

**ORDINANCE NO. 770**

**AN ORDINANCE RELATING TO ALL-TERRAIN VEHICLES AND UTILITY-TYPE VEHICLES; TO ALLOW THE OPERATION OF ALL-TERRIAN VEHICLES, UTILITY-TYPE VEHICLES AND GOLF CART VEHICLES WITHIN THE CORPORATE LIMITS UNDER CERTAIN CIRCUMSTANCES; TO IMPOSE RESTRICTIONS ON THE USE OF SUCH VEHICLES; TO PROVIDE A REGISTRATION PROCESS; TO ESTABLISH PENALTIES FOR VIOLATIONS; TO RENUMBER EXISTING SECTION 4-801; TO PROVIDE A SEVERABILITY CLAUSE; TO PROVIDE FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH; AND TO PROVIDE FOR AN EFFECTIVE DATE OF THIS ORDINANCE.**

**BE IT ORDAINED BY THE CHAIRPERSON AND BOARD OF TRUSTEES OF THE VILLAGE OF WATERLOO, DOUGLAS COUNTY, NEBRASKA, AS FOLLOWS:**

**Section 1.** A new section 4-801 is added to the Village of Waterloo Municipal Code as follows:

**Sec. 4-801: All-terrain vehicle, utility-type vehicle, golf cart vehicles; other terms; defined.**

(1) For purposes of this section:

(a) All-terrain vehicle means any motorized off-highway vehicle which (a) is fifty inches or less in width, (b) has a dry weight of nine hundred pounds or less (c) travels on three or more low-pressure tires, (d) is designed for operator used only with no passengers or is specifically designed by the original manufacturer for the operator and one passenger, (e) has a seat or addle designed to be straddled by the operator, and (f) has handlebars or any other steering assembly for steering control.

(Ref. Neb. Rev. Stat. §60-6,355)

(b) 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.

(Ref. Neb. Rev. Stat. §60-624)

(c) Utility-type vehicle means any motorized off-highway vehicle which (A) is not less than forty-eight inches nor more than seventy-four inches in width (B) is not more than one hundred thirty-five inches, including the bumper, in length, (C) has a dry weight of not less nine hundred nor more than two thousand pounds, (D) travels on four or more low-pressure tires, and (E) is equipped with a steering wheel and bench or bucket-type seating designed for at least two people to sit side-by-side.

(ii) Utility-type vehicles does not include golf carts or low-speed vehicles

(Ref. Neb. Rev. Stat. § 60-6,355)

- (d) Golf car vehicle means a vehicle that has at least four wheels, has a maximum level ground speed of less than twenty miles per hour, has a maximum payload capacity of one thousand two hundred pounds, has a maximum passenger capacity of not more than four persons, is designed and manufactured for operation on a golf course for sporting and recreational purposes, and is not being operated within the boundaries of a golf course.

**Section 2.** A new section 4-802 is added to the Village of Waterloo Municipal Code as follows:

**Sec. 4-802: All-terrain vehicle; utility-type vehicle; golf car vehicle; operation; restrictions.**

- (1) An all-terrain vehicle, utility-type vehicle or golf cart vehicle may be operated on streets and highways within the corporate limits of the Village of Waterloo only if the operator and the vehicle comply with the provisions of this article and Chapter 60 of the Revised Statutes of Nebraska.
- (2) An all-terrain vehicle, utility-type vehicle or golf cart vehicle may be operated only between the hours of sunrise and sunset and shall not be operated at a speed in excess of thirty miles per hour. When operating an all-terrain vehicle, utility-type vehicle or golf cart vehicle as authorized in subsection (1) of this section, 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 square inches and shall be day-glow in color.
- (3) Any person operating an all-terrain vehicle, utility-type vehicle or golf cart vehicle as authorized in subsection (1) of this section shall have:
  - (a) A valid Class O operator's license or a farm permit as provided in Neb. Rev. Stat.60-4,126; and
  - (b) Liability insurance coverage for the all-terrain vehicle, utility-type vehicle or golf cart vehicle while operating the all-terrain vehicle, utility-type vehicle or golf cart vehicle on a street or highway. The person operating the all-terrain vehicle, utility-type vehicle or golf cart vehicle shall provide proof of such insurance coverage to any peace officer requesting such proof within five days of such a request.
- (4) All-terrain vehicles, utility-type vehicles or golf cart vehicles may be operated without complying with subsections (2) and (3) 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.

- (5) An all-terrain vehicle, utility-type vehicle or golf cart vehicle shall not be operated on any controlled-access highway with more than two marked traffic lanes shall not be permitted. Subsection (1) through (3) and (6) of this section authorize and apply to operation of an all-terrain vehicle, utility-type vehicle or golf cart vehicle only on a street or highway other than a controlled-access highway with more than two marked traffic lanes.
  
- (6) Subject to subsection (5) of this section, the crossing of a street or highway shall be permitted by an all-terrain vehicle, utility-type vehicle or golf cart vehicle without complying with subsections (2) and (3) of this section only if:
  - (a) The crossing is made at an angle of approximately ninety degrees to the direction of the street or highway and at a place where no obstruction prevents a quick and safe crossing;
  
  - (b) The vehicle is brought to a complete stop before crossing the shoulder or roadway of the street or highway;
  
  - (c) The operator yields the right-of-way to all oncoming traffic that constitutes an immediate potential hazard;
  
  - (d) In crossing a divided highway, the crossing is made only at an intersection of such highway and another highway; and
  
  - (e) Both the headlight and taillight of the vehicle are on when the crossing is made.  
(Ref. Neb. Rev. Stat. §60-6,356)
  
- (7) No passengers shall be allowed in the cargo area of an all-terrain vehicle or utility-type vehicle.

**Section 3.** A new section 4-803 is added to the Village of Waterloo Municipal Code as follows:

**Section 4-803: All-terrain vehicles; utility-type vehicles, golf cart vehicles; lights required; when.**

Every all-terrain vehicle, utility-type vehicle or golf cart vehicle shall display a lighted headlight and taillight during the period of sunset to sunrise and at any time when visibility is reduced due to insufficient light or unfavorable atmospheric conditions.  
(Ref. Neb. Rev. Stat. § 60-6,357)

**Section 4.** A new section 4-804 is added to the Village of Waterloo Municipal Code as follows:

**Sec. 4-804: All-terrain vehicle, utility-type vehicle, golf cart vehicle; equipment required.**

Every all-terrain vehicle, utility-type vehicle or golf cart vehicle shall be equipped with (1) a brake system maintained in good operating condition; (2) an adequate muffler system in good working condition; and (3) a U.S. Forest Service qualified spark arrester.

(Ref. Neb. Rev. Stat. § 60-6,358)

**Section 5.** A new section 4-805 is added to the Village of Waterloo Municipal Code as follows:

**Sec. 4-805: Modification of all-terrain vehicle, utility-type vehicle or golf cart vehicle; prohibited.**

No person shall:

- (1) Equip the exhaust system of an all-terrain vehicle, utility-type vehicle or golf cart vehicle with a cutout, bypass or similar device; or
- (2) Operate an all-terrain vehicle, utility-type vehicle or golf cart vehicle with an exhaust system so modified; or
- (3) Operate an all-terrain vehicle, utility-type vehicle or golf cart vehicle with the spark arrester removed or modified except for use in closed-course competition events.

(Ref. Neb. Rev. Stat. § 60-6,359)

**Section 6.** A new section 4-806 is added to the Village of Waterloo Municipal Code as follows:

**Sec. 4-806: All-terrain vehicle; utility-type vehicle; golf cart vehicles; competitive events; exemptions.**

All-terrain vehicles, utility-type vehicles or golf cart vehicles participating in competitive events may be exempted from Section 4-802 to 4-805 at the discretion of the Director of Motor Vehicles of the State of Nebraska

(Ref. Neb. Rev. Stat. § 60-6,360)

**Section 7.** A new Section 4-807 is added to the Village of Waterloo Municipal Code as follows:

**Sec. 4-807: All-terrain vehicle; utility-type vehicle; golf cart vehicles; accident; report required.**

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, utility-type

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vehicle or golf cart vehicle involved in the accident shall give notice of the accident in the same manner as provided in Neb. Rev. Stat. § 60-699.

(Ref. Neb. Rev. Stat. §60-6, 361)

**Section 8.** A new Section 4-808 is added to the Village of Waterloo Municipal Code Book as follows:

**Sec. 4-808: All-terrain vehicle; utility-type vehicle; golf cart vehicles; concurrent state penalty.**

Any violation of Section 4-802 through 4-807 of this article which is also a violation under Chapter 60 of the Revised Statutes of Nebraska may be punished under the penalty provisions of such chapter.

(Ref. Neb. Rev. Stat. §60-6, 362)

**Section 9.** A new Section 4-809 is added to the Village of Waterloo Municipal Code Book as follows:

**Sec. 4-809: All-terrain vehicle; utility-type vehicle; golf cart vehicles; registration.**

- (1) An all-terrain vehicle, utility-type vehicle or golf cart vehicle may be operated on streets and highways within the corporate limits of the Village of Waterloo only if such vehicle is registered by the village, displays a valid registration sticker and is maintained pursuant to the provisions of this article.
- (2) Upon proper execution of an application, a registration fee of Twenty-Five (\$25) Dollars shall be paid to the village. Such fee shall cover the costs of the initial inspections and issuance of a registration sticker. Such registration shall be valid for the calendar year for which such sticker is issued
- (3) Upon payment of the fee, an inspection of the vehicle shall be scheduled by the village clerk at its registered location, if within the village, or at the village clerk's office. Such inspection shall be made by a village police officer.
- (4) Upon such inspection, and a determination by the police officer that the vehicle from a visual examination of the vehicle, appears to comply with the provisions of this chapter, the police officer shall issue and affix a registration sticker to the vehicle in an observable location on the vehicle as may be determined by the police officer. If an inspection sticker is not issued after two inspections, the fee shall be forfeited.
- (5) The inspection and issuance of a registration sticker shall not relieve the operator or registered owner from compliance with Chapter 60 of the Revised Statutes of Nebraska or the Village of Waterloo Municipal Code, nor is such inspection or issuance intended to create any obligation on the part of the village for such

compliance, nor shall the operator or registered owner rely on such inspection or issuance as to such compliance.

**Section 10.** A new Section 4-810 is added to the Village of Waterloo Municipal Code Book as follows:

**Sec. 4-810: All-terrain vehicle; utility-type vehicle; golf cart vehicles; non-registration penalty.**

- (1) Notwithstanding any other provision of the Village of Waterloo Municipal Code, the sole penalty regarding failure to register or display a valid registration sticker pursuant to Section 4-809 shall be those penalties contained in this section.
- (2) Upon the first violation of the provisions of Section 4-809, which shall be deemed a violation by both the operator and the registered owner, a warning may be issued by the enforcement officer.
- (3) Upon the second violation of the provisions of Section 4-809, which shall be deemed a violation by both the operator and the registered owner, the penalty shall be a Twenty-Five (\$25) Dollar fine shall be paid by the registration holder to the village. The amount of such fine may be adjusted from time to time by village ordinance.
- (4) Upon either the third violation of the provisions of this article, which shall be deemed a violation by both the operator and the registered owner, or the failure to pay the fine set out in this section within 14 days of issuance, the penalties shall be (a) the immediate revocation of the particular vehicle's registration, if any; and, (b) the immediate suspension of the operator and registration holder from applying for a registration for a period of one year from the date of such violation.
- (5) Such penalties set out in this section may be waived by the Village Board upon a showing of unusual circumstances not within the control of the operator or registered owner.

**Section 11.** A new Section 4-810 is added to the Village of Waterloo Municipal Code Book as follows:

**Sec. 4-810: All-terrain vehicle; utility-type vehicle; golf cart vehicles; enforcement.**

Any law enforcement 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 Section 4-802 to 4-808 of this article.

**Section 12.** The existing Section 4-801 of the Village of Waterloo Municipal Code Book is renumbered as Section 4-901 as follows:

**Sec. 4-901: Violation; Penalty**

Any person who shall violate or refuse to comply with the enforcement of any of the provisions of this chapter, set forth at full length herein or incorporated by reference, shall be deemed guilty of an offense and upon conviction thereof shall be fined not more than \$500.00 for each offense. A new violation shall be deemed to have been committed every 24 hours of such failure to comply.

**Section 13.** If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any Court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

**Section 14.** All ordinances or parts thereof in conflict herewith, as written prior to the effective date of this Ordinance, are hereby repealed.

**Section 15.** This Ordinance shall take effect and be in full force fifteen days from and after the date of its passage.

PASSED this 12 day of July, 2016.

ATTEST:

Melissa Johnson  
Melissa Johnson  
Village Clerk



Village of Waterloo

Ken Hitchler  
Ken Hitchler  
Chairperson

