles.
(Neb. Rev. Stat. §60-6,355)

- d. Golf car vehicle means 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)

(2) All-Terrain Vehicles and Utility-Type Vehicles

- a. An all-terrain vehicle and a utility-type 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.
- b. An all-terrain vehicle, 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 the posted speed limit or thirty miles per hour, whichever is less.
- c. Any person operating an all-terrain vehicle or utility-type vehicle shall have:
 - i. A valid Class O operator's license, or a farm permit as provided in Neb. Rev. Stat. §60-5,126; and
 - ii. Liability insurance coverage for the all-terrain vehicle or utility-type vehicle while operating the all-terrain vehicle or a utility-type vehicle on a highway. The person operating the all-terrain vehicle or utility-type vehicle shall provide proof of such insurance coverage to any peace officer requesting such proof within five days of such request.
- d. Any person operating an all-terrain vehicle or a utility-type vehicle must have the headlight and taillight of the vehicle 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 thirty square inches and shall be day-glow in color.
- e. All-terrain vehicles and utility-type vehicles may be operated without complying with subsections (c) and (d) on highways in parades which have been authorized by the State of Nebraska or any department, board, commission, or political subdivision of the state.
- f. The crossing of a highway other than a controlled-access highway with more than two marked traffic lanes shall be permitted by an all-terrain vehicle or a utility-type vehicle without complying with subsection (b) of this section only if:

- i. 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;
- ii. The vehicle is brought to a complete stop before crossing the shoulder or roadway of the highway;
- iii. The operator yields the right-of-way to all oncoming traffic that constitutes an immediate potential hazard;
- iv. In crossing a divided highway, the crossing is made only at an intersection of such highway with another highway; and
- v. Both the headlight and taillight of the vehicle are on when the crossing is made.

(Neb. Rev. Stat. §60-6,356)

(3) Golf Car Vehicles

- a. A golf car vehicle may be operated on streets within the corporate limits of the village if the operation is between sunrise and sunsets and on streets with a posted speed limit of thirty-five miles per hour or less. When operating a golf car vehicle the operator shall not operate such vehicle at a speed in excess of twenty miles per hour. A golf car vehicle shall not be operated at any time on any state or federal highway but may be operated upon such highway in order to cross a portion of the highway system which intersects a street as directed in subsection (b) of this section.
- b. Any person operating a golf car vehicle as authorized under this subsection shall have:
 - i. A valid Class O operator's license;
 - ii. 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 days after such request. The liability insurance coverage shall be subject to limits, exclusive of interest and costs as follows: Twenty-five thousand dollars because of bodily injury to or death of one person in any one accident and, subject to such limit for one person, fifty thousand dollars because of bodily injury to or death of two or more persons in any one accident, and twenty-five thousand dollars because of injury to or destruction of property of others in any one accident.
- c. The crossing of highway shall be permitted by a golf car vehicle only if:

- i. 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.
- ii. The golf car vehicle is brought to a complete stop before crossing the shoulder or roadway of the highway;
- iii. The operator yields the right of way to all oncoming traffic that constitutes an immediate potential hazard; and
- iv. In crossing a divided highway, the crossing is made only at an intersection of such highway with a street or road, as applicable.

(Neb. Rev. Stat. §60-6,381)

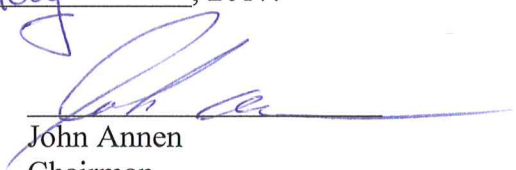
Section 2: Any person who violates Section 1 of this ordinance shall be punished as provided in §10.99 of this Code.

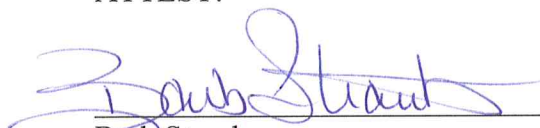
Section 3: Any other ordinance or section passed and approved prior to passage, approval, and publication of this ordinance and in conflict with its provisions is repealed.

Section 4: This ordinance shall take effect and be in full force from and after its passage, approval, and publication as required by law.

PASSED AND APPROVED THIS 16 DAY OF May, 2017.

ATTEST:


John Annen
Chairman


Barb Straub
Village Clerk