

## Ordinance No. 661

AN ORDINANCE OF THE CITY OF GIBBON, BUFFALO COUNTY, NEBRASKA, DEFINING AN ALL-TERRAIN VEHICLE (ATV), PROVIDING FOR ITS OPERATION AND EQUIPMENT, PERMITTING AND DEFINING CERTAIN UNLAWFUL ACTS, AND PROVIDING FOR LIABILITY INSURANCE.

BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF GIBBON, BUFFALO COUNTY, NEBRASKA:

**Sec. 1: Sections 78.01 through 78.99 of the Gibbon City Code of Ordinances, both inclusive, are hereby repealed.**

**Sec. 2: It is hereby adopted the following additions to the Gibbon City Code of Ordinances:**

### **§ 78.01 DEFINED.**

As used in this chapter, unless the context otherwise requires, **ALL-TERRAIN VEHICLE (ATV)** shall include but not be limited to any motorized off-highway vehicle which:

- (A) Is 65 inches or less in width.
  - (B) Has a dry weight of 2,000 pounds or less.
  - (C) Travels on four or more low pressure tires. All-Terrain vehicles shall include any side by side (e.g., Gator, Ranger, Mule etc.), 4-wheeler or golf cart.
  - (D) Is designed for operator use only with no passengers or is specifically designed by the original manufacturer for the operator and one or more passengers; and
  - (E) Has handlebars or any other steering assembly for steering control.
- (Neb. RS 60-6,335) (2000 Code, § 5-901) (Ord. 539, passed 1-21-2008) (60-135.01)

### **§ 78.02 OPERATION.**

- (A) Operators must be at least 18 years old.
- (B) Any person operating an all-terrain vehicle on a public street, road or highway shall have a valid motor vehicle operator's license or a special permit as provided in Neb. RS 60-484, Neb. Rev. Stat. §60-4,126.
- (C) Operators must obey state, local, and federal traffic laws.
- (D) The crossing of a public street, road or highway shall be permitted only if:
  - (1) The crossing is made at an angle of approximately 90 degrees to the direction of the street, road 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 main-traveled way of the street, road 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 street, road or highway, the crossing is made only at an intersection of such street, road or highway with another public street, road or highway; and

(E) All-terrain vehicles may be operated on a public street, road, or highway and shall not operate such vehicles at a speed in excess of 25 mph.

(F) All-terrain vehicles may be operated on public streets, roads 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 vehicles may be operated by employees of the municipality while on duty.

(H) Any owner or operator of an all-terrain vehicle who desires to operate such all-terrain vehicle upon the streets of the City as provided by this ordinance, must first register such all-terrain vehicle with the City of Gibbon by making application for registration of the all-terrain vehicle, accompanied by proof of liability insurance covering the all-terrain vehicle and its operators for personal injury and property damage, and by payment of a registration fee of \$50.00 that is valid for one year. Any renewal or replacement sticker that is part of the registration shall be an additional fee of \$25.00 for that sticker. Each new registration application shall contain, in addition to other information as may be required by the City Administrator, the name and address of the applicant, a complete description of the all-terrain vehicle and its identification number. The City shall prescribe the initial and renewal application forms and shall issue tags or permits which shall be placed upon or within the all-terrain vehicle at all times. The City may establish other reasonable rules and regulations for registration and renewal of registration of all-terrain vehicles. If a citation is issued to an owner or operator of an all-terrain vehicle for violation of not having the vehicle registered and the owner properly registers and licenses such all-terrain vehicle and pays all fees due and provides proof of insurance within 5 days of issuance of the citation, no prosecution for the offense shall occur.

All registrations shall expire on December 31st of each year.

The city administrator shall review each permit application prior to giving approval.

The city reserves the right to revoke permits at any time. The city administrator will contact the permittee via certified mail and/or deliver written notice in person.

Permittees may appeal to the city council by contacting the city clerk and requesting it to be added to the agenda of the next regularly scheduled meeting of the city council.

Registration sticker **must** be prominently displayed upon the rear of said vehicle at all times while such vehicle is in operation on the streets of the City of Gibbon, Nebraska.

(Neb. RS 60-6,356) (2000 Code, § 5-902) (Ord. 539, passed 1-21-2008) Penalty, see § 78.99

**§ 78.03 HEADLIGHTS.**

Every all-terrain vehicle shall display a lighted headlight and taillight.

(Neb. RS 60-6,357) (2000 Code, § 5-903) Penalty, see § 78.99

**§ 78.04 EQUIPMENT, REQUIREMENT.**

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 arrestor; and,
- (D) 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 not less than 30 square inches and be DayGlo in color.

(Neb. RS 60-6,358) (2000 Code, § 5-904) Penalty, see § 78.99

**§ 78.05 PROHIBITIONS.**

No person shall:

- (A) Equip the exhaust system of an all-terrain vehicle with a cutout, bypass or similar device;
- (B) Operate an all-terrain vehicle with an exhaust system so modified; or
- (C) Operate an all-terrain vehicle with the spark arrestor removed or modified except for use in closed-course competition events.

(Neb. RS 60-6,359) (2000 Code, § 5-905) Penalty, see § 78.99

**§ 78.06 ALL-TERRAIN VEHICLES; UNLAWFUL ACTS.**

It shall be deemed a misdemeanor for any person to allow an all-terrain vehicle, either owned or operated by him/her, to be operated:

- (A) At a rate of speed greater than reasonable or proper under the surrounding circumstances.
- (B) In a careless, reckless, or negligent manner so as to endanger person or property.
- (C) Without a lighted headlight and taillight.

(D) Upon any private lands or city parks without first having obtained permission of the owner, lessee, or operator of such lands.

**§ 78.07 COMPETITION.**

All-terrain vehicles participating in competitive events may be exempted from sections of this chapter at the discretion of the Director of Motor Vehicles.

(Neb. RS 60-6,360) (2000 Code, § 5-906)

**§ 78.58 ACCIDENT REPORT.**

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 vehicle involved in the accident shall give notice of the accident in the same manner as provided in Neb. RS 60-699.

(Neb. RS 60-6,361) (2000 Code, § 5-907)

**§ 78.09 ENFORCEMENT.**

Any peace officer of the state or of any political subdivision, including conservation officers of the Game and Parks Commission shall be charged with the enforcement of the provisions of this chapter.

(2000 Code, § 5-909)

**§ 78.10 LIABILITY INSURANCE.**

Any person operating an all-terrain vehicle shall have liability insurance coverage for the all-terrain vehicle while operating the all-terrain vehicle on any street or highway. The person operating the all-terrain vehicle shall provide proof of such insurance coverage to any peace officer requesting such proof within five days of such request.

(Neb. RS 60-533)(2000 Code, § 5-910) (Ord. 539, passed 1-21-2008) Penalty, see § 78.99

**§ 78.99 PENALTY.**

Any violation of this chapter which is also a violation under Neb. RS Chapter 39 or Chapter 60 may be punished under the penalty provisions of such chapter.

(Neb. RS 60-6,362) (2000 Code, § 5-908)

**Sec. 4: Repeal of Conflicting Ordinances.**

Any ordinance or parts of ordinances in conflict herewith are hereby repealed.

**Sec. 5: Effective Date.**


This ordinance shall become effective upon its passage and publication according to law.

**Sec. 6: Adoption.**

Passed and adopted by the City Council of the City of Gibbon, State of Nebraska, on this 19 day of June, 2023.

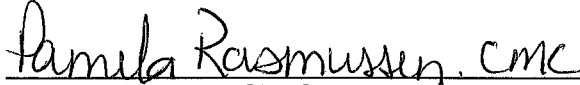
PASSED AND APPROVED THIS 19 DAY OF June, 2023.

CITY OF GIBBON, NEBRASKA

  
Deborah VanMatre, Mayor



ATTEST:

  
Pam Rasmussen, City Clerk