

ORDINANCE NO: 2024-19

**AN ORDINANCE OF SOUTH SIOUX CITY, NEBRASKA, AMENDING CHAPTER 110
ARTICLE 6 OF THE CODE OF ORDINANCES RELATING TO ALL-TERRAIN
VEHICLES; PROVIDING AN EFFECTIVE DATE; AND REPLACING ALL
CONFLICTING ORDINANCES PREVIOUSLY IN EFFECT**

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SOUTH SIOUX
CITY, NEBRASKA:

SECTION 1: That Chapter 110, Article 6 of the South Sioux City Code shall be
amended by repealing section 6 in its entirety and replacing it as follows:

Article VI.

(ALL-TERRAIN VEHICLES, UTILITY TYPE VEHICLES, AND GOLF CARTS)

Sec. 110-406. - Definitions.

A) For the purposes of this section:

- (1) All-terrain vehicle (ATV) means any motorized off-highway vehicle which (a) is fifty (50) inches or less in width, (b) has a dry weight of nine hundred (900) pounds or less, (c) travels on four (4) or more low-pressure tires, (d) is designed for operator use only with no passengers or is specifically designed by the original manufacturer for the operator and one passenger, (e) has a seat or saddle designed to be straddled by the operator, and (f) has handlebars or any other steering assembly for steering control. (Neb. Rev. Stat. 60-6,355)
- (2) Utility type vehicle (UTV) means any motorized off-highway vehicle which (a) is not less than forty-eight (48) inches or more than seventy-four (74) inches in width; (b) is not more than one hundred thirty-five (135) inches, including the bumper in length; (c) has a dry weight of not less than nine hundred (900) pounds nor more than two thousand (2,000) pounds; (d) travels on four (4) or more low pressure tires; and (e) is equipped with a steering wheel and bench or bucket type seating designed for at least two (2) people to sit side by side. Riding lawn mowers and motorized wheelchairs are not utility type vehicles as defined in this ordinance.
- (3) Golf Cart (GC) means any vehicle that (a) has at least four (4) wheels, (b) has a maximum level ground speed of less than twenty (20) miles per hour, (c) has a maximum payload capacity of one thousand two hundred (1,200) pounds, (d) has a maximum gross vehicle weight of two thousand five hundred (2,500) pounds, (e) has a maximum passenger capacity of not more than four (4) persons, (f) is designed and manufactured for operation on a golf course for sporting and

recreational purposes, and (g) is not being operated within the boundaries of a golf course. (Neb. Rev. Stat. § 60-622.01)

- (4) 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. (Neb. Rev. Stat. § 60-624)

Sec. 110-407. - Operation and Equipment.

- B) An ATV, Golf Cart, or 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 provisions of this section.
- C) ATVs, Golf Carts, and UTVs may be operated only between the hours of sunrise and sunset. The headlight and taillight of the vehicle shall be on during operation. The following additional restrictions apply to each respective vehicle:
- (1) ATVs and UTVs must not be operated at a speed in excess of thirty (30) miles per hour and must be equipped with a bicycle safety flag which extends not less than five (5) feet above ground, attached to the rear of the vehicle. The bicycle safety flag shall be triangular in shape, with an area not less than thirty (30) square inches and shall be day-glow in color.
 - (2) Golf Carts shall only be operated on streets with a posted speed limit of twenty-five miles per hour or less. When operating a Golf Cart as authorized under this subsection, the operator shall not operate such vehicle at a speed in excess of twenty miles (20) per hour.
 - (3) ATVs, Golf Carts, and UTVs shall not be operated at any time on any state or federal highway but may be operated upon such a highway in order to cross a portion of the highway system which intersects a street as directed in Nebraska Revised Statutes and as provided in this section.
- D) Any person operating an ATV or UTV as authorized in this section shall:
- (1) Have a valid Class O operator's license or a farm permit as provided in Neb. Rev. Stat. 60-4,126;
 - (2) Have a permit for the vehicle issued by the City Clerk permitting operation within the corporate limits of the city;

- (3) Have liability insurance coverage for the vehicle;
 - (4) Provide proof of coverage upon the demand of any peace officer requesting such proof within five (5) days of such request; and
 - (5) Wear a helmet approved for operation of a motorcycle.
- E) Any person operating a Golf Cart as authorized in this section shall:
 - (1) Have a valid Class O operator's license;
 - (2) Have a permit for the Golf Cart issued by the City Clerk permitting operation within the corporate limits of the city;
 - (3) Have liability coverage for the vehicle as follows: twenty-five thousand dollars because of bodily injury to or death of one person in any one accident and, subject to such limit for one person, fifty thousand dollars because of bodily injury to or death of two or more persons in any one accident, and twenty-five thousand dollars because of injury to or destruction of property of others in any one accident;
 - (4) Provide proof of coverage upon the demand of any peace officer requesting such proof within five (5) days of such request.
- F) ATVs, Golf Carts, or UTVs may be operated without complying with subsections (C), (D), and (E) of this section on streets and highways during parades which have been authorized by the State of Nebraska, or any department, board, commission, or political subdivision of the state.
- G) ATVs, Golf Carts, and UTVs 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 (B) through (E) and (G) of this section authorize and apply to operation of ATVs, Golf Carts, and UTVs only on a street or highway other than a controlled-access highway with more than two (2) marked traffic lanes.
- H) Subject to subsection (F) of this section, the crossing of a street or highway shall be permitted only if:
 - (1) The crossing is made at an angle of approximately ninety (90) degrees to the direction of the street or highway and at a place where no obstruction prevents a quick and safe crossing;

- (2) The ATV, Golf Cart, or UTV 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; and
- (4) In crossing a divided highway, the crossing is made only at an intersection of such highway with a street or road, as applicable.

Sec. 110-408. - Permit.

- I) In order to obtain a permit to operate an ATV, UTV, or Golf Cart within the corporate limits of the City, an applicant must make an annual application at the office of the City Clerk and provide the following information:
 - (1) Name and address of the applicant;
 - (2) Proof of insurance for the all-terrain or utility type vehicle(s) to be operated within the City by the applicant;
 - (3) Valid Class O operator's license issued by the State of Nebraska; and,
 - (4) Year, make, model, color, engine size, and vehicle identification number (VIN) of the vehicle(s) to be operated within the City by the applicant.
- J) In addition, the all-terrain or utility type vehicle must pass an annual inspection by a person designated by the City to ensure that the vehicle meets the following requirements:
 - (1) At least one working headlight and taillight;
 - (2) A working brake light;
 - (3) At least one rearview mirror;
 - (4) A working seatbelt on utility type vehicle;
 - (5) A bicycle safety flag in compliance with the *Operation* section of this ordinance;
 - (6) A brake system maintained in good operating condition;
 - (7) A muffler system in good working condition properly attached to the all-terrain or utility type vehicle which reduces the noise of operation of the motor to the minimum necessary for operation. The muffler shall not be

audible for a distance of more than five hundred (500) feet. No person shall use a muffler cutout, by-pass, straight pipe, or similar device on any ATV or UTV; and,

(8) A United States Forest Service qualified spark arrester.

K) In addition, the Golf Cart must pass an annual inspection by a person designated by the City to ensure that the vehicle meets the following requirements:

(1) working headlights and taillights;

(2) A brake system maintained in good operating condition with working brake lights;

(3) A rearview mirror; and

(4) For gas-powered Golf Carts, a muffler system in good working condition properly attached to the Golf Cart which reduces the noise of operation of the motor to the minimum necessary for operation. The muffler shall not be audible for a distance of more than five hundred (500) feet. No person shall use a muffler cutout, by-pass, straight pipe, or similar device on any Golf Cart.

(5) A bicycle safety flag in compliance with the Operations section of this Ordinance.

L) Upon compliance with sections I) and J) or K), herein, and payment of an application fee, which fee may be amended from time to time by resolution of the City Council, the City Clerk shall issue the applicant a permit to operate the designated vehicle(s) within the corporate limits of the city and two (2) permit stickers to attach to the vehicle.

M) Permits to operate the vehicle shall be valid from the date of issuance until midnight on the 31st day of December of the year for which the permit is issued.

N) The permit sticker shall be prominently displayed on the front and rear fender or similar component of the operator's Golf Cart or all-terrain or utility type vehicle.

Sec. 110-409. - Traffic Regulations.

O) The operator of a Golf Cart or all-terrain or utility type vehicle within the corporate limits of the City shall comply with, and is subject to, all traffic regulations of the city and the State of Nebraska, including but not limited to, those laws, ordinances, or regulations pertaining to the operation or being in

actual physical control of a motor vehicle while under the influence of alcoholic liquor or of any drug. When making turns within the roadways and at intersections, the operator shall use the appropriate hand-signals as designated by the State of Nebraska Rules of the Road.

Sec. 110-410. - Revocation of Permit.

- P) Violations of these provisions shall be punishable as set forth in section 1-9 of the South Sioux City Code. In addition, any person receiving three (3) or more citations within a twelve (12) month period shall, upon conviction of the third or subsequent offense, have his or her permit to operate a Golf Cart and all-terrain or utility type vehicle within the City limits revoked for a period of one (1) year from the date of conviction. Upon completion of the revocation period, said person must reapply for a permit in order to operate an all-terrain or utility type vehicle within the City limits.

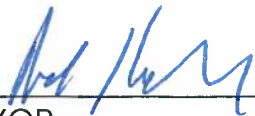
Section 110-411. Violations.

- Q) Any person who violates this article shall be punished as provided in Section 1-9 of this code.

SECTION 2: Any other ordinance or Section passed and approved prior to passage, approval and publication of this ordinance which are in conflict with these provisions are repealed. Specifically, the existing Article VI of chapter 110 of the South Sioux City Municipal code is repealed.

SECTION 3: This ordinance shall take effect and be in full force from and after its passage, approval, and publication or posting as required by law.

PASSED AND ADOPTED this 9th day of December, 2024.



MAYOR

ATTEST:



CITY CLERK



City of South Sioux City

ATV/UTV/Golf Cart Registration

The operation of all terrain vehicles(ATV), utility type vehicles (UTV), or Golf Carts on the streets of South Sioux City is governed by Nebraska State Statutes as well as the ordinances of the City of South Sioux City.

ATV/UTV/Golf Cart type vehicles **DO NOT** include *low speed vehicles, riding lawnmowers, or motorized wheelchairs.*

By making this application, you, the vehicle owner are acknowledging that you have read the appropriate State Statutes and City Ordinance relating to the use of ATV/UTV/Golf Cart on City streets. This includes the requirements as well as limitations of such use.

Upon registration of your ATV/UTV/Golf Cart, you will be provided with two (2) tags that must be displayed on the front and rear driver's side fenders of the vehicle or front and rear on the driver's side of the vehicle body. You will be provided a copy of this registration certificate. This copy **must** be kept upon the ATV/UTV/Golf Cart and presented to law enforcement upon request.

This registration is valid only within the city limits of South Sioux City, Nebraska.

Vehicle Information

Manufacturer:	Model:	Engine Size:	Circle Vehicle Type:
			ATV UTV GC
VIN/ Serial Number:	Year:	Color:	Insurance Company/Policy Number:

Primary Owner Information

Full Name: (Last, First, MI)	Telephone Number:
Street Address	City, State, Zip

City Use Only

Expiration Date: 12/31/20____	Registration Number Assigned:
\$25.00 Fee Paid: ____ Yes ____ No	Date of Registration: ____ / ____ / ____
Fee Received By: _____	

Your registration is valid for the calendar year in which application is made. Registration must be renewed each year.

South Sioux City ATV/UTV/Golf Cart Vehicle Inspection

ATV

- ____ Proof of DOT approved helmet.
- ____ ATV 50 inches or less in width.
- ____ ATV dry weight of 900 lbs. or less.
- ____ ATV has four or more low pressure tires.
- ____ ATV designed for operator/operator & 1 passenger.
- ____ ATV has straddle type seat
- ____ ATV has handlebars or steering assembly.
- ____ ATV has valid liability insurance coverage.
- ____ ATV has working head light, tail light and rear view mirror.
- ____ ATV has approved rear attached flag.
- ____ ATV has working brake system and brake lights.
- ____ ATV has good working ATV muffler.
- ____ ATV does **NOT** have exhaust cutouts, bypass, etc.
- ____ ATV has qualified spark arrester (U.S. Forrest qualified, Reference ATV owner's manual or online) with no modifications.

UTV

- ____ Yes ____ No Factory Installed Rollover Protective System(ROPS). If No, requires helmet.
- ____ UTV 48 to 74 inches in width.
- ____ UTV is less than 135 inches long.
- ____ UTV dry weight of 900 to 2,000 lbs.
- ____ UTV has 4 or more low pressure tires
- ____ UTV has bench or bucket type seat for operator or operator and 1 passenger.
- ____ UTV has steering wheel.
- ____ UTV has valid liability insurance coverage.
- ____ UTV has working head light, tail light, rear view mirror and seat belt.
- ____ UTV has approved rear attached flag.
- ____ UTV has working brake system and brake lights.
- ____ UTV has good working UTV muffler.
- ____ UTV does **NOT** have exhaust cutouts, bypass, etc.
- ____ UTV has qualified spark arrester (U.S. Forrest qualified, Reference UTV owner's manual or online) with no modifications.

GOLF CART

- ____ Golf Cart has four or more tires.
- ____ Golf Cart has a maximum passenger capacity of not more than four persons
- ____ Golf Cart has working head light, tail light and rear view mirror.
- ____ Golf Cart has a maximum gross vehicle weight of 2,500 lbs.
- ____ Golf Cart has working brake system and brake lights.
- ____ Golf Cart has valid liability insurance coverage.
- ____ Golf Cart is designed and manufactured for operation on a golf course.
- ____ Golf Cart has good working Golf Cart muffler.

UTILITY-TYPE VEHICLE/ GOLF CART DOES NOT INCLUDE RIDING LAWNMOWERS OR MOTORIZED WHEELCHAIRS.

ATV/UTV/GOLF CART OWNER'S ACKNOWLEDGMENT

I have hereby met the above requirements as set forth by the City of South Sioux City, Nebraska. By my signature, I acknowledge that I have read and understand City Ordinance XXXX and will abide by all requirements of this Ordinance. I further acknowledge that it is my responsibility to keep the above vehicle in its current working order. If, at any time, this vehicle no longer meets the above requirements, I must cease to operate it until it is once again in compliance with City Ordinance XXXX.

Owner's Signature: _____ Date: _____

OFFICER'S CERTIFICATION OF INSPECTION

Having inspected the above vehicle, I find it to be compliant with all requirements of City Ordinance XXXX.

Officer's Signature: _____ Officer Number _____ Date: _____