

§5-901 ALL-TERRAIN VEHICLES; DEFINITION:

As used in this Article, unless the context otherwise requires, all-terrain vehicle means any motorized off-highway vehicle which (1) is 50 inches or less in width, (2) has a dry weight of 900 pounds or less, (3) travels on three 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 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. (Neb. RS 60-6,355)(Ord. No. 1619, 09/21/04)

§5-902 ALL-TERRAIN VEHICLES; OPERATION. (1) Except as provided in subsections (2) through (4) of this section, an all-terrain vehicle shall not be operated on any street, road, or highway within the Municipality. The crossing of any controlled-access highway shall not be permitted.

(2) The crossing of a street, road, or highway shall be permitted only if:

(a) The crossing is made at an angle of approximately ninety (90) degrees to the direction of the street, road, 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, road, 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 street, road, or highway, the crossing is made only at an intersection of such street, road, or highway with another street, road, or highway; and

(e) Both the headlight and taillight of the vehicle are on when the crossing is made.

(3) An all-terrain vehicle may be operated on a street, road, or highway when such operation occurs only between the hours of sunrise and sunset and such operation is incidental to the vehicle's use for agricultural purposes. Any person operating an all-terrain vehicle on a street, road, or highway shall have a valid Class 0 operator's license or a farm permit as provided in section 60-4-126 RS Neb., and shall not operate such vehicle at a speed in excess of thirty (30) miles per hour. When operated on a street, road, or highway, the headlight and tail light of the vehicle shall be on and the vehicle shall be

equipped with a bicycle safety flag which extends not less than five feet (5') above the 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) All-terrain vehicles may be operated on streets, roads, or highways in parades which have been authorized by the State of Nebraska or the Municipality. (Ref. 60-6,356 RS Neb.)

§5-903 ALL-TERRAIN VEHICLES; HEADLIGHTS. Every all-terrain vehicle shall display a lighted headlight and tail light during the period of time from one-half (1/2) hour after sunset to one-half (1/2) hour before sunrise and at any time when visibility is reduced due to insufficient light or unfavorable atmospheric conditions. (Ref. 60-2803 RS Neb.)

§5-904 ALL-TERRAIN VEHICLES; EQUIPMENT, REQUIREMENT. Every all-terrain vehicle shall 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.

(Ref. 60-2804 RS Neb.)

§5-905 ALL-TERRAIN VEHICLES; PROHIBITIONS.

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. (Ref. 60-2805 RS Neb.)

§5-906 ALL-TERRAIN VEHICLES; COMPETITION. All-terrain vehicles participating in competitive events may be exempted from Sections 5-903 to 5-905 of this Article at the discretion of the Director of Motor Vehicles. (Ref. 60-2806 RS Neb.)

§5-907 ALL-TERRAIN VEHICLES; ACCIDENT REPORT. 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 Section 60-505. (Ref. 60-2807 RS Neb.)

§5-908

Article 9. All-Terrain Vehicles

§5-909

§5-908 ALL-TERRAIN VEHICLES; PENALTY. Any violations of Sections 5-902 to 5-907 of this Article which is also a violation under Chapter 39 or Chapter 60 of RS Neb. may be punished under the penalty provisions of such Chapter. (*Ref. 60-2808 RS Neb.*)

§5-909 ALL-TERRAIN VEHICLES; ENFORCEMENT. Any peace officer of the State or of any political subdivision, including conservation officers of the Game and Parks Commission shall be charged with the enforcement of the provisions of Sections 5-902 to 5-907 of this Article.