

## ORDINANCE NO. 2153

**AN ORDINANCE OF THE CITY OF CRETE, NEBRASKA RELATING TO TRAFFIC AND MOTOR VEHICLES; TO AMEND SECTIONS 5-901 TO 5-909 OF THE CRETE MUNICIPAL CODE; TO AUTHORIZE THE USE OF UTILITY-TYPE VEHICLES ON STREETS, ROADS, AND HIGHWAYS WITHIN THE CITY; TO SPECIFY THE EQUIPMENT REQUIRED; AND TO PROVIDE FOR CITY INSPECTION AND REGISTRATION.**

**BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CRETE, NEBRASKA:**

**Section 1.** That Chapter 5, Article 9, Section 5-901 of the Crete Municipal Code shall be amended to read as follows:

**5-901 All-terrain vehicles and utility-type vehicles; ~~all-terrain vehicle defined~~ definitions.**

~~As used in~~ For the purposes of this Article, unless the context otherwise requires, the following definitions shall apply:

- (1) All-terrain vehicle means any motorized off-highway vehicle which:
  - (a) is fifty inches or less in width;
  - (b) has a dry weight of nine hundred pounds or less;
  - (c) travels on three or more ~~low-pressure nonhighway~~ nonhighway tires;
  - (d) is designed for operator use only with no passengers or is specifically designed by the original manufacturer for the operator and one passenger;
  - (e) has a seat or saddle designed to be straddled by the operator; and
  - (f) has handlebars or any other steering assembly for steering control.
- (2) Utility-type vehicle means any motorized off-highway vehicle, except all-terrain vehicles, golf car vehicles, or low-speed vehicles, which:
  - (a) is seventy-four inches in width or less;
  - (b) is not more than one hundred eighty inches, including the bumper, in length;
  - (c) has a dry weight of two thousand pounds or less; and
  - (d) travels on four or more nonhighway tires.

**Section 2.** That Chapter 5, Article 9, Section 5-902 of the Crete Municipal Code shall be amended to read as follows:

**5-902 All-terrain vehicles and utility-type vehicles; operation; restrictions.**

- (1) An all-terrain or a utility-type vehicle shall not be operated on any controlled-access highway with more than two marked traffic lanes. The crossing of any controlled-access highway with more than two marked traffic lanes shall not be permitted except as provided in Section 5-903.
- (2) ~~Except as provided in subsections (2) through (4) of this section,~~ An all-terrain vehicle or a utility-type vehicle shall not be operated on any street, road, or highway within the Municipality corporate limits

or extraterritorial jurisdiction of the City except as provided in subsections (3) through (7) of this section. The crossing of any controlled access highway shall not be permitted.

- ~~(3) The crossing of a street, road, or highway shall be permitted only if:~~
- ~~(a) The crossing is made at an angle of approximately ninety 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 within the corporate limits or extraterritorial jurisdiction of the City when (a) the vehicle is equipped with all of the parts and equipment required by Section 5-904, (b) such operation occurs only between the hours of sunrise and sunset, and (c) 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 O operator's license or a farm permit as provided in Neb. Rev. Stat. 60-4,126 and shall not operate such vehicle at a speed in excess of thirty 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 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 square inches and shall be day glow in color.
- (4) A utility-type vehicle may be operated on a street, road, or highway within the corporate limits of the City when (a) the vehicle is equipped with all of the parts and equipment required by Section 5-904, (b) the vehicle has a valid city registration; and (c) such operation occurs only between the hours of sunrise and sunset.
- (5) A utility-type vehicle may be operated on a street, road, or highway outside the corporate limits but within the extraterritorial jurisdiction of the City when (a) the vehicle is equipped with all of the parts and equipment required by Section 5-904, (b) such operation occurs only between the hours of sunrise and sunset; and (c) such operation is incidental to the vehicle's use for agricultural purposes.
- (6) Any person operating an all-terrain vehicle or a utility-type vehicle shall have a valid Class O operator's license and liability insurance coverage within the limits provided in Neb. Rev. Stat. § 60-509. All-terrain vehicles or utility-type vehicles shall not be operated at a speed in excess of thirty miles per hour or the posted speed limit, whichever is less. When in operation, the headlights and taillights of the vehicle shall be on and the vehicle shall be equipped with a bicycle safety flag that extends not less than five feet above 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 square inches and shall be day-glow in color.
- (7) All-terrain vehicles and utility-type vehicles may be operated without complying with subsections (3) through (6) of this section on streets, roads, or highways in parades which have been authorized by the State of Nebraska or the Municipality City.

**Section 3.** That Chapter 5, Article 9, Section 5-903 of the Crete Municipal Code shall be amended to read as follows:

**5-903 All-terrain vehicles and utility-type vehicles; ~~lights required; when crossing controlled-access highways.~~**

~~Every all-terrain vehicle shall display a lighted headlight and tail light during the period of time from one-half hour after sunset to one-half hour before sunrise and at any time when visibility is reduced due to insufficient light or unfavorable atmospheric conditions.~~

- (1) The crossing of a controlled-access highway with more than two marked traffic lanes shall be permitted by a utility-type vehicle if the operation is in accordance with the operation requirements of Section 5-902 and if the following requirements are met:
  - (a) The crossing is made at an intersection that is controlled by a traffic control signal or, for any intersection outside the corporate limits of the City, is controlled by stop signs;
  - (b) The crossing at such intersection is made in compliance with the traffic control signal or stop signs; and
  - (c) The crossing at such intersection is specifically authorized by resolution of the City.
- (2) When the use of the all-terrain vehicle or utility-type vehicle is for agricultural purposes, the crossing of a controlled-access highway with more than two marked traffic lanes shall be permitted if such vehicle is operated in accordance with Section 5-902.

**Section 4.** That Chapter 5, Article 9, Section 5-904 of the Crete Municipal Code shall be amended to read as follows:

**5-904 All-terrain vehicles and utility-type vehicles; equipment required; modification prohibited.**

- (1) Every all-terrain vehicle and utility-type vehicle shall be equipped with:
  - (a) Headlights, taillights, and brake lights;
  - (b) A brake system maintained in good operating condition;
  - (c) An adequate muffler system in good working condition; and
  - (d) A United States Forest Service qualified spark arrester.
- (2) Every utility-type vehicle shall be equipped with:
  - (a) Three-point seat belts;
  - (b) Turn signals;
  - (c) Emergency flashers or hazard lights;
  - (d) A roll bar;
  - (e) A windshield;
  - (f) Side mirrors; and
  - (g) A horn.
- (3) No person shall:

- (a) Equip the exhaust system of an all-terrain vehicle or a utility-type vehicle with a cutout, bypass, or similar device;
- (b) Operate an all-terrain vehicle or a utility-type vehicle with an exhaust system so modified; or
- (c) Operate an all-terrain vehicle or a utility-type vehicle with the spark arrester removed or modified except for use in closed-course competition events.

**Section 5.** That Chapter 5, Article 9, Section 5-905 of the Crete Municipal Code shall be amended to read as follows:

**5-905 All-terrain vehicles and utility-type vehicles; ~~modification prohibited~~ inspection and registration; registration sticker or license plate; registration period and renewal.**

~~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.~~
- (1) Unless otherwise expressly provided, no all-terrain vehicle or utility-type vehicle shall be operated or parked on the streets, roads, or highways within the corporate limits of the City unless the vehicle has been inspected by and registered with the City.
- (2) A registration sticker or license plate shall be issued by the City upon application and submission of the following:
  - (a) A fully completed and signed application form that contains all of the information required by the City;
  - (b) An inspection certificate from the City stating the vehicle has been inspected and is in compliance with all equipment requirements;
  - (c) Proof of liability insurance coverage for the vehicle showing the effective dates of the policy and designating the vehicle by year, make, model, and serial number; and
  - (d) The annual registration fee specified in the City's Master Fee Schedule.
- (3) The registration sticker or license plate shall be affixed at a prominent and conspicuous place on the vehicle so that it can be clearly and easily viewed by other traffic at all times. In the event the original sticker or plate is lost or destroyed, a replacement may be issued by the City upon the payment of the replacement fee.
- (4) Registrations shall be unique to the specific owner and vehicle and shall not be transferable. Any transfer of ownership shall cause the existing registration to expire. A separate application, inspection, and registration is required for each individual vehicle.
- (5) All registrations shall be for a period of one year from the date of issuance and may be renewed annually in the manner designated by the City and upon payment of the same fee as provided for the original registration.

**Section 6.** That Chapter 5, Article 9, Section 5-906 of the Crete Municipal Code shall be amended to read as follows:

**5-906 All-terrain vehicles and utility-type vehicles; competitive events; exemptions.**

All-terrain vehicles and utility-type vehicles participating in competitive events may be exempted from Section ~~5-903 to 5-905~~ 5-904 at the discretion of the ~~Director of Motor Vehicles~~ City Administrator.

**Section 7.** That Chapter 5, Article 9, Section 5-907 of the Crete Municipal Code shall be amended to read as follows:

**5-907 All-terrain vehicles and utility-type vehicles; accident; report required.**

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 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.

**Section 8.** That Chapter 5, Article 9, Section 5-908 of the Crete Municipal Code shall be amended to read as follows:

**5-908 All-terrain vehicles and utility-type vehicles; violations; penalty.**

- (1) Any person who ~~violations of~~ violates Sections 5-902 to 5-907 of this Article which is also a violation under Neb. Rev. Stat. Chapter 39 or Chapter 60 may be punished under the penalty provisions of such Chapter shall be guilty of a Class IV misdemeanor, except that if such person is convicted of a second or subsequent offense within any period of one year, he or she shall be guilty of a Class III misdemeanor. Any violation of such sections which is also a violation under any other provision of state law may be punished under the penalty provisions of such law.
- (2) In addition to any criminal proceeding, the City may hold an administrative hearing on any reported violation of Sections 5-902 to 5-907. If the operator of the all-terrain vehicle or utility-type vehicle is found guilty of any violation of such sections, the hearing officer shall order the payment of a civil penalty and may order the revocation of any or all registrations issued by the City to the operator or owner of the vehicle for such period as specified in the final order. Upon expiration of the revocation period, the operator or owner shall be required to follow all of the registration requirements specified in Section 5-905, including application, inspection of the vehicle, and payment of the full registration fee.

**Section 9.** That Chapter 5, Article 9, Section 5-909 of the Crete Municipal Code shall be amended to read as follows:

**5-909 All-terrain vehicles and utility-type vehicles; peace officers; duty to enforce.**

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~~ and may seize and impound any all-terrain vehicle or utility-type vehicle being operated in violation thereof in the same manner as any other motor vehicle.

**Section 10.** That the changes specified in the above sections shall be codified as part of the Crete Municipal Code as stated herein.

**Section 11.** That all ordinances, parts of ordinances, or code provisions in conflict herewith shall be repealed and that any partial repeal shall not affect the other parts of ordinances or codified sections that can be given effect without the repealed parts.

**Section 12.** That if any section, part, or provision of this ordinance is for any reason held invalid, the invalidity thereof shall not affect the validity of any other section, part, or provision of this ordinance.

**Section 13.** That this ordinance shall be published in pamphlet, book, or electronic form and shall take effect and be in full force and effect from and after its passage, approval, and publication, as provided by law.

PASSED AND ENACTED the 16th day of August 2022.

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Mayor

ATTEST:

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City Clerk

Seal