

## **ORDINANCE NO. 8766**

**AN ORDINANCE OF THE CITY OF KEARNEY, NEBRASKA TO AMEND SECTION 3-301 "DEFINITIONS" OF ARTICLE 3 "GENERAL TRAFFIC REGULATIONS" OF CHAPTER 8 "POLICE" OF THE CODE OF THE CITY OF KEARNEY, NEBRASKA; TO AMEND AND ADD DEFINITIONS; TO AMEND SECTION 8-312 "EQUIPMENT ON BICYCLES" OF ARTICLE 3 "GENERAL TRAFFIC REGULATIONS" OF CHAPTER 8 "POLICE" OF THE CODE OF THE CITY OF KEARNEY, NEBRASKA; TO AMEND SECTION TITLE AND ADD LANGUAGE; TO AMEND SECTION 8-313 "RIDING BICYCLES ON ROADWAYS, BICYCLE PATHS" OF ARTICLE 3 "GENERAL TRAFFIC REGULATIONS" OF CHAPTER 8 "POLICE" OF THE CODE OF THE CITY OF KEARNEY, NEBRASKA; TO AMEND SECTION TITLE, LANGUAGE AND ADD SUBSECTIONS; TO AMEND SECTION 8-314 "RIDING BICYCLES ON SIDEWALKS" OF ARTICLE 3 "GENERAL TRAFFIC REGULATIONS" OF CHAPTER 8 "POLICE" OF THE CODE OF THE CITY OF KEARNEY, NEBRASKA; TO AMEND SECTION TITLE, AMEND AND ADD LANGUAGE AND ADD SUBSECTIONS; TO AMEND SECTION 3-315 "CLINGING TO VEHICLES" OF ARTICLE 3 "GENERAL TRAFFIC REGULATIONS" OF CHAPTER 8 "POLICE" OF THE CODE OF THE CITY OF KEARNEY, NEBRASKA; TO AMEND SECTION TITLE AND LANGUAGE; TO AMEND SECTION 8-316 "TRUCKS PROHIBITED ON CERTAIN STREETS" OF ARTICLE 3 "GENERAL TRAFFIC REGULATIONS" OF CHAPTER 8 "POLICE" OF THE CODE OF THE CITY OF KEARNEY, NEBRASKA; TO AMEND SECTION TITLE AND LANGUAGE; TO AMEND SECTION 8-317 "RIDING SKATEBOARDS, ROLLER SKATES AND ROLLER BLADES ON SIDEWALKS" OF ARTICLE 3 "GENERAL TRAFFIC REGULATIONS" OF CHAPTER 8 "POLICE" OF THE CODE OF THE CITY OF KEARNEY, NEBRASKA; TO AMEND SECTION TITLE AND LANGUAGE; TO ADD SECTIONS: 8-318 "ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICE; EXEMPT"; SECTION 8-319 "ATVS, UTVS, AND GOLF CART VEHICLES; OPERATION PROHIBITED; EXCEPTIONS"; SECTION 8-320 "REQUIREMENTS FOR USE OF ALL TERRAIN AND UTILITY TYPE VEHICLES"; SECTION 8-321 "VIOLATIONS OF THIS SECTION"; OF ARTICLE ; PENALTY" TO ARTICLE 3 "GENERAL TRAFFIC REGULATIONS" OF CHAPTER 8 "POLICE" OF THE CODE OF THE CITY OF KEARNEY, NEBRASKA; TO PROVIDE THAT THIS ORDINANCE SHALL BE MADE A PART OF THE CODE OF THE CITY OF KEARNEY; TO REPEAL ALL ORDINANCES AND RESOLUTIONS OR PARTS THEREOF IN CONFLICT HERewith AND TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE FOR PUBLICATION IN PAMPHLET FORM BY AUTHORITY OF THE CITY COUNCIL AND EFFECTIVE DATE OF THIS ORDINANCE.**

**BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF KEARNEY, NEBRASKA:**

**Section 1.** That Section 8-301 “Definitions” of Article 3 “General Traffic Regulations” of Chapter 8 “Police” of the Code of the City of Kearney, Nebraska, is hereby amended to read as follows:

### **8-301 DEFINITIONS**

For the purposes of this Chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

*ALLEY ENTRANCE:* The extension of the alley from the lot line to the street curblin.

*ALL-TERRAIN VEHICLE (ATV):* Any motorized off-highway vehicle which (i) is fifty inches or less in width, (ii) travels on three or more nonhighway tires, and (iii) is designed for operator use only with no passengers or is specifically designed by the original manufacturer for the operator and one passenger.

*AUTHORIZED EMERGENCY VEHICLE:* Such Fire Department vehicles, Police vehicles and ambulances or rescue vehicles as are publicly owned and such other publicly or privately owned vehicles so designated by the City Manager.

*BICYCLE:* A transportation device with two, three, or four wheels; a saddle or seat for the rider; and fully operative pedals for propulsion by human power.

*CLASS I ELECTRIC BICYCLE:* A transportation device equipped with two, three, or four wheels; a saddle or seat for the rider; and fully operative pedals for propulsion by human power. It includes an electric motor that does not exceed 750 watts of power, produces no more than one brake horsepower, and is capable of propelling the bicycle at a maximum design speed of twenty miles per hour on level ground. The motor provides assistance only when the rider is pedaling and ceases to provide power when the bicycle reaches a speed greater than twenty miles per hour.

*CLASS II ELECTRIC BICYCLE:* A transportation device with two, three, or four wheels; a saddle or seat for the rider; and fully operative pedals for propulsion by human power. It includes an electric motor that does not exceed 750 watts of power, produces no more than one brake horsepower, and is capable of propelling the bicycle at a maximum design speed of twenty miles per hour on level ground. The motor may provide assistance whether or not the rider is pedaling, but it ceases to provide power when the bicycle reaches a speed greater than twenty miles per hour.

*CLASS III ELECTRIC BICYCLE:* A transportation device equipped with two, three, or four wheels; a saddle or seat for the rider; and fully operative pedals for propulsion by human power. It includes an electric motor that does not exceed 750 watts of power, produces no more than one brake horsepower, and is capable of propelling the bicycle at a maximum design speed of twenty-eight miles per hour on level ground. The motor provides assistance only when the rider is pedaling and ceases to provide power when the bicycle reaches a speed greater than twenty-eight miles per hour.

*CURB:* The boundaries of a street as defined by this section.

*DRIVE:* To ride, lead, drive, pull, push, propel or operate a horse or vehicle.

*DRIVER:* Any person operating, driving or controlling a vehicle or rider, driver or leader of a horse.

*ELECTRIC FOOT SCOOTER:* Any transportation device weighing less than one hundred pounds which is propelled exclusively by an electric motor, or in combination with the application of human power, and has one, two or three wheels, with or without handlebars, and a floorboard or foot pegs that can be stood upon while riding.

*ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICE:* Any device that is self-balancing, two-nontandem-wheeled device, designed to transport only one person and containing an electric propulsion system with an average power of seven hundred fifty watts or one brake horsepower, whose maximum speed on a paved level surface, when powered solely by such a propulsion system, is less than twenty miles per hour.

*GOLF CART VEHICLE*: Any 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 gross vehicle weight of two thousand five hundred pounds, has a maximum passenger capacity of not more than four persons, and is designed and manufactured for operation on a golf course for sporting and recreational purposes.

*HAULING TRAILERS*: Trailers customarily towed behind passenger cars or light pickup trucks for personal or commercial use.

*HORSE*: Any draft animal or beast of burden. *PARK*: The waiting or standing of a vehicle in any street except when such vehicle is waiting in compliance with the direction of a traffic officer or to meet driving emergencies.

*RAILWAY CROSSING*: That part of any street over which the tracks of a railway company shall cross such street, including that part of the street within twenty-five (25) feet of the outside of such track.

*RECREATIONAL VEHICLE*: Any motor propelled camping vehicle or towed camping trailer designed to be pulled or carried by a truck or vehicle, which is used for traveling and recreational activities; including boats and boat trailers. In no case shall a recreational vehicle be classed as a residence for the purposes of this Chapter or other ordinances of the City.

*RIGHT-OF-WAY*: The privilege of the immediate use of the street.

*STOP SIGN*: Any object placed in or near a street intersection with the word "stop" inscribed thereon.

*STREET*: That part of any public highway designed for traffic and shall include streets, avenues, alleys, drives, parkways, bridges, and public parking lots.

*STREET INTERSECTION*: That space occupied by two (2) streets at the point where they meet or cross each other, being the area within the prolongation of the lateral curblines, or lateral boundary lines of two (2) or more streets which join one another at an angle.

*TRUCK*: Any motor vehicle designed, used, or maintained primarily for the transportation of property and shall include semitractors, semitrailers, trucks exceeding five (5) tons gross weight, and school buses.

*UTILITY-TYPE VEHICLE (UTV)*: Any motorized off-highway vehicle which (A) is seventy-four inches in width or less, (B) is not more than one hundred eighty inches, including the bumper, in length, and (C) travels on four or more nonhighway tires.

*VEHICLE*: Any kind of conveyance capable of being propelled or driven on the street, whether propelled by manpower, animal or mechanical power and is not a bicycle, class I, II, or III electric bicycle, electric foot scooter, all-terrain, golf cart or utility-type vehicle.

**Section 2.** That 8-312 "Equipment on Bicycles" of Article 3 "General Traffic Regulations" of Chapter 8 "Police" of the Code of the City of Kearney, Nebraska, is hereby amended to read as follows:

**8-312 EQUIPMENT ON BICYCLES AND ELECTRIC BICYCLES**

- A. Any bicycle or class I, II, or III electric bicycle when in use at nighttime shall be equipped with a light on the front which shall emit a white light visible from a distance of at least five hundred (500) feet to the front on a clear night and with a red reflector on the rear which shall be visible on a clear night from all distances between one hundred (100) feet and six hundred (600) feet to the rear when directly in front of lawful lower beams of headlights on a motor vehicle. A light emitting a red light visible from a distance of five hundred (500) feet to the rear may be used in addition to such red reflector.
- B. Any bicycle or class I, II, or III electric bicycle used on a highway shall be equipped with a brake which will enable the operator to make the braked wheel skid on dry, level, clean pavement.

**Section 3.** That Section 8-313 “Riding Bicycles on Roadways, Bicycle Paths” of Article 3 “General Traffic Regulations” of Chapter 8 “Police” of the Code of the City of Kearney, Nebraska, is hereby amended to read as follows:

**8-313 BICYCLES, ELECTRIC BICYCLES AND ELECTRIC FOOT SCOOTERS ON STREETS, BICYCLE PATHS AND CITY TRAILS**

- A. Any person who operates a bicycle, class I, II, or III electric bicycle or electric foot scooter upon a street shall ride as near to the right side of the street as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction.
- B. Any person who operates a bicycle, class I, II, or III electric bicycle, or electric foot scooter upon a street shall clearly signal their intention for turning left and right by utilizing hand signals.
- C. Any person who operates a bicycle, class I, II, or III electric bicycle, or electric foot scooter upon a street shall not ride more than single file except on paths or parts of streets set aside for the exclusive use of bicycles, class I, II, or III electric bicycles, or electric foot scooters.
- D. It shall be lawful for any person to ride, use, or operate a bicycle, class I or class II electric bicycle, or electric foot scooter on City trails, unless such activity is expressly prohibited by posted signage or restricted through an ordinance adopted by the Kearney City Council. Such an ordinance may update the terms and permitted activities outlined in the City of Kearney Park Rules and Regulations.

**Section 4.** That Section 8-314 “Riding Bicycles on Sidewalks” of Article 3 “General Traffic Regulations” of Chapter 8 “Police” of the Code of the City of Kearney, Nebraska, is hereby amended to read as follows:

**8-314 GENERAL PROVISIONS FOR USE OF BICYCLES, ELECTRIC BICYCLES AND ELECTRIC FOOT SCOOTERS**

- A. It shall be lawful for any person to ride, use or operate any bicycle, class I, II, and III electric bicycle or electric foot scooter on any sidewalk space, or shared-use path within the City unless posted otherwise.
- B. Any person who rides, uses, or operates a bicycle, class I, II, and III electric bicycle or electric foot scooter upon a sidewalk, sidewalk space, or shared-use path shall do so at their own risk and shall yield the right-of-way to any and all pedestrians. Any person who rides, uses, or operates a bicycle, class I, II, or III electric bicycle, or electric foot scooter shall safely dismount and proceed on foot when approaching or encountering pedestrians.
- C. Any person who rides, uses, or operates a bicycle, class I, II, and III electric bicycle or electric foot scooter upon a sidewalk, sidewalk space, or shared-use path shall reduce speed when approaching crosswalks, driveways, or other crossings.
- D. It shall be unlawful for any person to ride, use or operate a bicycle, class I, II, and III electric bicycle or electric foot scooter:
  - 1. In a careless manner or without due caution in a manner as to endanger any person or property.
  - 2. In a negligent manner.
  - 3. In such a manner as to endanger or interfere with the lawful traffic or use of the streets.

**Section 5.** That Section 8-315 “Clinging to Vehicles” of Article 3 “General Traffic Regulations” of Chapter 8 “Police” of the Code of the City of Kearney, Nebraska, is hereby amended to read as follows:

**8-315 BICYCLES, ELECTRIC BICYCLES, ELECTRIC FOOT SCOOTERS, SKATEBOARDS, ROLLER SKATES AND ROLLER BLADES ON DOWNTOWN SIDEWALKS**

It shall be unlawful for any person to ride, use or operate any bicycle, class I, II, and III electric bicycle, electric foot scooter, skateboard, roller skates or roller blades on a sidewalk or public parking lot within the boundaries of the downtown improvement and parking district as defined by section 3-1902 of Kearney City Code.

**Section 6.** That Section 8-316 “Trucks Prohibited on Certain Streets” of Article 3 “General Traffic Regulations” of Chapter 8 “Police” of the Code of the City of Kearney, Nebraska, is hereby amended to read as follows:

**8-316 CLINGING TO VEHICLES**

It shall be unlawful for any person to ride, use or operate any bicycle, class I, II, and III electric bike, electric foot scooter, coaster, roller skates, sled, skis, skateboard or toy vehicle and attach such or themselves to any vehicle upon a street; and no person shall hitch to or cling upon any vehicle which is in motion with or without the consent of the driver.

**Section 7.** That Section 8-317 “Riding Skateboards, Roller skates and Roller blades on Sidewalks” of Article 3 “General Traffic Regulations” of Chapter 8 “Police” of the Code of the City of Kearney, Nebraska, is hereby amended to read as follows:

**8-317 ELECTRIC FOOT SCOOTERS PROHIBITED ON CERTAIN STREETS**

It shall be unlawful for any person to ride, use or operate an electric foot scooter on any public street with a posted speed limit of 35 miles per hour or more.

**Section 8.** Add Section 8-318 “Electric Personal Assistive Mobility Device; Exempt” to Article 3 “General Traffic Regulations” of Chapter 8 “Police” to the Code of the City of Kearney, Nebraska, to read as follows:

**8-318 ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICE; EXEMPT**

Notwithstanding any other provision of the Kearney City Code, electric personal assistive mobility devices shall be exempt from the requirements and restrictions set forth in Chapter 8, Article 3. This exemption applies to devices designed primarily for individuals with mobility impairments and operated in accordance with applicable state and federal accessibility laws and regulations.

**Section 9.** Add Section 8-319 “ATVs, UTVs and Golf Cart Vehicles; Operation Prohibited; Exceptions” to Article 3 “General Traffic Regulations” of Chapter 8 “Police” to the Code of the City of Kearney, Nebraska, to read as follows:

**8-319 ATVs, UTVs AND GOLF CART VEHICLES; OPERATION PROHIBITED; EXCEPTIONS**

- A. Except as provided in subsection B, C and D of this section, it shall be unlawful for any person to ride, use, or operate an all-terrain vehicle, golf cart vehicle, or utility-type vehicle on any street or sidewalk within the City.
- B. It shall be lawful for any person to ride, use, or operate an all-terrain vehicle, golf cart vehicle, or utility-type vehicle on any street or sidewalk within the City in a parade approved by the City or community event of a limited duration and such person shall not have to comply with the

requirements listed in Section 8-320 of Kearney City Code as authorized by Neb. Rev. Stat. § 60-6,356.

- C. It shall be lawful for any person to ride, use, or operate an all-terrain vehicle or utility-type vehicle on any street or sidewalk within the City for snow removal operations and such person shall comply with requirements outlined in Section 8-320 of Kearney City Code as authorized by Neb. Rev. Stat. § 60-6,356.
- D. It shall be lawful for any person to ride, use, or operate an all-terrain vehicle, golf cart vehicle, or utility-type vehicle on any street or sidewalk within the City for governmental operations by a political subdivision, university or utility operations by a private or public company and such person have to comply with the requirements listed in Section 8-320.

**Section 10.** Add Section 8-320 “Requirements for Use of All-Terrain and Utility Type Vehicles” of to Article 3 “General Traffic Regulations” of Chapter 8 “Police” to the Code of the City of Kearney, Nebraska, to read as follows:

**8-320 REQUIREMENTS FOR USE OF ALL-TERRAIN AND UTILITY-TYPE VEHICLES**

- A. As set forth in Neb. Rev. Stat. § 60-6,356, any person operating an all-terrain vehicle or a utility-type vehicle as authorized in Section 8-319 of Kearney City Code, 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 liability insurance coverage for the all-terrain vehicle or a utility-type vehicle while operating such all-terrain vehicle or a utility-type vehicle on a street; and
  - 3. Not operate the all-terrain or utility-type vehicle at a speed in excess of thirty miles per hour.
- B. The person operating an all-terrain vehicle or a utility-type vehicle shall provide proof of such insurance coverage to any peace officer requesting such proof within five days of such a request.
- C. When operating an all-terrain vehicle or a utility-type vehicle as authorized in section 8-319, the headlight and taillight of the vehicle shall be on and the vehicle shall be equipped with a safety flag which extends not less than five feet above ground attached to the rear of such vehicle. The safety flag shall be triangular in shape with an area of not less than thirty square inches and shall be day-glow in color.

**Section 11.** Add Section 8-321 “Violations of this Section” to Article 3 “General Traffic Regulations” of Chapter 8 “Police” to the Code of the City of Kearney, Nebraska, to read as follows:

**8-321 VIOLATIONS OF THIS SECTION**

Any violation of any of the provisions of Chapter 8 Article 3 of the Code which is not otherwise specified or declared to be a misdemeanor or an infraction shall constitute a traffic infraction.

**Section 12.** It is the intention of the City Council, and it is hereby ordained, that the provisions of this Ordinance shall become and be made part of the Code of the City of Kearney, Nebraska, and the sections of this Ordinance may be renumbered to accomplish such intention.

**Section 13.** That all ordinances and resolutions or parts of ordinances and resolutions in conflict herewith are hereby repealed.

**Section 14.** If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional or invalid, such unconstitutionality or invalidity shall not affect the validity of the remaining portions of this ordinance. The

Mayor and City Council of the City of Kearney hereby declare that it would have passed this ordinance and each section, subsection, sentence, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

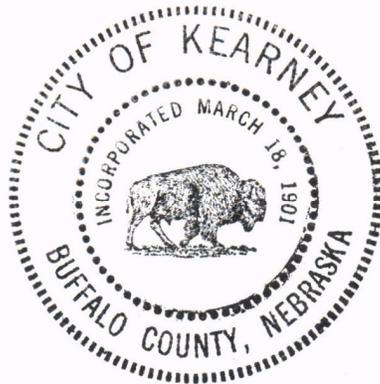
**Section 15.** This Ordinance shall be in full force and effect from and after its passage, approval and publication according to law and shall be published in pamphlet form by authority of the City Council.

**INTRODUCED BY COUNCIL MEMBER:** Stratmann  
**PASSED AND APPROVED THIS 14TH DAY OF OCTOBER, 2025.**

**ATTEST:**

*Peggy Eynetich*  
**PEGGY EYNETICH**  
**CITY CLERK**

*[Signature]*  
**JONATHAN NIKKILA**  
**PRESIDENT OF THE COUNCIL**  
**AND EX-OFFICIO MAYOR**

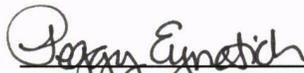


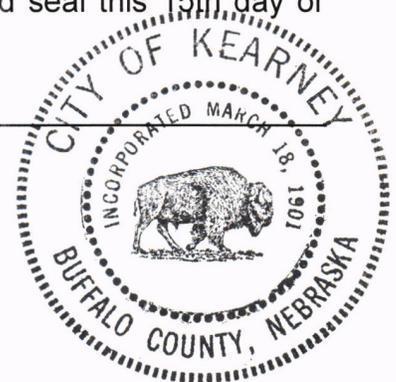
# CERTIFICATE

STATE OF NEBRASKA )  
COUNTY OF BUFFALO ) ss  
CITY OF KEARNEY )

I, Peggy Eynetich, City Clerk of the City of Kearney, Buffalo County, Nebraska, hereby certify that the attached is a true and correct copy of Ordinance No. 8766 amending Sections: 8-301 "Definitions"; 8-312 "Equipment on Bicycles"; 8-313 "Riding Bicycles on Roadways, Bicycle Path"; 8-314 "Riding Bicycles on Sidewalks"; 8-315 "Clinging to Vehicles"; 8-316 "Trucks Prohibited on Certain Streets"; and 8-317 "Trucks Prohibited on Certain Streets"; and adding Sections: 8-319 "ATVs, UTVs, and Golf Cart Vehicles; Operation Prohibited, Exceptions"; 8-320 "Requirements for Use of All-Terrain and Utility-Type Vehicles"; and 8-321 "Violations of this Section" of Article 3 "General Traffic Regulations" of Chapter 8 "Police" of the Code of the City of Kearney, which was passed and approved by the President and City Council on the 14th day of October, 2025 and ordered published in pamphlet form by the authority of the Council on October 14, 2025, with copies being made available to the public on such date at the Office of the City Clerk and the Public Library.

**IN WITNESS WHEREOF**, I have hereunto affixed my hand and seal this 15th day of October, 2025.

  
PEGGY EYNETICH,  
CITY CLERK



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**STREET:** That part of any public highway designed for traffic and shall include streets, avenues, alleys, drives, parkways, bridges, and public parking lots.

**STREET INTERSECTION:** That space occupied by two (2) streets at the point where they meet or cross each other, being the area within the prolongation of the lateral curblines, or lateral boundary lines of two (2) or more streets which join one another at an angle.

**TRUCK:** Any motor vehicle designed, used, or maintained primarily for the transportation of property and shall include semitractors, semitrailers, trucks exceeding five (5) tons gross weight, and school buses.

UTILITY-TYPE VEHICLE (UTV): Any motorized off-highway vehicle which (A) is seventy-four inches in width or less, (B) is not more than one hundred eighty inches, including the bumper, in length, and (C) travels on four or more nonhighway tires.

**VEHICLE:** Any kind of conveyance capable of being propelled or driven on the street, whether propelled by manpower, animal or mechanical power and is not a bicycle, class I, II, or III electric bicycle, electric foot scooter, all-terrain, golf cart or utility-type vehicle.

**Section 2.** That 8-312 "Equipment on Bicycles" of Article 3 "General Traffic Regulations" of Chapter 8 "Police" of the Code of the City of Kearney, Nebraska, is hereby amended to read as follows:

**8-312 EQUIPMENT ON BICYCLES AND ELECTRIC BICYCLES**

- A. Any bicycle or class I, II, or III electric bicycle when in use at nighttime shall be equipped with a light on the front which shall emit a white light visible from a distance of at least five hundred (500) feet to the front on a clear night and with a red reflector on the rear which shall be visible on a clear night from all distances between one hundred (100) feet and six hundred (600) feet to the rear when directly in front of lawful lower beams of headlights on a motor vehicle. A light emitting a red light visible from a distance of five hundred (500) feet to the rear may be used in addition to such red reflector.
- B. Any bicycle or class I, II, or III electric bicycle used on a highway shall be equipped with a brake which will enable the operator to make the braked wheel skid on dry, level, clean pavement.

**Section 3.** That Section 8-313 "Riding Bicycles on Roadways, Bicycle Paths" of Article 3 "General Traffic Regulations" of Chapter 8 "Police" of the Code of the City of Kearney, Nebraska, is hereby amended to read as follows:

**8-313 RIDING BICYCLES, ELECTRIC BICYCLES AND ELECTRIC FOOT SCOOTERS ON ROADWAYS, STREETS, BICYCLE PATHS AND CITY TRAILS**

- A. Any person who operates a bicycle, class I, II, or III electric bicycle or electric foot scooter upon a roadway street shall ride as near to the right side of the roadway street as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction.
- B. Any person who operates a bicycle, class I, II, or III electric bicycle, or electric foot scooter upon a street shall clearly signal their intention for turning left and right by utilizing hand signals.
- ~~B.~~ C. Any person who rides operates a bicycle, class I, II, or III electric bicycle, or electric foot scooter upon a roadway street shall not ride more than single file except on paths or parts of roadway streets set aside for the exclusive use of bicycles, class I, II, or III electric bicycles, or electric foot scooters.
- ~~C.~~ D. Whenever a usable path for bicycles has been provided adjacent to a roadway, bicycle riders shall use such path and shall not use such roadway. It shall be lawful for any person to ride, use, or operate a bicycle, class I or class II electric bicycle, or electric foot scooter on city trails, unless such activity is expressly prohibited by posted signage or restricted through an ordinance adopted by the Kearney City Council. Such an ordinance may update the terms and permitted activities outlined in the City of Kearney Park Rules and Regulations.

**Section 4.** That Section 8-314 "Riding Bicycles on Sidewalks" of Article 3 "General Traffic Regulations" of Chapter 8 "Police" of the Code of the City of Kearney, Nebraska, is hereby amended to read as follows:

**8-314 RIDING GENERAL PROVISIONS FOR USE OF BICYCLES, ON SIDEWALKS, ELECTRIC BICYCLES AND ELECTRIC FOOT SCOOTERS**

- A. It shall be lawful for any person to ride, use or operate any bicycle, class I, II, and III electric bicycle or electric foot scooter on any sidewalk space, or shared-use path within the City unless posted otherwise.
- B. Any person who rides, uses, or operates a bicycle, class I, II, and III electric bicycle or electric foot scooter upon a sidewalk, sidewalk space, or shared-use path shall do so at their own risk and shall yield the right-of-way to any and all pedestrians. Any person who rides, uses, or operates a bicycle, class I, II, or III electric bicycle, or electric foot scooter shall safely dismount and proceed on foot when approaching or encountering pedestrians.
- C. Any person who rides, uses, or operates a bicycle, class I, II, and III electric bicycle or electric foot scooter upon a sidewalk, sidewalk space, or shared-use path shall reduce speed when approaching crosswalks, driveways, or other crossings.
- D. It shall be unlawful for any person to ride, use or operate a bicycle, class I, II, and III electric bicycle or electric foot scooter:
  1. In a careless manner or without due caution in a manner as to endanger any person or property.
  2. In a negligent manner.
  3. In such a manner as to endanger or interfere with the lawful traffic or use of the streets.

**Section 5.** That Section 8-315 "Clinging to Vehicles" of Article 3 "General Traffic Regulations" of Chapter 8 "Police" of the Code of the City of Kearney, Nebraska, is hereby amended to read as follows:

**8-315 CLINGING TO VEHICLES BICYCLES, ELECTRIC BICYCLES, ELECTRIC FOOT SCOOTERS, SKATEBOARDS, ROLLER SKATES AND ROLLER BLADES ON DOWNTOWN SIDEWALKS**

~~Any person who rides upon any bicycle, coaster, roller skates, sled, skis, skateboard or toy vehicle shall not attach such or himself/herself to any vehicle upon a roadway; and no person shall hitch to or cling upon any vehicle which is in motion with or without the consent of the driver. It shall be unlawful for any person to ride, use or operate any bicycle, class I, II, and III electric bicycle, electric foot scooter, skateboard, roller skates or roller blades on a sidewalk or public parking lot within the boundaries of the downtown improvement and parking district as defined by section 3-1902 of Kearney City Code.~~

**Section 6.** That Section 8-316 "Trucks Prohibited on Certain Streets" of Article 3 "General Traffic Regulations" of Chapter 8 "Police" of the Code of the City of Kearney, Nebraska, is hereby amended to read as follows:

**8-316 TRUCKS PROHIBITED ON CERTAIN STREETS CLINGING TO VEHICLES**

~~It shall be unlawful to drive any truck, except for the purpose of making a delivery and then for one (1) block only, on any street so designated by resolution and properly sign-posted. Fire, service and maintenance vehicles operated by the City or public utility companies are specifically excluded from the provisions of this section. It shall be unlawful for any person to ride, use or operate any bicycle, class I, II, and III electric bike, electric foot scooter, coaster, roller skates, sled, skis, skateboard or toy vehicle and attach such or themselves to any vehicle upon a street; and no person shall hitch to or cling upon any vehicle which is in motion with or without the consent of the driver.~~

**Section 7.** That Section 8-317 "Riding Skateboards, Roller skates and Roller blades on Sidewalks" of Article 3 "General Traffic Regulations" of Chapter 8 "Police" of the Code of the City of Kearney, Nebraska, is hereby amended to read as follows:

**8-317 RIDING SKATEBOARDS, ROLLER SKATES AND ROLLER BLADES ON SIDEWALKS ELECTRIC FOOT SCOOTERS PROHIBITED ON CERTAIN STREETS**

~~It shall be unlawful for any person to ride, use or operate any skateboard, roller skates or roller blades on any street, sidewalk or public parking lot within the boundaries of the downtown improvement and parking district as defined by section 3-1902 of this Code. It shall be unlawful for any person to ride, use or operate an electric foot scooter on any public street with a posted speed limit of 35 miles per hour or more.~~

**Section 8.** Add Section 8-318 "Electric Personal Assistive Mobility Device; Exempt" to Article 3 "General Traffic Regulations" of Chapter 8 "Police" to the Code of the City of Kearney, Nebraska, to read as follows:

**8-318 ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICE; EXEMPT**

Notwithstanding any other provision of the Kearney City Code, electric personal assistive mobility devices shall be exempt from the requirements and restrictions set forth in Chapter 8, Article 3. This exemption applies to devices designed primarily for individuals with mobility impairments and operated in accordance with applicable state and federal accessibility laws and regulations.

**Section 9.** Add Section 8-319 "ATVs, UTVs and Golf Cart Vehicles; Operation Prohibited; Exceptions" to Article 3 "General Traffic Regulations" of Chapter 8 "Police" to the Code of the City of Kearney, Nebraska, to read as follows:

**8-319 ATVs, UTVs AND GOLF CART VEHICLES; OPERATION PROHIBITED; EXCEPTIONS**

- A. Except as provided in subsection B, C and D of this section, it shall be unlawful for any person to ride, use, or operate an all-terrain vehicle, golf cart vehicle, or utility-type vehicle on any street or sidewalk within the City.
- B. It shall be lawful for any person to ride, use, or operate an all-terrain vehicle, golf cart vehicle, or utility-type vehicle on any street or sidewalk within the City in a parade approved by the City or community event of a limited duration and such person shall not have to comply with the requirements listed in Section 8-320 of Kearney City Code as authorized by Neb. Rev. Stat. § 60-6,356.
- C. It shall be lawful for any person to ride, use, or operate an all-terrain vehicle or utility-type vehicle on any street or sidewalk within the City for snow removal operations ~~between the hours of sunset and sunrise~~ and such person shall comply with requirements outlined in Section 8-320 of Kearney City Code as authorized by Neb. Rev. Stat. § 60-6,356.
- D. It shall be lawful for any person to ride, use, or operate an all-terrain vehicle, golf cart vehicle, or utility-type vehicle on any street or sidewalk within the City for governmental operations by a political subdivision, university or utility operations by a private or public company and such person shall not have to comply with the requirements listed in Section 8-320.

**Commented [PE1]:** After discussion Council voted to approve Ordinance but requested this verbiage relating to hours be removed. Amendment included in Council Member Straatmann's motion - 10/15/2025 - ple

**Section 10.** Add Section 8-320 "Requirements for Use of All-Terrain and Utility Type Vehicles" of to Article 3 "General Traffic Regulations" of Chapter 8 "Police" to the Code of the City of Kearney, Nebraska, to read as follows:

**8-320 REQUIREMENTS FOR USE OF ALL-TERRAIN AND UTILITY-TYPE VEHICLES**

- A. As set forth in Neb. Rev. Stat. § 60-6,356, any person operating an all-terrain vehicle or a utility-type vehicle as authorized in Section 8-319 of Kearney City Code, 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 liability insurance coverage for the all-terrain vehicle or a utility-type vehicle while operating such all-terrain vehicle or a utility-type vehicle on a street; and
  - 3. Not operate the all-terrain or utility-type vehicle at a speed in excess of thirty miles per hour.
- B. The person operating an all-terrain vehicle or a utility-type vehicle shall provide proof of such insurance coverage to any peace officer requesting such proof within five days of such a request.
- C. When operating an all-terrain vehicle or a utility-type vehicle as authorized in section 8-319, the headlight and taillight of the vehicle shall be on and the vehicle shall be equipped with a safety flag which extends not less than five feet above ground attached to the rear of such vehicle. The safety flag shall be triangular in shape with an area of not less than thirty square inches and shall be day-glow in color.

**Section 11.** Add Section 8-321 "Violations of this Section" to Article 3 "General Traffic Regulations" of Chapter 8 "Police" to the Code of the City of Kearney, Nebraska, to read as follows:

**8-321 VIOLATIONS OF THIS SECTION**

Any violation of any of the provisions of Chapter 8 Article 3 of the Code which is not otherwise specified or declared to be a misdemeanor or an infraction shall constitute a traffic infraction.

**Section 12.** It is the intention of the City Council, and it is hereby ordained, that the provisions of this Ordinance shall become and be made part of the Code of the City of Kearney, Nebraska, and the sections of this Ordinance may be renumbered to accomplish such intention.

**Section 13.** That all ordinances and resolutions or parts of ordinances and resolutions in conflict herewith are hereby repealed.

**Section 14.** If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional or invalid, such unconstitutionality or invalidity shall not affect the validity of the remaining portions of this ordinance. The Mayor and City Council of the City of Kearney hereby declare that it would have passed this ordinance and each section, subsection, sentence, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

**Section 15.** This Ordinance shall be in full force and effect from and after its passage, approval and publication according to law and shall be published in pamphlet form by authority of the City Council.

**INTRODUCED BY COUNCIL MEMBER:** \_\_\_\_\_  
**PASSED AND APPROVED THIS 14TH DAY OF OCTOBER, 2025.**

**ATTEST:**

\_\_\_\_\_  
**JONATHAN NIKKILA  
PRESIDENT OF THE COUNCIL  
AND EX-OFFICIO MAYOR**

\_\_\_\_\_  
**PEGGY EYNETICH  
CITY CLERK**