

ORDINANCE NO. 2021-1162

AN ORDINANCE OF THE CITY OF WISNER, NEBRASKA, TO AMEND CITY ORDINANCE 4-505 TO AUTHORIZE THE OPERATION OF ALL-TERRAIN VEHICLES OR UTILITY-TYPE VEHICLES WITHIN THE CORPORATE LIMITS OF WISNER, NEBRASKA; SETTING FORTH OPERATION REQUIREMENTS; DEFINITIONS; ESTABLISHING THE PENALTY FOR VIOLATION AND STATING EXCEPTIONS FOR PARADES; CREATING A REGISTRATION FEE AND ESTABLISHING A LICENSE PLATE REQUIREMENT FOR ALL-TERRAIN VEHICLES AND UTILITY-TYPE VEHICLES TO BE OPERATED ON MUNICIPAL STREETS; REPEALING ORDINANCES IN CONFLICT AND ESTABLISHING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CHAIRMAN AND BOARD OF TRUSTEES OF THE CITY OF WISNER, NEBRASKA:

SECTION 1: Section §4-505 of the Municipal Code of Wisner, Nebraska, shall be amended to read as follows:

§4-505: ALL-TERRAIN AND UTILITY-TYPE VEHICLES; OPERATION

- (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 provision of this section.
- (B) 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 30 miles per hour or in excess of the posted speed limit. 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 square inches and shall be Day-Glo in color.
- (C) Any person operating an ATV or UTV as authorized herein shall:
1. Be at least 18 years of age;
 2. Have a valid Class O operator's license or a farm permit as provided in Neb. Rev. Stat. §60-4,126;
 3. Have liability insurance coverage for the ATV or UTV while operating the vehicle on a street or highway, with limits no less than those required by state law, as amended from time to time. The person operating the ATV or UTV shall provide proof of such insurance coverage to any peace officer requesting such proof within five days of such a request; and
 4. Have a valid registration, permit or license plate issued by the Wisner Police Department which shall expire and be renewable during the month of January each year. The form of the registration, permit, or license plate shall be of the department's choosing and may be issued after its inspection of the vehicle and review of proof of liability insurance. Any person operating an ATV or UTV shall register such vehicle with the department prior to operating the vehicle within the city's corporate limits and shall at all times prominently display the registration, permit, or license plate on the vehicle. The City Council may by resolution require the payment of a fee for issuance of the registration, permit, or license plate, which shall be payable annually in January each year and shall be nonrefundable.

(D) ATVs and UTVs may be operated without complying with subsections (B) and

(C) of this section on streets and highways in parades which have been authorized by the city.

(E) An ATV or a 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 (F) 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.

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

1. The crossing is made at an angle of approximately 90° 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 and with another highway; and
5. Both the headlight at taillight of the vehicle are on the when the crossing is made.

(G) Any law enforcement officer of the State of Nebraska or of any political subdivision thereof, including conservation officers of the Game and Parks Commission, shall be charged with the enforcement of the provisions of this section. (Neb. Rev. Stat. §60-6,356) (Ord. No. 2013-1079, 12/16/13)

SECTION 2: That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 3: That this ordinance shall be in full force and in effect from and after its passage, approval and publication according to law.

PASSED AND APPROVED this 7th day of September, 2021.

CITY OF WISNER

By:

Mayor

ATTEST:

Stephanie James, City Clerk/Treasurer