

ORDINANCE NO. 1378

OF THE
CITY OF O'NEILL, NEBRASKA

AN ORDINANCE OF THE CITY OF O'NEILL, NEBRASKA, AMENDING SECTIONS 3-407, 3-408, 3-409, AND 3-413 OF THE O'NEILL MUNICIPAL CODE FOR OPERATION OF ALL-TERRAIN AND UTILITY-TYPE VEHICLES WITHIN THE O'NEILL MUNICIPAL LIMITS; REPEALING PRIOR ORDINANCES IN CONFLICT HEREWITH AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF O'NEILL, NEBRASKA, that:

Sec. 1. That Section 3-407 of the O'Neill Municipal Code be amended to read as follows:

"SECTION 3-407: ALL-TERRAIN VEHICLES; DEFINITIONS "

A. "All-terrain vehicle" (ATV) means any motorized off-highway vehicle which (1) is 50 inches or less in width, (2) has a dry weight of 900 pounds or less, (3) travels on three or more low-pressure tires, (4) is designed for operator use only with no passengers or is specifically designed by the original manufacturer for the operator and one passenger, (5) has a seat or saddle designed to be straddled by the operator, and (6) has handlebars or any other steering assembly for steering control. (Neb. Rev. Stat. §60-6,355)

B. "Utility-type vehicle" (UTV) means any motorized off-highway vehicle which (1) is not less than 48 inches nor more than 74 inches in width, (2) is not more than 135 inches in length, including the bumper, (3) has a dry weight of not less than 600 pounds nor more than 2,000 pounds, (4) travels on four or more low-pressure tires, and (5) 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. (Neb. Rev. Stat. §60-6,355)

C. "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. (Neb. Rev. Stat. §60-624)

D. An ATV or UTV shall have an engine of 200cc or larger."

Sec. 2. That Section 3-408 of the O'Neill Municipal Code be amended to read as follows:

"SECTION 3-408: ALL-TERRAIN VEHICLES; OPERATION, REGISTRATION FEES

A. An ATV and a UTV 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.

B. All such vehicles shall be registered with the City as follows:

(1) All such vehicles must be registered prior to use within the City limits and have a City-issued registration slip and plate with a current date sticker attached in the lower right-hand corner of the plate, which must be attached in such a manner that it is readily visible from the rear of the vehicle. Registration slip, plate, and sticker will be issued from the O'Neill Police Department office at the time of original registration of the vehicle.

(2) The initial registration fee for such vehicles named herein shall be \$30.00. Information required at the time of registration: name, address, proof of insurance, VIN, year, make, model, vehicle color and engine size.

(3) All vehicle registrations must be renewed annually. The renewal registration fee for such vehicles shall be \$15.00. At the time of renewal, the City will issue a current date sticker for that year and a current vehicles registration slip. The current registration slip and proof of liability insurance must be kept with the vehicle at all times for review by any law enforcement officer upon request.

C. An ATV or UTV may be operated only between the hours of sunrise and sunset and shall not be operated at a speed in excess of posted speed limits. When in operation as authorized herein, the headlight and taillight of the vehicle shall be on and it shall be equipped with a bicycle safety flag which extends not less than 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 inches and shall be Day-Glo in color.

D. Any person operating an ATV or UTV as authorized herein shall:

1. Have a valid Class O operator's license and be at least 18 years of age.

2. Have liability insurance coverage for the ATV or UTV while being operated on a street or highway. The person operating the vehicle shall provide proof of such insurance coverage to any peace officer

requesting such proof.

3. Wear a Nebraska Department of Transportation approved helmet if operating an ATV or wear seat belt if operating a UTV.

4. Obey all traffic laws.

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

F. An ATV or UTV 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. Subsections (A) through (D) and (G) of this section authorize and apply to operation of an ATV or UTV only on a street or highway other than a controlled-access highway with more than two marked traffic lanes. None shall be operated on North Harrison Street, Douglas Street, South 4th Street, and Highway 20/275.

G. Subject to subsection (E) of this section, the crossing of a street or highway shall be permitted by an ATV or UTV without complying with subsections (B) and (C) of this section only if:

1. The crossing is made at an angle of approximately 90E 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 headlights and taillights of the vehicle are on when the crossing is made.

(Neb. Rev. Stat. §60-6,356)"

Sec. 3. That Section 3-409 of the O'Neill Municipal Code be amended to read as follows:

"SECTION 3-409: ALL-TERRAIN VEHICLES; EQUIPMENT REQUIRED

Every all-terrain 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 United States Forest Service-qualified spark arrester; and (D) all equipment set forth in this ordinance. (Neb. Rev. Stat. §60-2804)"

Sec. 4. That Section 3-413 of the O'Neill Municipal Code be amended to read as follows:

"SECTION 3-413: ALL-TERRAIN VEHICLES; PENALTIES


Any person who violates any provision of this ordinance, specifically by operating an ATV or UTV on the streets and highways of the City in violation of any provision of this ordinance, shall be punishable as provided generally in the Municipal Code and specifically:

1. A fine of \$25.00 for the first offense; a fine of \$50.00 for the second offense; a fine of \$100.00 for the third and any subsequent offenses;
2. For the second and subsequent offenses, in addition to the fines outlined in (2) and (3) of this section, the ATV or UTV which was operated in violation of this ordinance may be impounded for a period of ten days; and
3. The owner of any impounded all terrain or utility vehicle shall pay an impoundment fee of \$10.00 for each day of impoundment. Such fee must be paid in full prior to the release of the vehicle. (Neb. Rev. Stat. §60-6,362)"

Sec. 5. That all prior ordinances in conflict herewith are repealed.

Sec. 6. That this ordinance shall be in full force and effect from and after its passage, approval, and publication as required by law.

PASSED AND APPROVED this 3rd day of June, 2019.


SCOTT MENISH, MAYOR




NIKKI SCHWANZ, CITY CLERK/TREASURER