

**ATV PERMIT APPLICATION
VILLAGE OF CEDAR CREEK
CASS COUNTY, NEBRASKA**

A valid Operator's License is required to operate an ATV on Cedar Creek streets

OWNER'S FULL NAME _____

OWNER'S HOME ADDRESS _____

OWNER'S TELEPHONE NUMBER _____

OWNER'S CEDAR CREEK LOT NUMBER _____

OWNER'S DATE OF BIRTH _____

OWNER'S DRIVERS LICENSE NUMBER AND STATE OF ISSUANCE

ATV MAKE, MODEL, YEAR, AND VIN OR SERIAL NUMBER

OWNER'S INSURANCE COMPANY AND REPRESENTATIVE

Upon my own initiative, and at my own risk, I accept permission to operate an ATV upon the public streets of the Village of Cedar Creek, Cass County, Nebraska, and in consideration of such permission do, for myself, my spouse, my children, my heirs, personal representatives, and assignees of the same, remise, release, and forever discharge as well as agree to indemnify and hold harmless the Village of Cedar Creek, any lessee therefrom, any individual officer, agent, employee or director thereof from any claim of liability for injury, death, or property damage arising out of usage of said ATV.

I have received and have read the village regulations for permitted operation of ATV'S and I understand, any violation of these regulations, by anyone operating my permitted ATV, will result in the permit being revoked and cancelled. I CERTIFY THAT I HAVE RECEIVED AND UNDERSTAND THE HOLD HARMLESS AGREEMENT.

Permits are to be renewed on an annual basis. Valid from January thru December. Affix the permit number to the front of the ATV.

Signature **Date**

Municipal Clerk/Treasurer **Date**

\$10.00 FEE PAID _____

Mail to PO Box 71 Cedar Creek, NE 68016 or bring to 200 East B Street, Cedar Creek (MWF 9am – noon)

ORDINANCE #2007- 02

AN ORDINANCE OF THE VILLAGE OF CEDAR CREEK, NEBRASKA, TO AMEND CHAPTER III OF THE VILLAGE ORDINANCES OF THE VILLAGE OF CEDAR CREEK, BY THE ADDITION THERETO OF AN ORDINANCE TO PERMIT DEFINED ALL TERRAIN VEHICLES TO OPERATE ON THE PUBLIC STREETS OF THE VILLAGE OF CEDAR CREEK, NEBRASKA, PURSUANT TO CERTAIN RULES AND REGULATIONS; TO PROVIDE A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; TO PROVIDE FOR THE SEVERABILITY OF ANY SECTION, CLAUSE, PROVISION OR PORTION FOUND UNCONSTITUTIONAL OR INVALID; TO REPEAL ALL ORDINANCES IN CONFLICT HEREWITH; TO PROVIDE THAT THIS ORDINANCE SHALL BE PUBLISHED OR POSTED IN PAMPHLET FORM AND SHALL BE IN FULL FORCE AND TAKE EFFECT FROM AND AFTER ITS PASSAGE AND APPROVAL, AS PROVIDED BY LAW AND AS PROVIDED HEREIN; AND TO PROVIDE THAT THE PROVISIONS OF THIS ORDINANCE SHALL BECOME AND BE MADE A PART OF THE VILLAGE ORDINANCES OF THE VILLAGE OF CEDAR CREEK, CASS COUNTY, NEBRASKA, AND THE SECTIONS OF THIS ORDINANCE MAY BE RENUMBERED TO ACCOMPLISH SUCH INTENTION.

WHEREAS, Neb. Rev. Stat. 60-6, 356 provides that a governmental subdivision of the State of Nebraska may, in its respective jurisdiction, enact regulations permitting, prohibiting, and controlling the use of motor vehicles, mini-bikes, motorcycles, all-terrain vehicles, and off-road recreation vehicles of any and all types, other powered vehicles, and vehicles which are not self-propelled, and,

WHEREAS, the Village of Cedar Creek, Cass County, Nebraska, is a governmental subdivision of the State of Nebraska, and, the Chair and Board of Trustees thereof is its governing body, and,

WHEREAS, the Chair and the Board of Trustees of the Village of Cedar Creek, Cass County, Nebraska, do desire to enact regulations permitting and controlling the operation of all-terrain vehicles upon the public streets of the Village of Cedar Creek, Cass County, Nebraska, which are not defined by Neb. Rev. Stat. 60-339 as motor vehicles, and,

WHEREAS, it is the desire of the Chair and Board of Trustees of the Village of Cedar Creek, Cass County, Nebraska, to prohibit the use of all all-terrain vehicles designed vehicles upon the public streets of the Village of Cedar Creek, Cass County, Nebraska, EXCEPT:

1. In parades which have been authorized by the Chair and Board of Trustees of the Village of Cedar Creek, Cass County, Nebraska, or,
2. As permitted by the terms and conditions of this ordinance, and,

WHEREAS, the Chair and the Board of Trustees of the Village of Cedar Creek, Cass County, Nebraska, do desire to permit the operation upon the public streets of the Village of Cedar Creek, Cass County, Nebraska, of all terrain vehicles subject to terms and conditions as set forth herein;

NOW, THEREFORE, BE IT ORDAINED BY THE CHAIR AND BOARD OF TRUSTEES OF THE VILLAGE OF CEDAR CREEK, CASS COUNTY, NEBRASKA, as follows:

Section 1. That the findings here and above should be, and they are hereby made a part of this Ordinance, as fully as if set out at length herein.

Section 2. That any person desiring to operate a an all-terrain vehicle as defined in Neb. Rev. Stat. Section 60-6,356 upon the public streets of the Village of Cedar Creek, Cass County, Nebraska, other than in parades which has been authorized by the Chair and Board of Trustees of the Village of Cedar Creek, Cass County, Nebraska, as herein indicated, shall first apply for a permit upon application forms furnished by the Clerk of the Village of Cedar Creek, Cass County, Nebraska, and receive from the Clerk of the Village of Cedar Creek, Cass County, Nebraska, a permit for said operation of said all-terrain vehicle, the requirements and criteria for obtaining said permit to be as follows:

A. All-Terrain Vehicle, pursuant to Neb. Rev. Stat. §60-6,355 shall mean any motorized off-highway vehicle which:

1. Fifty (50) inches or less in width;
2. Has a dry weight of nine hundred (900) pounds or less;
3. Travels on three (3) 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;
6. Has handlebars or any other steering assembly for steering control;
7. **Is equipped with a bicycle safety flag that extends not less than five (5) feet above the 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;**
8. **Is equipped with a slow moving vehicle emblem on the rear of the vehicle;**
9. Has a brake system maintained in good operating condition;
10. Has an adequate muffler system in good working condition;
11. Has an adequate headlight and taillight system in good working condition;
12. **Has affixed to the vehicle a Village Permit** pursuant to Village rules and regulations.

B. Applicant's requirements.

1. Applicant must be eighteen (18) years of age or older and an owner of property within the corporate limits of Cedar Creek or within its one mile jurisdiction;
2. Applicant must have a valid Class O operator's license, farm permit or Provisional Operator's Permit. Applicant's license or permit to operate a motor vehicle must not be currently suspended or revoked by the laws of the State of Nebraska for loss of points or driving under the influence of alcohol or other similar driving offenses, causing a revocation or suspension of said person's operator's license;
3. That Applicant must submit a proof of financial responsibility evidencing Applicant's ability to respond in damages for liability, on account of accidents occurring subsequent to the effective date of such proof, arising out of the ownership, maintenance, or use of said all-terrain vehicle, in the amount of not less than Twenty Five Thousand (\$25,000.00) Dollars because of bodily injury do to death of one person in any one accident, and subject to such limit for one person and to a limit of not less than Fifty Thousand (\$50,000.00) Dollars because of

bodily injury do to death of two or more persons in any one accident and to a limit of not less than Twenty Five Thousand (\$25,000.00) Dollars because of injury to or destruction of property of others in any one accident;

4. That Applicant acknowledges that Applicant shall abide by the terms and conditions of this Ordinance;
5. That a non-refundable annual application fee of Ten (\$10.00) Dollars shall accompany each application. Further, Applicant shall pay all other expenses and costs associated with Applicant's application.

Section 3. Upon satisfaction of the above conditions the Clerk may issue a permit for such person to operate the all-terrain vehicle on the streets of the Village of Cedar Creek, Cass County, Nebraska, under the following rules and regulations:

- A. That said permit is valid for the calendar year in which it is issued, January thru December, subject to impoundment and/or revocation as set forth in Section 5 hereof;
- B. That Applicant and/or Operator shall operate such all-terrain vehicle subject to the following:
 1. **All rules of the road of the State of Nebraska** as found in Chapter 60 of the Revised Statutes of the State of Nebraska, not in conflict herewith;
 2. All Ordinances of the Village of Cedar Creek, Cass County, Nebraska, as found in the Village Ordinances of the Village of Cedar Creek, Cass County, Nebraska, not in conflict herewith;
 3. **Operator shall possess a valid Class O Operator's License, farm permit or a valid Provisional Operator's Permit;**
 4. That **said all terrain vehicle shall not be operated** within the corporate limits of said Village of Cedar Creek, Cass County, Nebraska, **between sunset and sunup** of the subsequent day;
 5. That said all-terrain vehicle shall not be operated at a speed in excess of posted speed limits;
 6. The maximum occupancy of an all-terrain vehicle shall be one person per seat or as recommended by the manufacturer. All passengers must remain seated while the all-terrain vehicle is in operation.
 7. Maintain at all times the proof of financial responsibility as required by Section 2 B 3 hereof;
 8. All all-terrain vehicle requirements as stated in Section 2 A shall apply.

Section 4. That by Applicant signing an application for a permit to operate an all-terrain vehicle upon the public streets of the Village of Cedar Creek, Cass County, Nebraska, pursuant to this Ordinance, said Applicant consents to the release of all information deemed relevant by the Clerk of the Village of Cedar Creek, Cass County, Nebraska, in determining whether or not to issue a permit to said Applicant based upon said Applicant's application.

Section 5. That the Chair of the Board of Trustees of the Village of Cedar Creek, Cass County, Nebraska, and its Clerk, are hereby authorized and directed to implement this Ordinance.

Section 6. That should a permit be issued, pursuant to this Ordinance, said permit is subject to immediate impoundment for any violation of the terms and conditions of this Ordinance and revocation by the Chair and Board of Trustees of the Village of Cedar Creek, Cass County, Nebraska, after a public hearing thereon, due notice having been given to the permit holder. All law enforcement officers having arrest jurisdiction within the corporate limits of the Village of Cedar Creek, Cass County, Nebraska, are hereby authorized to enforce the terms and conditions of this Ordinance. In addition thereto, any person found to be in violation of this Ordinance shall be subject to the penalty provision of Section 7 hereof.

Section 7. That in addition to Section 6 hereof, that any person who shall violate or refuse to comply with the enforcement of any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined not more than Five Hundred Dollars (\$500.00) for each offense. A new violation shall be deemed to have been committed every twenty-four (24) hours of such failure to comply.

Section 8. That should any section, paragraph, sentence or word of this Ordinance hereby adopted, is declared for any reason to be invalid, it is the intent of the Chair and Board of Trustees of the Village of Cedar Creek, Cass County, Nebraska, that it would have passed all other portions of this Ordinance independent of the elimination here from of any such portion as may be declared invalid.

Section 9. That all ordinances and parts of ordinances passed and approved prior to the passage, approval, and publication of this Ordinance, in conflict herewith, are hereby repealed.

Section 10. That this Ordinance shall be published within the first fifteen (15) days after its passage and approval wither in pamphlet form or by posting in three (3) public places within the Village of Cedar Creek, Cass County, Nebraska, and shall be effective on the fifteenth (15th) day from and after its passage, approval and publication as provided herein.

Section 11. That it is the intention of the Chair and Board of Trustees of the Village of Cedar Creek, Cass County, Nebraska, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Village Ordinances of the Village of Cedar Creek, Cass County, Nebraska, and the Sections of the Ordinance may be renumbered to accomplish such intention.

PASSED AND APPROVED this 4th day of September 2007

By _____
Chair, Board of Trustees

ATTEST:

Municipal Clerk/Treasurer