

CITY OF WEST POINT, NEBRASKA

ORDINANCE NO. 1344

AN ORDINANCE OF THE CITY OF WEST POINT, NEBRASKA, AMENDING THE MUNICIPAL CODE OF THE CITY OF WEST POINT, NEBRASKA, BY ADDING PROVISIONS TO ALLOW FOR THE OPERATION OF UTILITY TYPE VEHICLES WITHIN THE CORPORATE LIMITS UNDER CERTAIN CIRCUMSTANCES; TO IMPOSE RESTRICTIONS ON THE USE OF UTILITY TYPE VEHICLES; REPEALING 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. That Sections 3-423 to 3-430 of Article IV of Chapter III of the Municipal Code of the City of West Point, Nebraska be added to read as follows:

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

SECTION 3-423: UTILITY TYPE VEHICLES; DEFINED

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

1. Is not less than 48 inches nor more than 74 inches in width;
2. Has a dry weight of not less than 900 pounds nor more than 2,000 pounds;
3. Travels on four or more low-pressure tires
4. Is not more than 135 inches, including the bumper, in length;
5. Is equipped with a steering wheel and a bench or bucket type seating designed for at least two persons to sit side-by-side;
6. A utility type vehicle does not include golf carts, low-speed vehicles, go-carts, riding lawn mowers and garden tractors;

SECTION 3-424: UTILITY TYPE VEHICLES; REQUIREMENTS

1. A utility 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 a utility type 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 utility type 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 utility type vehicle as proof of this permit.
4. The identifying sticker can only be obtained at the West Point Police Department after 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 all utility type 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. All utility type vehicles shall have a certificate of title.
7. A utility type vehicle shall not be operated on State Highway 275 (being Lincoln Street) or State Highway 32 East and 32 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 utility type vehicle shall be on when the crossing is made.
8. Utility type vehicles shall not be operated in any of the City of West Point parks.
9. Every utility type vehicle shall display a lighted headlight and taillight and brake lights during operation.

SECTION 4-325: UTILITY TYPE VEHICLES; EQUIPMENT

Every utility type 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 roll bar designed by the manufacturer to prevent injuries in the event of a rollover.
- (e) A bicycle safety flag which extends not less than five feet above the ground attached to the rear of the utility type 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.
- (f) Every person in a utility type vehicle during operation shall be in a permanent and regular seat which includes an occupant protection system which utilizes a lap belt, a shoulder belt or any combination of belts which restrain driver and passengers and which conforms to federal motor vehicle safety standard for passenger restraints systems applicable for the utility type vehicles model and year and which shall be in use by all occupants at all times.

SECTION 3-426: UTILITY TYPE VEHICLES; OPERATION

1. Utility type vehicles may be operated on City streets between the hours of sunrise and sunset. Any person operating a utility type vehicle shall have liability insurance coverage for the utility type vehicle while operating said vehi-

cle in 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 utility type 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 a utility type 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 utility type vehicle.
3. The operator of the utility type vehicle shall not exceed 30 M.P.H. or less where posted speed limits are less.
4. The driver of any utility type vehicle shall have in full force and effect a Class O operator license or a farm permit as provided in Neb. Rev. Stat. 60-4,126 and be 21 years of age.
5. All passengers shall be 13 years of age or older

SECTION 3-427: UTILITY VEHICLES; TRAILERS

If a trailer is pulled behind the utility type vehicle, the trailer shall display a working tail-light and brake lights during operation. A utility type 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 (Ref. Neb. Rev. Stat. 60-6,246).

SECTION 3-428: UTILITY TYPE 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 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.
(Ref. Neb. Rev. Stat. 60-6,361)

SECTION 3-429: UTILITY TYPE VEHICLES; PENALTY

Any violation of Section 3-423 through 3-428 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 3-430: UTILITY TYPE 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 3-423 to 3-429 of this article.

Section 2. 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.