

ORDINANCE 21-02

AN ORDINANCE OF THE VILLAGE OF MANLEY, CASS COUNTY, NEBRASKA, TO ADOPT AND IMPOSE ATV/UTV/GOLF CART REGULATIONS WITHIN THE CORPORATE LIMITS OF THE VILLAGE OF MANLEY.

WHEREAS, the Village of Manley is a governmental subdivision of the State of Nebraska, and the Chair and Board of Trustees thereof is its governing body, and

WHEREAS, the Chair and Board of Trustees of the Village of Manley, Cass County, Nebraska, do desire to enact regulations permitting and controlling the operation of all-terrain vehicles, utility-type vehicles and golf carts upon the public streets of the Village of Manley, Cass County, Nebraska, which are not defined by Neb. Rev. Stat. 60-339 as motor vehicles,

BE IT ORDAINED BY THE VILLAGE BOARD CHAIRMAN AND THE VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF MANLEY, NEBRASKA:

Section 1: Definitions

1. "All-terrain vehicle" means any motorized off-highway vehicle which
 - (a) is 50 inches or less in width,
 - (b) has a dry weight of 900 pounds or less,
 - (c) travels on three or more low-pressure 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 and other steering assembly for steering control.
2. (a) "Utility-type vehicle" means any motorized off-highway vehicle which
 - (i) is not less than 48 inches nor more than 74 inches in width,
 - (ii) is not more than 135 inches, including the bumper, in length,
 - (iii) has a dry weight of not less than 900 pounds nor more than 2000 pounds,
 - (iv) travels on four or more low-pressure tires, and
 - (v) is equipped with a steering wheel and bench or bucket-type seating designed for at least two people to sit side-by-side.

(b) "Utility-type vehicle" does not include all-terrain vehicles, golf carts, golf car vehicles or low-speed vehicles.
3. "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: Regulations

1. Any resident desiring to operate an all-terrain vehicle, utility-type vehicle or golf cart on the public streets within the corporate limits of the Village shall get a permit from the Clerk at the Village Office. A valid permit shall be displayed at all times on the vehicle.
 - a. In order to obtain a permit the applicant must make an annual application therefor at the Village office and provide the following information:
 - i. Name and address of the applicant;
 - ii. Proof of insurance for the all-terrain or utility type vehicle(s) to be operated within the Village by the applicant;
 - iii. Valid operator's license issued by the State of Nebraska; and,

iv. Year, make, model, color, engine size, and vehicle identification number (VIN) of the all-terrain vehicle or utility-type vehicle(s) to be operated within the Village by the applicant.

b. Upon compliance with Section (2)1a herein, and payment of an application fee of \$15.00 for initial permit and a \$10.00 annual renewal fee, which fees may be amended from time to time by resolution of the Village Board, the Clerk shall issue the applicant a permit to operate the designated all-terrain vehicle, utility-type vehicle or golf cart within the corporate limits of the Village. A numbered colored permit will be issued new each year.

c. Permits to operate the all-terrain vehicle, utility-type vehicle or golf cart shall be valid from the date of issuance until midnight on the 31st of December of the year for which the permit is issued. Permit fees are not prorated.

2. An all-terrain vehicle, utility-type vehicle or golf cart may be operated only between the hours of sunrise and sunset unless equipped with lights on the front and rear of the vehicle and an operating horn. A utility-type vehicle shall not be operated at a speed in excess of 25 miles per hour. When operating an all-terrain or utility-type vehicle as authorized in Section 1, the headlight and taillight of the vehicle shall be on and the vehicle equipped with a bicycle safety flag which 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 30 square inches and shall be day-glow in color.

3. Any resident operating an all-terrain or utility-type vehicle as authorized in Section (2)1 shall have:

- a. A valid Class O operator's license or farm permit as provided in Neb. Rev. Stat. 60-4,126; and
- b. Liability insurance coverage for the vehicle while operating the vehicle on street or highway. The person operating the vehicle shall provide proof of such insurance coverage to any Board trustee requesting such proof within five days of such a request.

4. Every all-terrain or 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 lap belt, shoulder belt, or any combination thereof that restrains the driver and passengers and that conforms to federal motor safety standards for passenger restraint systems applicable for the utility-type vehicles model and year;
- d. Helmets shall be worn by all participants on vehicles that are not equipped with a lap belt, shoulder belt or combination or door coverings;
- e. A United States Forest Service qualified spark arrester.

5. No resident shall:

- a. Equip the exhaust system of an all-terrain or utility-type vehicle with a cut-out, bypass or similar device;
- b. Operate an all-terrain or utility-type vehicle with an exhaust system so modified;
- c. Operate an all-terrain or utility-type vehicle without requiring every person in the vehicle to be seated in a permanent seat in which the driver and all passengers are adequately restrained by a lap belt, shoulder, belt or combination thereof that restrains the driver and passengers and that conforms to federal motor safety standards for passenger restraint systems applicable for the vehicle's model and year; and
- d. Operate a vehicle with the spark arrester removed or modified.

6. Golf carts need to apply for an annual permit and must have a safety flag that extends not less than five (5) feet above the ground attached to the rear of such vehicle.

7. Go-carts are prohibited on the Village of Manley streets.

8. Safety flags that extend not less than five (5) feet above the ground attached to the rear of the all-terrain vehicles, utility-type vehicles and golf carts must be visible at all times. The owner of such vehicles will get one warning to get and attach a flag.
A citation will be warranted for two or more offenses.

Section 3: Effective Date

This ordinance shall take effect and be in full force from and after its passage, approval, and publication or posting as required by law.
This ordinance will be published in pamphlet form.

PASSED AND APPROVED THIS 11TH DAY OF MARCH, 2021.

VILLAGE OF MANLEY

Denise Swenson
Denise Swenson, Chairman

ATTEST BY:

Jolene Dalton
Jolene Dalton, Clerk

