

## ORDINANCE NO. 607

AN ORDINANCE OF THE CITY OF WEEPING WATER, NEBRASKA, AMENDING SECTION 173.00 OF THE WEEPING WATER MUNICIPAL CODE, TO PROVIDE FOR THE OPERATION OF AN ALL-TERRAIN VEHICLE WITHIN THE CORPORATE LIMITS; TO PROVIDE FOR OPERATING REQUIREMENTS; TO PROVIDE FOR THE REGISTRATION OF ALL-TERRAIN VEHICLES; TO ESTABLISH PENALTIES FOR VIOLATIONS; AND PROVIDING WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF WEEPING WATER, NEBRASKA:

SECTION 1. That Section 173.00 of the Weeping Water Municipal Code shall be amended to provide for the operation of all-terrain vehicles in the City of Weeping Water as follows:

### DEFINITION

1. For purposes of this Section, all-terrain vehicle (ATV) shall be defined as any motorized off-highway vehicle which is (1) is fifty inches or less in width, (2) has a dry weight of nine hundred 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.

2. All-terrain vehicle (ATV) shall not include golf carts.

### SECTION 2. OPERATION.

1. An all-terrain vehicle (ATV) may be operated on the streets and highways within the corporate limits of the City of Weeping Water, Nebraska only if the operator and vehicle comply with the provisions of this Ordinance.

2. No person shall (1) Equip the exhaust system of an all-terrain vehicle with a cutout, by-pass, or similar device; (2) Operate an all-terrain vehicle with an exhaust system so modified; or (3) Operate an all-terrain vehicle with the spark arrestor removed or modified except for use in closed-course competition events.

SECTION 3. An all-terrain vehicle (ATV) may be operated in the City of Weeping Water when such operation occurs between the hours of sunrise and sunset. Any all-terrain vehicle (ATV) operating within corporate limits shall have the city registration number displayed prominently. The person operating the ATV shall have a valid Class O operator's license and shall be eighteen (18) years of age or older. That the operation of such ATV shall be at a speed not in excess of 30 miles per hour. When operating the ATV, the headlight and taillight 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 attached to the rear of such vehicle. The bicycle safety flag shall be triangular in shape with an area of not less than thirty (30) square inches and shall be day-glow in color. An operator of an ATV shall have liability insurance coverage for the operation of such ATV and shall provide proof of insurance coverage to any peace officer requesting such proof.

**SECTION 4.** An all-terrain vehicle (ATV) may be operated without complying with Section 3 of this Ordinance on streets and highways in parades that have been authorized by the City of Weeping Water or the State of Nebraska or any department, board, commission, or political subdivision of the state.

**SECTION 5. REGISTRATION.** In order to be authorized for operation on the streets and highways of the City of Weeping Water, Nebraska, an all-terrain vehicle (ATV) must be registered in the office of the City Clerk. A registration sticker will be issued upon submitting proof of the following:

- a. proof of liability insurance coverage for the all-terrain vehicle while operating such vehicle on a street or highway;
- b. a \$25.00 annual fee for registration of the vehicle. The registration sticker shall entitle the all-terrain vehicle to be operated on the streets and highways of the City from January 1<sup>st</sup> in any year to December 31<sup>st</sup> of the same year and shall be renewable annually. The annual fee shall not be pro-rated. A registration sticker shall be displayed on the left lower corner of the windshield of such vehicle, or if the vehicle is not equipped with a windshield, at the left front of such vehicle.
- c. Upon compliance with the registration requirements identified herein, the City Clerk shall issue a registration sticker for the all-terrain vehicle (ATV) being registered. Said registration sticker shall be prominently displayed upon said vehicle at all times while such vehicle is in operation on the streets and highways of the City.

**SECTION 6.** No person shall operate an all-terrain vehicle (ATV) on the streets or highways of the City of Weeping Water, Nebraska in violation of the Nebraska Rules of the Road as established by the Revised Statutes of the State of Nebraska.

**SECTION 7.** A person who is found to be in violation of this Ordinance shall be guilty of a misdemeanor punishable by a fine of \$100.00 for the first offense. For a second offense in any twelve (12) month period, the fine shall be \$200.00 and a revocation of the all-terrain vehicle (ATV) registration. For each continued offense, the fine shall increase \$50.00 for each subsequent offense.

**SECTION 8.** Any other Ordinance passed and approved prior to this passage, approval, and publication or posting of this Ordinance and in conflict with its provisions, is hereby repealed.

**SECTION 9.** This Ordinance shall take effect and be in full force from and after its passage, approval, and publication and posting as required by law.

**PASSED AND APPROVED** this 12<sup>th</sup> day of November, 2012.

**CITY OF WEEPING WATER, NEBRASKA**

BY:   
Howard Stubbendieck, Mayor

