

ORDINANCE 660

AN ORDINANCE OF THE VILLAGE OF PENDER, NEBRASKA, TO AMEND VILLAGE ORDINANCE 5-227 TO AUTHORIZE THE OPERATION OF ALL-TERRAIN VEHICLES OR UTILITY-TYPE VEHICLES WITHIN THE CORPORATE LIMITS OF PENDER, NEBRASKA; SETTING FORTH OPERATION REQUIREMENTS; DEFINITIONS; ESTABLISHING THE PENALTY FOR VIOLATION AND STATING EXCEPTIONS FOR PARADES; CREATING A REGISTRATION FEE AND ESTABLISHING A MINIMUM SEAT HEIGHT FOR ALL-TERRAIN VEHICLES OR UTILITY-TYPE VEHICLES TO BE OPERATED ON MUNICIPAL STREETS; REPEALING ORDINANCES IN CONFLICT AND ESTABLISHING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CHAIRMAN AND BOARD OF TRUSTEES OF THE VILLAGE OF PENDER, NEBRASKA:

SECTION 1: Section §5-227 of the Municipal Code of Pender, Nebraska, shall be amended to read as follows:

§5-227: ALL-TERRAIN VEHICLE; UTILITY-TYPE VEHICLE; OPERATION; RESTRICTIONS; PENALTIES; EXCEPTIONS.

(A) An all-terrain vehicle or a utility-type vehicle may be operated in accordance with this ordinance within the corporate limits of Pender, Nebraska, between the hours of sunrise and sunset, subject to the restrictions herein on a highway other than a controlled-access highway with more than two marked traffic lanes.

(B) Definitions. (1) 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 non-highway 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. (2) Utility-type vehicle means any motorized off-highway vehicle which (i) is seventy-four inches in width or less, (ii) is not more than one hundred eighty inches, including bumper, in length, (iii) has a dry weight of two thousand pounds or less; and (iv) travels on four or more non-highway tires.

(C) Any person operating an all-terrain vehicle or utility-type vehicle in accordance with this ordinance shall have a valid class O operator's license or a farm permit as provided in § 60-4,126, shall have liability insurance for said vehicle while operating it on municipal streets/highways. Upon the request of any police officer the operator of said vehicle shall provide proof of insurance within five (5) days of said request. Said vehicle shall only be operated with the headlight and taillight on and with a triangular day-glow colored bicycle safety flag which is at least 30 square inches that extends at least five (5) feet above the ground attached to the rear of the vehicle. Said vehicle shall have a minimum seat height of 26 inches.

(D) Any owner of an all-terrain vehicle or utility-type vehicle housed and operated within municipal limits in accordance with this ordinance shall register said vehicle with the Village clerk annually in January for each calendar year. There will be an initial fee of \$35 and an annual fee of \$10 thereafter. Applicants will be required to show proof of

insurance and proof of qualifying seat height of the vehicle in order to register said vehicle.

(E) 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 (c) of this section only if: (1) 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 good and safe crossing; (2) The vehicle is brought to a complete stop before crossing the shoulder or roadway of the highway; (3) The operation yields the right-of-way to all oncoming traffic that constitutes an immediate potential hazard; (4) In crossing a divided highway, the crossing is made only at an intersection of such highway with another highway; and (5) Both the headlight and taillight of the vehicle are on when the crossing is made.

(F) If an individual operates an all-terrain vehicle or utility-type vehicle in violation of this ordinance, the penalty shall be that set forth in §5-601.

(G) All-terrain vehicles and utility-type vehicles may be operated without complying with section (C) of this ordinance in parades which have been authorized by the State of Nebraska, or any department, board, commission or political subdivision of the state.

(H) 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 an all-terrain vehicle or utility-type vehicle involved in the accident shall give notice of the accident in the same manner as provided in Neb. Rev. Stat. §60-699.

(I) Every All-terrain Vehicle and utility-type vehicle as defined by the Statutes of Nebraska or the Pender Municipal Code, which are operated within the jurisdiction of the Village of Pender are hereby declared to be a motor vehicle and subject to all of the motor vehicle Rules of the Road and traffic laws as defined in either the Nebraska State Statutes or the Pender Municipal Code.

SECTION 2: That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 3: That this ordinance shall be in full force and in effect from and after its passage, approval and publication according to law.

PASSED AND APPROVED THIS 24th **DAY OF** May, **2021.**

VILLAGE OF PENDER

By: 

William Newton, Vice-Chairman
Board of Trustees

ATTEST:


Holly Kinning, Village Clerk