

ORDINANCE NO. 1015

AN ORDINANCE OF THE CITY OF PLAINVIEW, NEBRASKA, REGULATING THE OPERATION OF ALL-TERRAIN VEHICLES, UTILITY-TYPE VEHICLES, AND GOLF CAR VEHICLES ON CITY STREETS; TO PROVIDE FOR LICENSING AND FEES; TO ESTABLISH RULES OF OPERATION AND EQUIPMENT REQUIREMENTS; AND TO PROVIDE FOR PENALTIES FOR VIOLATIONS.

NOW THEREFORE BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF PLAINVIEW, NEBRASKA:

SECTION 1. AUTHORITY

Pursuant to Neb. Rev. Stat. § 60-6,356(7), the City Council hereby authorizes the operation of ATVs and UTVs within its corporate limits, provided the operator thereof fully complies with this Ordinance. Pursuant to Neb. Rev. Stat. § 60-6,381(2)(a), the City Council hereby authorizes the operation of Golf Car Vehicles within its corporate limits, provided the operator thereof fully complies with this Ordinance.

SECTION 2. DEFINITIONS

For the purposes of this Ordinance, the following terms shall have the meanings ascribed to them in this Section:

- A. All-Terrain Vehicle (ATV) shall have the same meaning as that set forth in Neb. Rev. Stat. § 60-6,355.
- B. Utility-Type Vehicle (UTV) shall have the same meaning as that set forth in Neb. Rev. Stat. § 60-6,355.
- C. Golf Car Vehicle shall have the same meaning as that set forth in Neb. Rev. Stat. § 60-116.01.
- D. Operator shall mean any person who operates or is in actual physical control of an ATV, UTV, or Golf Car Vehicle.
- E. Proof of Ownership shall mean a valid Certificate of Title, a Manufacturer's Statement of Origin (MSO), or a notarized Bill of Sale for the vehicle.
- F. Street shall mean a public way for the purposes of vehicular travel in the City and includes the entire area within the right-of-way.
- G. Sunrise and Sunset shall mean the times of day as determined by the National Weather Service.

SECTION 3. LICENSING AND REGISTRATION

- A. No All-Terrain Vehicle, Utility-Type Vehicle, or Golf Car Vehicle shall be operated on any street within the corporate limits of the City of Plainview unless a valid permit has been issued by the City Clerk in accordance with this Section and a permit decal is properly displayed on the vehicle.
- B. The owner of the vehicle shall make an application for a permit to the City Clerk on a form provided by the City. The application shall be accompanied by the following:

- a. A completed application form signed by the owner.
 - b. Proof of Ownership for the vehicle, such as a Certificate of Title, Manufacturer's Statement of Origin (MSO), or a notarized Bill of Sale.
 - c. A copy of the owner's valid State of Nebraska Class O operator's license or its equivalent from another state.
 - d. Proof of liability insurance that meets or exceeds the requirements established in Section 4 of this ordinance.
- C. The following non-refundable fees shall be paid to the City of Plainview at the time of application:
 - a. Initial Registration Fee: A fee of \$25.00 shall be paid for the first-time registration of any vehicle under this ordinance.
 - b. Annual Renewal Fee: A fee of \$20.00 shall be paid for each subsequent annual renewal of the permit.
- D. Upon successful completion of the application, verification of all required documents, and payment of the applicable fee, the City Clerk shall issue a numbered permit decal to the owner.
 - a. Display: The permit decal shall be affixed in a conspicuous and visible location on the rear of the vehicle, on the driver's side.
 - b. Term: All permits issued under this ordinance shall be valid for the calendar year of issuance, expiring on December 31. Fees shall not be prorated for permits issued after January 1, and no refunds shall be issued. This standardized term simplifies administration for the City Clerk and aids law enforcement in identifying expired permits.
 - c. Non-Transferability: The permit is issued for a specific vehicle and owner and is not transferable to any other vehicle or owner.

SECTION 4. OPERATOR, INSURANCE, AND GENERAL REGULATION

- A. Any person operating a permitted vehicle under this ordinance shall:
 - a. Possess a valid Class O operator's license and have said license in their possession at all times during operation.
- B. The owner of any vehicle permitted under this ordinance shall procure and maintain a policy of liability insurance for the vehicle that satisfies the minimum liability coverage limits of Neb. Rev. Stat. § 60-509. Proof of insurance must be carried in the vehicle or by the operator at all times and must be presented to any peace officer upon request.
- C. Every operator of an ATV, UTV, or Golf Car Vehicle shall be subject to and shall obey all Nebraska Rules of the Road as set forth in Chapter 60 of the Nebraska Revised Statutes, as well as all traffic ordinances of the City of Plainview, as if operating a standard motor vehicle.
- D. The number of persons occupying a vehicle shall be limited to the number of seats designed and installed by the original manufacturer. For ATVs, a passenger is permitted only if the vehicle was specifically designed by the manufacturer for an operator and one passenger. All occupants must remain seated at all times while the vehicle is in motion.

SECTION 5. RULES OF OPERATION

- A. The operation of any ATV, UTV, or Golf Car Vehicle on City streets is strictly limited to the hours between sunrise and sunset.
- B. ATVs and UTVs shall not be operated at a speed in excess of thirty (30) miles per hour, or the posted speed limit, whichever is less.
- C. Golf Car Vehicles shall not be operated at a speed in excess of twenty (20) miles per hour.
- D. ATVs and UTVs may be operated on any City street, except those designated as prohibited by the City Council or any State or Federal highway.
- E. For Golf Car Vehicle, operation is restricted to City streets with a posted speed limit of thirty-five (35) miles per hour or less.
- F. The City Council may, by resolution, designate specific streets, or portions thereof, where the operation of these vehicles is prohibited due to concerns over traffic volume, speed, or other public safety factors.
- G. The crossing of a prohibited street, or a State or Federal highway, is permitted only if all the statutory conditions of Neb. Rev. Stat. §§ 60-6,356 and 60-6,381 are met.
- H. It shall be unlawful for any person to:
 - a. Operate a permitted vehicle on any sidewalk, public trail, or in any City park, except on designated roadways within a park.
 - b. Operate a permitted vehicle in a careless or reckless manner so as to endanger persons or property.
 - c. Operate a permitted vehicle while under the influence of alcohol or any controlled substance.
 - d. Tow any trailer, sled, or other object or person, unless the vehicle is a UTV specifically designed and equipped by the manufacturer for such purposes.

SECTION 6. VEHICLE EQUIPMENT REQUIREMENTS

- A. Every ATV and UTV operated under this ordinance shall be equipped with the following, as required by Neb. Rev. Stat. §§ 60-6,356, 60-6,357, and 60-6,358:
 - a. Braking System: A braking system maintained in good operating condition.
 - b. Lighting: At least one (1) headlight and one (1) taillight, which must be illuminated at all times during operation.
 - c. Muffler: An adequate muffler system in good working condition.
 - d. Spark Arrester: A United States Forest Service-qualified spark arrester.
 - e. Safety Flag: A bicycle safety flag which is day-glow in color, triangular in shape with an area of not less than thirty (30) square inches, and extends not less than five (5) feet above the ground, attached to the rear of the vehicle.
This flag is a crucial component for visibility in mixed traffic.
- B. No person shall equip the exhaust system of any vehicle permitted herein with a cutout, bypass, or similar device. No person shall operate a vehicle with an exhaust system that has been so modified or that emits excessive or unusual noise.

SECTION 7. EXCEPTIONS

- A. The provisions of this ordinance may be waived for vehicles participating in a parade or special event authorized by the City of Plainview. The City may require a separate special event permit, proof of event-specific liability insurance, and

may impose conditions on routes, times, and operator conduct as deemed necessary for public safety.

- B. The provisions of this ordinance shall not apply to ATVs, UTVs, or Golf Car Vehicles owned and operated by the City of Plainview, or any federal, state, or local governmental agency, when such vehicles are being used in the performance of official duties.
- C. Notwithstanding any other provision of this ordinance, any ATV, UTV, or Golf Car Vehicle used as an "Other Power-Driven Mobility Device" (OPDMD) by an individual with a mobility disability shall be permitted in accordance with the Americans with Disabilities Act (ADA).

SECTION 8. ENFORCEMENT AND PENALTIES

- A. Any person who violates any provision of this ordinance shall be deemed guilty of a municipal infraction and shall be subject to the penalties set forth herein.
- B. First Offense: For a first conviction within a two (2) year period, the violator shall be fined one hundred dollars (\$100.00).
- C. Second Offense: For a second conviction within a two (2) year period, the violator shall be fined two hundred fifty dollars (\$250.00).
- D. Third or Subsequent Offense: For a third or subsequent conviction within a two (2) year period, the violator shall be fined five hundred dollars (\$500.00).
- E. In addition to fines, permits shall be suspended or revoked for repeat offenses. This penalty applies to both the permit registered to the vehicle's owner and the eligibility of the operator to obtain a permit.
 - a. Suspension: Upon a second conviction within two (2) years, the City-issued permit for the vehicle involved shall be suspended for a period of one (1) year.
 - b. Revocation: Upon a third conviction within two (2) years, the City-issued permit for the vehicle involved shall be revoked. The owner of the vehicle and the operator who committed the violation shall be ineligible to apply for a new permit for any vehicle for a period of two (2) years from the date of conviction.
- F. Any peace officer shall have the authority to impound a vehicle operated in violation of this ordinance upon a third or subsequent offense, or for any offense which presents an immediate and substantial danger to public safety. The owner of the impounded vehicle shall be responsible for the payment of all towing and storage fees prior to the release of the vehicle.
- G. In addition to any of the foregoing, a person found in violation of any provision related to ATVs and UTVs shall be guilty of a Class III misdemeanor, except that if such person is convicted of a second or subsequent offense within any period of one year, he or she shall be guilty of a Class II misdemeanor.

SECTION 9. All ordinances or parts of ordinances in conflict be and the same hereby are repealed.

SECTION 10. Three-fourths of the City Council voted to suspend the requirement that this ordinance be read by title on three different days.

SECTION 11. This ordinance shall be effective from and after its passage, approval and publication as provided by law.

SECTION 12. This ordinance shall be published in pamphlet form and available for public inspection during normal City Office business hours.

Passed and approved this 11th day of November, 2025



Rat D. Smith

Mayor

Courtney K. Smith

Clerk