

CITY OF WEST POINT, NEBRASKA

ORDINANCE NO. 1345

AN ORDINANCE OF THE CITY OF WEST POINT, NEBRASKA AMENDING SECTIONS 3-411 TO 3-418 OF ARTICLE IV OF CHAPTER III OF THE MUNICIPAL CODE OF THE CITY OF WEST POINT, NEBRASKA, RELATING TO ALL-TERRAIN VEHICLES; TO ALLOW FOR THE OPERATION OF ALL-TERRAIN VEHICLES WITHIN THE CORPORATE LIMITS UNDER CERTAIN CIRCUMSTANCES; TO IMPOSE RESTRICTIONS ON THE USE OF ALL-TERRAIN VEHICLES; REPEALING SAID SECTIONS 3-411 TO 3-418 OF ARTICLE IV OF CHAPTER III AND ALL ORDINANCES IN CONFLICT WITH THIS ORDINANCE; AND PRESCRIBING THE TIME WHEN THIS ORDINANCE SHALL BE IN FORCE AND TAKE EFFECT.

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

Section 1. Sections 3-411 to 3-418 of Article IV of Chapter III of the Municipal Code of the City of West Point, Nebraska are hereby amended to read as follows:

**CHAPTER III
ARTICLE IV – BICYCLES, MOTORCYCLES, SNOWMOBILES, ALL-TERRAIN
VEHICLES, MINIBIKES AND UTILITY TYPE VEHICLES**

SECTION 3-411: ALL-TERRAIN VEHICLES; DEFINED

As used in this article, unless the context otherwise requires, “all-terrain vehicle” shall mean any motorized off-highway vehicle which:

1. Is fifty inches or less in width,
2. Has a dry weight of nine hundred pounds or less,
3. Travels on four or more low-pressure tires,
4. Is designed for operator use only and no passengers.
5. Has a seat or saddle designed to be straddled by the operator,
6. Has a handlebar or any other steering assembly for steering control,
7. An all-terrain vehicle does not include golf carts, low-speed vehicles, go-carts, riding lawn mowers and garden tractors.

SECTION 3-412: ALL-TERRAIN VEHICLES; REQUIREMENTS

1. An all-terrain type vehicle shall not be considered a motor vehicle for purposes of requiring a State motor vehicle registration of the same, except any individual or entity who desires to operate an all-terrain vehicle on city streets shall make a written request to the West Point Police Department for a permit allowing for such use and shall display the identification tag issued by the West Point Police Department on the all-terrain vehicle.
2. The fee for such permit shall be set by resolution and payable annually, renewing during the month of April.

3. An identifying sticker shall be provided by the West Point Police after payment of the fee and shall be displayed prominently on the all-terrain vehicle as proof of this permit.
4. The identifying sticker can only be obtained at the West Point Police Department after an annual inspection of the vehicle and the owner's proof of insurance is reviewed by the West Point Police Department
5. This permit must be acquired by every all-terrain vehicles operated on West Point City streets, regardless of the jurisdiction in which the owner resides, be it in Cuming County or another jurisdiction.
6. Every all-terrain vehicle shall have a certificate of title.
7. An all-terrain vehicle shall not be operated on State Highway 275 (being Lincoln Street) or Highway 32 East and West (being West Grove Street and the 100 Block of East Grove Street). Crossing any of the previous highways or street may be made only at intersections and only at a ninety degree angle. Both the headlight and taillight of the vehicle shall be on when the crossing is made.
8. All-terrain vehicles shall not be operated in any of the City of West Point parks.
9. Every all-terrain vehicle shall display a lighted headlight and lighted taillight and brake lights during operation.

SECTION 3-413: ALL-TERRAIN VEHICLES; EQUIPMENT

Every all-terrain vehicle shall be equipped with:

- (a) A brake system maintained in good operating condition;
- (b) An adequate muffler system in good working condition;
- (c) A United States Forest Service qualified spark arrestor;
- (d) A bicycle safety flag which extends not less than five feet above the ground attached to the rear of the all-terrain vehicle. The bicycle safety flag shall be triangular shape with an area of not less than 30 square inches and shall be day-glow in color.

SECTION 3-414: ALL-TERRAIN VEHICLES; OPERATION

1. All-terrain vehicles may be operated on City streets between the hours of sunrise and sunset. Any person operating an all-terrain vehicle shall have liability insurance coverage for the all-terrain vehicle while operating said vehicle within the City of West Point, Nebraska. Such liability insurance shall be issued by an insurance company authorized to do business in the State of Nebraska and shall be within the limits stated in Neb. Rev. Stat. 60-509, as amended from time to time. If not in possession of such coverage when stopped by law enforcement, the person operating the all-terrain vehicle shall provide proof of insurance coverage within five days of such stop establishing that insurance was in effect when the law enforcement stop occurred.
2. Except as otherwise specifically stated above, the operation of an all-terrain vehicle shall be subject to all of the statutory requirements of any motor vehicle in the State of Nebraska; specifically including those statutes dealing with the rules

of the road, child restraint systems and the operation of a motor vehicle by any person impaired by alcohol or drugs. Any violations could result in revocation of the right to operate the all-terrain vehicle.

3. The operator of the all-terrain vehicle shall not exceed 30 M.P.H. or less where posted speed limits are less.
4. The driver of any all-terrain vehicle shall have in full force and effect a Class O operator license or a farm permit as provided in Neb. Rev. Stat. 60-4126, and be 21 years of age.
5. All persons on an all-terrain vehicle shall wear a helmet.

SECTION 3-415: ALL-TERRAIN VEHICLES; TRAILERS

If a trailer is pulled behind the all-terrain vehicle, the trailer shall display a working taillight and brake lights during operation. An all-terrain trailer, when being towed upon a city street, shall be securely connected to the towing vehicle by means of two safety chains or safety cables in addition to the hitch or other primary connecting device. Such safety chains or safety cables shall be so attached and shall be of sufficient breaking load strength so as to prevent any portion of such trailer drawbar from touching the roadway if the hitch or other primary connecting device becomes disengaged from the towing vehicle (Neb. Rev. Stat. 60-6,246).

SECTION 3-416: ALL-TERRAIN VEHICLES; ACCIDENT REPORT

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

(Ref. Neb. Rev. Stat. 60-6,361)

SECTION 3-417: ALL-TERRAIN VEHICLES; PENALTY

Any violation of Section 3-411 through 3-416 of this article which is also a violation under Chapter 39 or Chapter 60 of the Revised Statutes of Nebraska may be punished under the penalty provisions of such Chapter.

(Ref. Neb. Rev. Stat. Sec. 60-6,362).

SECTION 3-418: ALL-TERRAIN VEHICLES; ENFORCEMENT

Any law enforcement 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 3-411 to 3-417 of this article.

Section 2. Existing Sections 3-411 to 3-418 of Article IV of Chapter III of the Municipal Code and all ordinances and parts of ordinances passed and approved prior to the passage and approval of this ordinance and in conflict herewith are hereby repealed.

Section 3. This ordinance shall take effect and be in full force from and after its passage, approval and publication as provided by law.

Passed and approved this 4th day of December, 2012.