

ORDINANCE NO. 866

AN ORDINANCE AMENDING CHAPTER FIVE, ARTICLE FIVE OF THE VILLAGE OF SHELTON, BUFFALO COUNTY, NEBRASKA, PERTAINING TO ALL-TERRAIN VEHICLES, UTILITY VEHICLES AND GOLF CARTS; TO REPEAL THE EXISTING ARTICLE FIVE OF SAID CHAPTER FIVE; TO PROVIDE AND EFFECTIVE DATE.

BE IT ORDAINED BY THE CHAIRPERSON AND BOARD OF TRUSTEES OF THE VILLAGE OF SHELTON, BUFFALO COUNTY, NEBRASKA AS FOLLOWS:

Sec. 1. Article Five (5) of Chapter Five (5) of the Village Code of the Village of Shelton, Buffalo County, Nebraska, is hereby amended to read as follows:

“Article 5. Off-road Vehicle

§5-501 ALL-TERRAIN VEHICLES, DEFINED; UTILITY TYPE VEHICLES, DEFINED; GOLF CAR, DEFINED. (A) As used in this Article, unless the context otherwise requires, all-terrain vehicle shall mean any motorized off-highway vehicle which (1) is fifty (50") inches or less in width, (2) has a dry weight of twelve hundred (1200) 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 passenger.

(B) (i) Utility-type vehicle means any motorized off-highway vehicle which (1) is seventy-four inches in width or less, (2) is not more than one hundred eighty inches, including the bumper, in length, (3) 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 cart vehicles, or low-speed vehicles.

(C) Golf cart 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.
R.R.S. Neb. § 60-501

All-terrain vehicles and utility-type vehicles which have been modified or retrofitted with after-market parts to include additional equipment not required by [sections 60-6,357](#) R.R. S. Neb., and [60-6,358](#) R.R.S. Neb. shall not be registered

under the Motor Vehicle Registration Act, nor shall such modified or retrofitted vehicles be eligible for registration in any other category of vehicle defined in the act. 355 (Ref. 60-6,355 RS Neb.; 60-501 RS Neb.)

§5-502 OFF-ROAD VEHICLES; OPERATION and EQUIPMENT:

1. ATVs and UTVs may be operated upon the Village streets and highways within the corporate limits of the Village only if the operator and vehicle are in compliance with the following provisions in addition to the Nebraska Rules of the Road and Municipal Codes:
 - a. ATVs and UTVs must be registered with the Village Clerk as herein provided, unless said vehicle is owned by the Village.
 - b. ATVs and UTVs may be operated only between the hours of sunrise and sunset and shall not be operated at a speed faster than twenty-five (25) miles per hour or the posted speed limit, whichever is less. When in operation the headlights and tail lights of the vehicle shall be on, and the vehicle shall be equipped with a safety flag which extends no less than five (5) feet above the ground when attached to the rear of such vehicle. The flag shall be day-glow in color, triangular in shape, and of a size with an area of not less than thirty (30) square inches.
2. Golf carts may be operated upon the Village streets and highways within the corporate limits of the Village only if the operator and vehicle are in compliance with the following provisions in addition to the Nebraska Rules of the Road and Municipal Codes:
 - a. Golf Carts must be registered with the Village Clerk as provided in this article, unless the same is owned by the Village.
 - b. Golf carts may be operated only between the hours of sunrise and sunset and shall not be operated at a speed faster than twenty-five (25) miles per hours or the posted speed limit, which ever is less. When in operation, the headlights and taillights of the vehicle shall be on, and the vehicle shall be equipped with a safety flag which shall extend no less than five (5) feet above the ground when attached to the rear of such vehicle. The flag shall be day-glow in color, triangular in shape, and of a size of not less than thirty (30) square inched.
3. Any person operating ATVs, UTVs and/or golf carts as authorized by this Article shall:
 - a. Be at least 21 years of age;
 - b. Have a valid Class O operator's license;
 - c. Have liability insurance coverage for the vehicle in question
 - d. while in operation upon a street or highway and provide proof

of said insurance coverage upon the demand of any law enforcement officer; such insurance shall comply with the coverage limits established by Sec. 60-509 R.R.S., as amended.

- e. If operating or riding on an ATV or UTV, wear a helmet as established for motorcycle use in accordance with Sec. 60-6,279 R.R.S. as amended.
- f. If operating or riding on a ATV, UTV or golf cart, utilize manufacturer installed seat belts, if any.

§5-503 CONTROLLED -ACCESS HIGHWAYS AND OFF-LIMIT STREETS

ATVs, UTVs and golf carts 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 unless engaged by the Village for municipal government purposes. Likewise such off-road vehicles shall not be operated anywhere upon Highway 30 or Highway 10D which may be within the corporate limits of the Village.

§5-504 CROSSING HIGHWAYS

For the purpose of this Article, the crossing of Highway 30 shall be permitted only if:

1. The crossing is made at an angle of approximately ninety (90) degrees perpendicular to the direction of travel made on such highway and at either the intersection of said Highway 30 and Coady Street or “C” Street.
2. The vehicle is brought to a complete stop before crossing the shoulder or roadway of said highway.
3. The operator yields the right of way to all traffic which constitutes an immediate or potential hazard.
4. Both headlights and taillights shall be on which the crossing is made.

§5-505 OFF-ROAD VEHICLES; EQUIPMENT, REQUIREMENT.

Every off-road vehicles 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. 60-6,358 RS Neb.)

§5-506 OFF-ROAD VEHICLES; PROHIBITIONS. No person shall:

1. Equip the exhaust system of an off-road vehicle with a cutout, bypass, or similar device;

2. Operate an off-road vehicle with an exhaust system so modified; or
3. Operate an off-road vehicle with the spark arrester removed or modified except for use in closed-course competition events.

(Ref. 60-5,359 RS Neb.)

§5-507 OFF-ROAD VEHICLES; COMPETITION. Off-road vehicles participating in competitive events may be exempted from sections 5-503 to 5-504 of this Article at the discretion of the Director of Motor Vehicles. *(Ref. 60-6,360 RS Neb.)*

§5-508 OFF-ROAD 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 off-road vehicle involved in the accident shall give notice of the accident in the same manner as provided in section 60-505. *(Ref. 60-6,361 RS Neb.)*

§5-509 OFF-ROAD VEHICLES; INSURANCE AND INSPECTION. All off-road vehicles to be used within the corporate limits of the Village shall be inspected by an officer of the Village Police Department to include submission of proof of insurance prior to final registration.

§5-510 OFF-ROAD VEHICLES; REGISTRATION All off-road vehicles prior to operation upon the public right-of-ways of the Village of Shelton shall be required to have a permit issued annually from date of first registration by the Village following inspection as required herein. The cost of such permit shall be set by the Village Board by Resolution.

Only ATVs, UTVs and golf carts registered pursuant to this Article, or owned by the Village, shall be authorized for operation on the streets and highways within the corporate limits of the Village. A registration sticker shall be issued by the Village upon the owner submitting the following:

- 1 A completed Application for Registration, including a sworn acknowledgment that the ATV, UTV or golf cart is in compliance with the equipment requirements set forth in this Article.
- 2 Proof of liability insurance for the vehicle specifically listing the referenced vehicle by serial number, year, make and model.

§5-511 OFF-ROAD VEHICLES; PENALTY. Any violation of sections 5-502 to 5-508 of this Article which is also a violation under Chapter 39 or Chapter 40 of RS Neb. may be punished under the penalty provisions of such Chapter. *(Ref. 60-6,362 RS Neb.)* In addition thereto a fine may be levied of not less than \$100

nor more than \$300 per violation. Pending conviction the privileges associated with this Article may be suspended at the recommendation of law enforcement and upon conviction such suspension may extend for a period of one year from the date of the incident. At the discretion of Chief of Police of the Village of Shelton, repeated offenses may result in the impoundment of any vehicle pending conviction of any and all existing violations of this Article.

§5-512 **OFF-ROAD 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 5-502 to 5-507 of this Article.”

Sec 2. Repeal of Article 5, Chapter 5. The Provisions of Article 5, Chapter 5, of the Village Code of the Village of Shelton, previously existing and in conflict herewith are here by repealed.

Sec. 3. Effective date. This ordinance shall take effect from and after its passage and publication as provided by law.

Village of Shelton,

William C. Roe, Chairman

Attest:

Bonnie Doremus, Village Clerk