

§ 71.71 ALL-TERRAIN, UTILITY-TYPE, AND MINITRUCK VEHICLES.

(A) For purposes of this section:

(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 four 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 any other steering assembly for steering control.

(2) "Utility-type vehicle" means any motorized off-highway device which (a) is not less than forty-eight inches nor more than seventy-four inches in width, (b) is not more than one hundred thirty-five inches, including the bumper, in length, (c) has a dry weight of not less than nine hundred pounds nor more than two thousand pounds, (d) travels on four or more low pressure tires, and (e) is equipped with a steering wheel and bench or bucket-type seating designed for at least two people to sit side-by-side. Utility-type vehicle does not include golf carts or low speed vehicles.

(3) "Mini truck" means a foreign manufactured import vehicle or domestic manufactured vehicle which (1) is powered by an internal combustion engine with a piston or rotor displacement of one thousand cubic centimeters or less, (2) is sixty-seven inches or less in width, (3) has a dry weight of four thousand two hundred pounds or less, (4) travels on four or more tires, (5) has a top speed of approximately fifty-five miles per hour, (6) is equipped with a bed or compartment for hauling, (7) has an enclosed passenger cab, (8) is equipped with headlights, tail lights, turn signals, windshield wipers, a rearview mirror, and an occupant protection system, and (9) has a four-speed, five-speed, or automatic transmission.

(4) "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.

(B) All-terrain, utility-type, or mini truck vehicles may be operated on streets and highways within the corporate limits of the City only if the operator and the vehicle comply with the provisions of this section.

(C) All-terrain, utility-type, or mini truck vehicles may be operated only between the hours of sunrise and sunset and shall not be operated at a speed in excess of 30 miles per hour or less if the posted speed limit is less. When operating any of these vehicles as authorized in subsection (B) of this section, the headlight and taillights 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 ground level 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.

(D) Any person operating an all-terrain, utility-type, or mini truck vehicle as authorized in subsection (B) of this section shall have:

(1) A valid Class O operator's license or a farm permit as provided in Neb. Rev. Stat. 60-4,126; and

(2) Liability insurance coverage for the all-terrain, utility-type, or mini truck vehicles while operating such vehicle on a street or highway. The person operating any of these vehicles shall provide proof of such insurance coverage to any peace officer requesting such proof within five days of such a request.

(E) It shall be unlawful for any person to operate all-terrain, utility-type, or mini truck vehicles on the City streets or alleys:

(1) until the owner has demonstrated proof of insurance to the City and obtained a license plate for the current year. The City will issue a license plate and/or decal for the current year that must be affixed to the rear of the all-terrain, utility-type, or minitruck vehicles in a conspicuous place. The City will charge a fee of twenty-five (\$25.00) dollars for the issuance of the license certificate and plate. The certificate shall be an annual certificate from January 1 through December 31 of each year. The operator shall have until January 31 of the following year to renew the certificate and plate for an annual fee of ten (\$10.00) dollars. During the first year that a certificate is purchased the fee will be prorated from the month that the certificate is obtained through December at one (\$1.00) dollar per month and a thirteen (\$13.00) dollar administrative fee. Any certificate purchased by a person for the same all-terrain, utility-type, or mini truck vehicles in a subsequent year shall not be prorated. The fee for any replacement plate shall be fifteen (\$15.00) dollars.

(2) with more passengers on said vehicle than is recommended by the original manufacturer.

(F) All-terrain, utility-type, or mini truck vehicles may be operated without complying with subsections (C), (D), and (E) of this section on streets and highways in parades which have been authorized by the State or any department, board, commission, or political subdivision of the State.

(G) All-terrain, utility-type, or mini truck vehicles shall not be operated on any controlled-access highway with more than two marked traffic lanes, and the crossing of any controlled-access highway with more than two marked traffic lanes shall not be permitted.

(H) Subject to subsection (G) of this section, the crossing of a street or highway shall be permitted by all-terrain, utility-type, or mini truck vehicles without complying with subsections (C) and (D) of this section only if:

(1) The crossing is made at an angle of approximately ninety degrees to the direction of the street or highway and at a place where no obstruction prevents a quick and safe crossing;

(2) The vehicle is brought to a complete stop before crossing the shoulder or roadway of the street or highway;

(3) The operator yields the right-of-way to all oncoming traffic that constitutes an immediate potential hazard;

(4) In crossing a divided highway, the crossing is made only at an intersection of such highway with another highway; and

(5) Both the headlight and taillight of the vehicle are on when the crossing is made.

(I) 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, utility- type, or mini truck vehicle involved in the accident shall give notice of the accident in the same manner as provided in Neb. Rev. Stat. §60-699.

(J) Every All-terrain Vehicle (ATV), Utility-Type Vehicle (UTV), and Mini truck as defined by the Statutes of Nebraska or the Waverly Municipal Code, which are operated within the jurisdiction of the City of Waverly, are hereby declared to be a motor vehicle and subject to all of the motor vehicle Rules of the Road and traffic laws as defined in either the Nebraska State Statutes or the Waverly Municipal Code.

(K) Penalty.

(1) Any person who violates subsection (E)(1) shall be fined twenty-five (\$25.00) dollars. If such violation may be and is disposed of pursuant to a Waiver of Appearance and Plea of Guilty, the fine shall be twenty dollars (\$20.00).

(2) Any person who violates subsection (E) (2) shall be guilty of a Class II Misdemeanor pursuant to §131.22 of the City Code. *(Added by Ord. 09-15, 12/21/09; amended by Ord. 10-11 8/16/10; Ord. 18-05)*

§ 71.72 GOLF CART VEHICLES.

(A) For purposes of this section:

(1) "Golf cart vehicle" means a vehicle that has at least four wheels, has a maximum level ground speed of less than twenty miles per hour, has a maximum payload capacity of one thousand two hundred pounds, has a maximum gross vehicle weight of two thousand five hundred pounds, has a maximum passenger capacity of not more than four persons, is designed and manufactured for operation on a golf course for sporting and recreational purposes, and is not being operated within the boundaries of a golf course.

(2) "Street" or "highway" means a public way for the purposes of vehicular travel in a city and includes the entire area within the right-of-way; and

(3) "Road" means a public way for the purposes of vehicular travel, including the entire area within the right-of-way.

(B) Golf cart vehicles may be operated on streets and highways within the corporate limits of the City only if the operator and the vehicle comply with the provisions of this section.

(C) Golf cart vehicles may be operated only between the hours of sunrise and sunset and on streets with a posted speed limit of thirty-five (35) miles per hour or less. The operator shall not operate such vehicle at a speed in excess of twenty (20) miles per hour. When operating a golf cart vehicle as authorized in subsection (B) of this section, the headlights and taillights of the vehicle shall be on (if equipped), turn signals used (if equipped), and the vehicle must be equipped with a safety flag, which extends not less than five (5) feet above the ground and extends at least six (6) inches above the highest point of the vehicle, when attached to the rear of the vehicle in a day-glow color, triangular shape, and at least 30 square inches. A golf cart vehicle shall not be operated at any time on any state or federal highway but may be operated upon such a highway in order to cross a portion of the highway system which intersects a street only if:

(1) the crossing is made at an angle of approximately ninety degrees to the direction of the highway and at a place no obstruction prevents a quick and safe crossing;

(2) the operator yields the right-of-way to all oncoming traffic that constitutes an immediate potential hazard; and

(3) in crossing a divided highway, the crossing is made only at an intersection of such highway with a street or road, as applicable.

(D) Any person operating a golf cart vehicle as authorized in subsection (B) of this section shall have:

(1) A valid Class O operator's license, and

(2) Liability insurance coverage for the golf cart vehicle while operating such vehicle on a street or highway. The person operating any of these vehicles shall provide proof of such insurance coverage to any peace officer requesting such proof within five days of such a request. The liability insurance coverage shall be subject to limits, exclusive of interest and costs, as follows: Twenty-five thousand dollars because of bodily injury to or death of one person in any one accident and, subject to such limit for one person, fifty thousand dollars because of bodily injury to or death off two or more persons in any one accident, and twenty-five thousand dollars because of injury to or destruction of property of others in any one accident.

(E) It shall be unlawful for any person to operate golf cart vehicles on the City streets or alleys:

(1) until the owner has demonstrated proof of insurance to the City and obtained a license plate for the current year. The City will issue a license plate and/or decal for the current year that must be affixed to the rear of the golf cart in a conspicuous place. The City will charge a fee of twenty-five (\$25.00) dollars for the issuance of the license certificate and plate. The certificate shall be an annual certificate from January 1 through December 31 of each year. The operator shall have until January 31 of the

following year to renew the certificate and plate for an annual fee of ten (\$10.00) dollars. During the first year that a certificate is purchased the fee will be prorated from the month that the certificate is obtained through December at one (\$1.00) dollar per month and a thirteen (\$13.00) dollar administrative fee. Any certificate purchased by a person for the same all-terrain, utility- type, or mini truck vehicles in a subsequent year shall not be prorated. The fee for any replacement plate shall be fifteen (\$15.00) dollars.

(2) with more passengers on said vehicle than is recommended by the original manufacturer.

(F) Golf cart vehicles may be operated without complying with subsections (C), (D), and (E) of this section on streets and highways in parades which have been authorized by the State or any department, board, commission, or political subdivision of the State.

(G) Golf cart vehicles shall not be operated on any controlled-access highway with more than two marked traffic lanes, and the crossing of any controlled-access highway with more than two marked traffic lanes shall not be permitted.

(H) 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 a golf cart vehicle involved in the accident shall give notice of the accident in the same manner as provided in Neb. Rev. Stat. §60-699.

(I) Every Golf Cart Vehicle as defined by the Statutes of Nebraska or the Waverly Municipal Code, which are operated within the jurisdiction of the City of Waverly, are hereby declared to be a motor vehicle and subject to all of the motor vehicle Rules of the Road and traffic laws as defined in either the Nebraska State Statutes or the Waverly Municipal Code.

(J) Penalty.

(1) Any person who violates subsection (C) or (E)(1) shall be fined twenty-five (\$25.00) dollars. If such violation may be and is disposed of pursuant to a Waiver of Appearance and Plea of Guilty, the fine shall be twenty dollars (\$20.00).

(2) Any person who violates subsection (E) (2) shall be guilty of a Class II Misdemeanor pursuant to §131.22 of the City Code. *(Added by Ord. 15-14, 10/13/15; Amended by Ord. 18-05, 5/8/18; Ord. 23-05, 6/6/2023; Ord. 23-08, 7/25/2023)*

§ 131.22 VIOLATION; PENALTY. Unless expressly provided otherwise, for purposes of this Chapter misdemeanors are divided into two (2) classes which are distinguished from one another by the following penalties which are authorized upon conviction.

Class I Misdemeanor Maximum: Five hundred dollar (\$500) fine

 Minimum: One hundred dollar (\$100) fine

Class II Misdemeanor Maximum: One hundred dollar (\$100) fine

 Minimum: Twenty-five dollar (\$25) fine

(Amended by Ord.01-07, 6/4/01, 07-05, 5-7-07)