

CITY OF NEBRASKA CITY

1409 Central Avenue
Nebraska City, NE 68410-2223
Phone: 402-873-5515
Fax: 402-873-5685



ATV/UTV APPLICATION FOR REGISTRATION

☛ TO BE COMPLETED BY APPLICANT

PRINTED NAME: _____
ADDRESS: _____
DRIVER'S LICENSE #: _____ PH.#: _____
DATE OF BIRTH: _____ AGE: _____
INSURANCE COMPANY: _____
POLICY #: _____
MAKE OF VEHICLE: _____ /MODEL: _____
SERIAL/ID NUMBER: _____

THE UNDERSIGNED, OWNER OF THE ABOVE -DESCRIBED ALL-TERRAIN VEHICLE OR UTILITY-TYPE VEHICLE, HAS AND SHALL MAINTAIN LIABILITY INSURANCE ON THE VEHICLE AND WILL OPERATE SUCH VEHICLE AS AUTHORIZED UNDER NEBRASKA STATE STATUTES AND NEBRASKA CITY-CITY ORDINANCE # 2997-17.

APPLICANT SIGNATURE: _____ /DATE: _____

*****PLEASE BRING DRIVER'S LICENSE AND PROOF OF INSURANCE*****

PERMIT CHECKLIST

☛ TO BE COMPLETED BY NCPD OFFICER 402-873-6666

_____ MEETS SIZE & 4-WHEEL DEFINITION OF ATV/UTV (§ 35-72)
_____ WORKING HEADLIGHTS & TAIL LIGHTS
_____ WARNING FLAG (DAY-GLOW IN COLOR; TRIANGULAR; AT LEAST 30 SQUARE INCHES; EXTENDING NO LESS THAN 5' ABOVE GROUND HEIGHT, AND ATTACHED TO REAR)
_____ ORIGINALLY EQUIPPED MANUFACTURED MUFFLER (UNALTERED)
_____ U.S. FOREST-QUALIFIED SPARK ARRESTER
_____ COPY OF CITY ORDINANCE #2997-17

CERTIFIED BY: _____ /BADGE# _____ /DATE: _____
(OFFICER)

OFFICE USE ONLY*** OFFICE USE ONLY*** OFFICE USE ONLY*** OFFICE USE ONLY***

REGISTRATION STICKER NUMBER: _____ / EXPIRES: _____

NOTE: REGISTRATION STICKER MUST BE PROMINENTLY DISPLAYED ON ALL-TERRAIN VEHICLES OR UTILITY-TYPE VEHICLES AS PRESCRIBED IN CITY ORDINANCE.

ANNUAL REGISTRATION FEE: \$100.00 / DEALER REGISTRATION FEE: \$300.00

SIGNED BY: _____ /DATE: _____
(City Clerk or Agent)

ORDINANCE NO. 2997-17

AN ORDINANCE AMENDING CHAPTER 35, ARTICLE IV, OF THE CODE OF THE CITY OF NEBRASKA CITY, NEBRASKA, RELATED TO ATVs AND UTVs; REPEALING ALL OTHER ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; APPROVING PUBLICATION IN PAMPHLET FORM; AND DECLARING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF NEBRASKA CITY, OTOE COUNTY, NEBRASKA, AS FOLLOWS:

SECTION 1. AMENDMENT:

That CHAPTER 35, ARTICLE IV of the Code of the City of Nebraska City, Nebraska, is hereby amended to read as follows:

Sec. 35-72. – ATVs and UTVs; DEFINITIONS

- (1) **All-terrain vehicle (ATV) or four-wheeler means any motorized off-highway vehicle which (a) is fifty inches (50") or less in width, (b) has a dry weight of twelve hundred (1,200) pounds or less, (c) travels on four (4) or more non-highway tires, and (d) is designed for operator use only with no passengers or is specially designed by the original manufacture for the operator and one (1) passenger. ATVs are declared to be motor vehicles subject to rules of the road and traffic laws in addition to this Chapter.**
- (2) **Utility-type vehicle (UTV) means any motorized off-highway device which (a) is seventy-four inches (74") in width or less, (b) is not more than one hundred eighty inches (180"), including the bumper, in length, (c) has a dry weight of two thousand (2,000) pounds or less, and (d) travels on four (4) or more nonhighway tires. UTV does not include ATVs, golf car vehicles, or low-speed vehicles as the same are defined by Nebraska law. UTVs are declared to be motor vehicles subject to rules of the road and traffic laws in addition to this Chapter.**

Sec. 35-73. – ATVs and UTVs; OPERATION AND EQUIPMENT

An ATV or UTV may be operated upon city streets and highways within the corporate limits of the City only if the operator and vehicle are in compliance with the follow provisions in addition to the Nebraska Rules of the Road and City Codes:

- (1) **Such ATV or UTV must be registered with City Hall as provided in this Chapter, unless the same is owned by the City itself.**
- (2) **An ATV or UTV shall not be operated at a speed faster than thirty (30) 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 safety flag which extend no less than five (5) feet above the ground when attached to the rear of such vehicle. The flag shall be day-glow in color, triangular in shape, and of a size with an area of not less than thirty (30) square inches.**

(3) Any person operating an ATV or UTV as authorized by this Code shall:

- a. Be at least eighteen (18) years of age;**
- b. Have a valid Class O operator's license;**
- c. Have liability insurance coverage for the ATV or UTV while in operation upon a street or highway and provide such insurance proof of coverage upon the demand of any peace officer requesting such proof; such insurance shall be within the limits stated in Neb. Rev. Stat. § 60-509, as amended from time to time;**
- d. If operating or riding on an ATV, wear a helmet approved for lawful operation of a motorcycle in the State of Nebraska, and allow no passengers unless the vehicle is designed by the manufacturer for one passenger, in which case one passenger is allowed; and,**
- e. If operating or riding on a UTV, utilize manufacturer installed seat belts or wear a helmet approved for lawful operation of a motorcycle in the State of Nebraska.**

(4) Every ATV and UTV shall be equipped with:

- a. A braking system maintained in good operating condition;**
- b. An adequate muffler system in good working condition and without a cutout, bypass or similar device, or any modifications to the muffler system which increases the volume of the noise of the exhaust system;**
- c. A United States Forest Service-qualified spark arrester.**

Sec. 35-74. ATVs and UTVs; Usage in Parades; Usage on Public Sidewalks and Trails.

ATVs and UTVs may be operated without complying with Sec. 35-73 only (1) during parades which have been authorized by the State or any department, board, commission, or political subdivision of the State, (2) on sidewalks if the operator is removing snow from the sidewalk or is engaged by the City to water decorative hanging flower baskets, and (3) on public trails only if engaged by the landowner for snow removal.

Sec. 35-75. ATVs and UTVs; Controlled-Access Highways and Off-Limit Streets.

An ATV or UTV shall not be operated on any controlled-access highway with more than two (2) marked traffic lanes, and the crossing of any controlled-access highway with more than two (2) marked traffic lanes shall not be permitted.

Unless engaged by the City for municipal government purposes, it shall be unlawful to operate an ATV or UTV anywhere on 11th Street/Business Highway 75; 4th Corso/Business Highway 2; or on Central Avenue from 4th Street to 11th Street.

Sec. 35-76. ATV and UTV; Crossing Highways.

For the purpose of this Article, the crossing of a highway shall be permitted only if:

- 1) The crossing is made at an angle of approximately ninety degrees (90°) perpendicular to the direction of travel being made on such highway and at a place where no obstruction prevents a timely and safe crossing;
- 2) The vehicle is brought to a complete stop before crossing shoulder or roadway of said highway;
- 3) The operator yields the right of way to all traffic which constitutes an immediate or potential hazard;
- 4) In crossing a divided highway, the crossing shall only be made at an intersection of another highway or roadway; and,
- 5) Both headlights and taillights must be on when crossing is made.

Sec. 35-77. ATV and UTV; Registration.

Only ATVs or UTVs registered with City Hall or owned by the City shall be authorized for operation on streets or highways within the corporate limits of the City. A registration sticker shall be issued by City Hall upon the owner submitting the following:

- 1) Certification from the Nebraska City Police Department stating that the ATV or UTV has been inspected and is in compliance with the equipment requirements identified by City Code;
- 2) Proof of liability insurance coverage for the vehicle specifically listing the vehicle as referenced by year, make, model, and serial number; and,
- 3) A one hundred dollar (\$100.00) annual fee for registration of the vehicle.

The registration sticker shall entitle the vehicle to be operated on the streets and highways of the City as provided by Code during the calendar year of issuance. The annual fee will not be prorated and is not transferrable. No refunds shall be allowed for any reason.

A reflecting, self-destructing sticker with an assigned number will be provided to the registering owner upon registration of such vehicle at City Hall. This registration sticker shall be affixed on the vehicle's lower driver's side windshield if equipped, or if the vehicle is not equipped with a windshield then the sticker shall be affixed on the driver's side front of such vehicle. A duplicate sticker at a cost of twenty-five dollars (\$25.00) may be issued by City Hall in the event of a lost or destroyed registration sticker.

Sec. 35-78. ATV and UTV; Dealer Registration.

A dealer of ATVs or UTVs located within the City shall make application to City Hall for a dealer registration sticker, in lieu of registering each ATV and UTV which the dealer owns, to be used solely for the purposes of

transporting, testing, demonstrating, or use in the daily use and conduct of business of the dealer.

A dealer registration sticker shall be issued upon the dealer submitting the following:

- 1) Certification from the dealer stating that ATVs and UTVs to be operated in accordance with the dealer registration sticker comply with the equipment requirements identified by City Code;
- 2) Proof of liability insurance coverage for the fleet of ATVs and UTVs to be operated pursuant to this Section;
- 3) A three hundred dollar (\$300.00) annual fee is paid for the dealer registration sticker.

Displaying the dealer registration sticker entitles the vehicle to be operated as provided by City Code on the streets and highways of the City during the calendar year of issuance of the dealer registration sticker for uses described in this Section. The annual fee shall not be prorated and no refunds will be allowed for any reason. A dealer registration sticker may be allowed to be placed on a placard or other item so as to allow for its transferability from vehicle to vehicle and shall be displayed upon the vehicle during its operation. A duplicated dealer registration sticker at a cost of twenty-five (\$25.00) may be issued by City Hall in the event of a lost or destroyed dealer registration sticker.

Sec. 35-79. ATV and UTV; Accident; Report Required.

If an accident results an injury to any person resulting in the examination or treatment of the injured person by a physician, or results in the death of any person, then the operator of each ATV or UTV involved in the accident shall give notice of the accident in the same manner as provided Neb. Rev. Stat. § 60-699.

Sec. 35-80. ATV and UTV; Penalty; Impoundment.

Any person who violates any provision of this Article or violates the provisions defined by Chapter 39 or Chapter 60 of the Revised Statutes of Nebraska while operating an ATV or UTV shall be subject to the penalties under the provisions of Chapter 39 and Chapter 60 of the Revised Statutes of Nebraska or a misdemeanor pursuant to City Code Sec. 1-8, and additionally impoundment of the vehicle is hereby authorized and all City-issued registrations for all of the operator's and the owner's ATVs and UTVs shall be revoked as follows:

- 1) For the operator's first offense, the operator shall be prohibited from operating ATVs and UTVs within the City for a period of one (1) year from the date of offense; all City-issued registrations of both the operator and the owner shall be revoked for a period of one (1) year from the date of the offense; and the vehicle shall be impounded until it is validly registered or for fourteen days, whichever is less, in a privately operated garage or other place designated by or maintained by the City with all costs payable by the owner;

- 2) For the operator's second offense occurring within ten (10) years of the first offense, the operator shall be prohibited from operating ATVs and UTVs within the City for a period of five (5) years from the date of offense; all City-issued registrations of both the operator and the owner shall be revoked for a period of five (5) years from the date of offense; and the vehicle shall be impounded until it is validly registered or for thirty days, whichever is less, in a privately operated garage or other place designated by or maintained by the City with all costs payable by the owner.

SECTION 2. REPEAL:

That all ordinances or portions of ordinances in conflict herewith are hereby repealed.


SECTION 3. PUBLICATION AND EFFECTIVE DATE:

This ordinance is adopted and approved for publishing in pamphlet form, and shall be in full force and effect from and after 15 days after its passage, approval, and publication or posting as provided by law. The provisions of this Ordinance shall become and be made part of the Nebraska City Municipal Code and sections of this Ordinance may be renumbered to accomplish such intention.

Passed and approved this 6th day of November 2017.


Mayor

ATTEST:


City Clerk-Treasurer

