

ORDINANCE NO. 828

AN ORDINANCE RELATING TO ALL TERRAIN VEHICLES, SCOOTERS, UTILITY VEHICLES AND GOLF CARTS; TO ALLOW THE OPERATION OF ALL TERRAIN VEHICLES, SCOOTERS, UTILITY VEHICLES AND GOLF CARTS WITHIN THE CORPORATE LIMITS UNDER CERTAIN CIRCUMSTANCES; TO IMPOSE RESTRICTIONS ON THE USE OF ALL TERRAIN VEHICLES, SCOOTERS, UTILITY VEHICLES AND GOLF CARTS; TO ESTABLISH PENALTIES FOR VIOLATIONS; TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND TO PROVIDE AN EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF DESHLER, THAYER COUNTY, NEBRASKA:

SECTION 1. For purposes of this Ordinance:

- (a) All terrain vehicle means any motorized off highway vehicle which (i) is 50 inches or less in width, (ii) has a dry weight of 900 lbs. or less, (iii) travels on three (3) or more low pressure tires, (iv) is designed for operator use only with no passengers or as specifically designed by the original manufacturer for the operator and one passenger, (v) has a seat or saddle designed to be straddled by the operator, and (vi) has handle bars or any other steering assembly for steering control.
- (b) Scooter shall mean any two wheel motorized (50cc or less) vehicle.
- (c) Utility vehicle shall mean any side by side vehicle (e.g. gator, mule, or prowler).
- (d) Golf cart shall mean a motorized vehicle designed for one operator and one passenger and intended by the manufacturer to be used primarily for travel on golf courses.
- (e) Street or highway means the entire width between the boundary limits of any street, road, avenue, boulevard, or way which is publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

SECTION 2. An all terrain vehicle, scooter, utility vehicle, or golf cart may be operated on the streets and highways within the corporate limits of the City of Deshler, Nebraska, only if the operator and the vehicle comply with the provisions of this section.

SECTION 3. An all terrain vehicle, scooter, utility vehicle or golf cart may be operated on the streets and highways within the corporate limits of the City of Deshler, Nebraska,

only if such vehicle is equipped with headlights, taillights, brake lights, an OEM muffler, and a federally approved bicycle safety flag which extends not less than five (5) 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 30 square inches and shall be day glow in color.

SECTION 4. In order to be authorized for operation on the streets and highways of the City of Deshler, Nebraska, an all terrain vehicle, scooter, utility vehicle, or golf cart, must be registered with the office of the City Clerk. A registration sticker will be issued upon submitting proof of the following:

- (a) A certificate from the Deshler City Office indicating that the all terrain vehicle, scooter, utility vehicle, or golf cart has been inspected by an official or officials designated by the Mayor and Council of the City of Deshler, Nebraska and that said vehicle complies, in full, with the equipment requirements identified in Section 3 above.
- (b) Proof of liability insurance coverage for the all terrain vehicle, scooter, utility vehicle, or golf cart while operating such vehicle on a street or highway.
- (c) Payment of a \$10.00 annual fee for registration of the vehicle. A \$25.00 annual fee shall be required of dealers of all terrain vehicles, scooters, utility vehicles, or golf carts within the City of Deshler, Nebraska. All such fees paid shall be credited to the street fund of the City of Deshler, Nebraska.

SECTION 5. Upon compliance with the registration requirements identified herein, the City Clerk shall issue a registration sticker for the all terrain vehicle, scooter, utility vehicle, or golf cart being registered. Said registration sticker must be prominently displayed upon the rear of said vehicle at all times while such vehicle is in operation on the streets and highways of the City of Deshler, Nebraska.

SECTION 6. Any person operating an all terrain vehicle, scooter, utility vehicle, or golf cart authorized by this ordinance shall be at least 21 years old and shall possess a valid driver's license issued by the State of Nebraska or another state. The individual operating the all terrain vehicle, scooter, utility vehicle, or golf cart shall provide proof of such insurance coverage, as required elsewhere in this Ordinance, to any peace officer requesting such proof within five (5) days of the request being made. No person shall operate an all terrain vehicle, scooter, utility vehicle, or golf cart on the streets or highways of the City of Deshler, Nebraska, in violation of the Nebraska rules of the road as established by the Revised Statutes of the State of Nebraska.

SECTION 7. Upon compliance with the registration requirements identified herein, the City Clerk shall issue a registration permit for the all terrain vehicle, scooter, utility vehicle or golf cart being registered. Said registration permit must be carried in the registered vehicle at all times that the vehicle is in operation on streets or highways of the City of Deshler. In addition to the registration permit, the City Clerk shall issue a registration sticker. The registration sticker will entitle the vehicle to be operated on the streets and highways of the City of Deshler from May 1 of any year to April 30 of the following year and shall be renewable annually. The annual fee shall not be prorated for any part of a year. The registration sticker shall be displayed on the left lower corner of the windshield of the registered vehicle or, if the vehicle is not equipped with a windshield, at the left front of the vehicle.

SECTION 8. No all terrain vehicle, scooter, utility vehicle or golf cart shall be operated on the streets and highways of the City of Deshler after sunset and prior to sunrise of any day.

SECTION 9. No all terrain vehicle, scooter, utility vehicle or golf cart shall be operated within the city limits of Deshler, Nebraska at a speed in excess of the posted speed limit or 30 miles per hour, whichever is less.

SECTION 10.

- (a) The City of Deshler may issue a work permit to an operator that otherwise complies with all terms of this ordinance with exception of age. A work permit shall be issued by the City Clerk, upon receipt of the following:
 - (1) Application signed by the applicant, who is at least 16 years of age as of the date thereof, and the parent or legal guardian of the applicant. The application will acknowledge receipt of a copy of this ordinance and certification of the applicant and parent/guardian that the applicant will fully comply with all provisions hereof.
 - (2) All other documentation required above in sections 4 through 6, inclusive, including but not limited to a valid drivers license, proof of liability insurance coverage and registration information.
- (b) Upon issuance of a work permit, the holder thereof may operate an all terrain vehicle, scooter, utility vehicle or golf cart for legitimate employment purposes (snow removal, lawn care, or agricultural use):
 - (1) To or from the site where the operator is engaged in such employment and the residence of the operator, over the most direct and accessible route through the streets of the City of Deshler.

- (2) The holder of the work permit shall not use any type of interactive wireless communication device while operating an all terrain vehicle, scooter, utility vehicle or golf cart on the streets of the City of Deshler.

SECTION 11. This ordinance shall not apply to self propelled chairs used by persons who are disabled or electric powered assistive mobility devices.

SECTION 12. Any person who violates any provision of this ordinance, specifically by operating an all terrain vehicle, scooter, utility vehicle or golf cart on the streets and highways of the City of Deshler, Nebraska in violation of any provision of this Ordinance, shall be punished as provided generally in the Deshler Municipal Code and, specifically, shall be subject to having the all terrain vehicle, scooter, utility vehicle or golf cart, which was operated in violation of this Ordinance, impounded for a period of thirty (30) days. The owner of any impounded all terrain vehicle, scooter, utility vehicle or golf cart shall pay an impoundment fee of \$10.00 for each day of impoundment. This fee must be paid in full prior to the release of the vehicle.

SECTION 13. Except as may be otherwise provided herein, the operation of all terrain vehicles, scooters, utility vehicles and golf carts within the city limits of the Deshler, Nebraska is subject to all Nebraska statutory provisions with respect to said vehicles and the operation thereof.

SECTION 14. Any ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 15. This Ordinance shall be published in pamphlet form and shall take effect and be in full force from and after its passage, approval and publication as required by law.

PASSED AND APPROVED this 7th day of August, 2012.



Naomi Grupe

Naomi Grupe
Mayor

Julie Buescher

Julie Buescher
City Clerk