

ORDINANCE NO. 4 - 25
OF
THE CITY OF AUBURN, NEMAHA COUNTY, NEBRASKA

AN ORDINANCE OF THE CITY OF AUBURN, NEMAHA COUNTY, NEBRASKA, PROHIBITING THE USE OF ALL-TERRAIN VEHICLES FROM OPERATION ON STREETS, HIGHWAYS, & ALLEY-WAYS WITHIN CITY CORPORATE LIMITS UNLESS BY AUTHORIZATION HEREIN; REPEALING & NEGATING ALL ORDINANCES, RESOLUTIONS, MOTIONS, OR TERMS NOT CONSISTENT WITH THIS ORDINANCE; PROVIDING FOR SEVERABILITY; & ESTABLISHING AN EFFECTIVE DATE FOR THIS ORDINANCE.

WHEREAS, the City of Auburn, Nebraska (herein the "CITY"), passed and adopted Ordinance No. 5-19 on October 14, 2019, amended City Code Section 75.50 Definitions of the City Code of Ordinances of Auburn, NE., to harmonize with Neb. Rev. Stat. Sect. 60-6,355.

WHEREAS, City Code defines "All-Terrain Vehicle" and "Utility-Type Vehicle" consistent with Nebraska Revised Statute Section 60-6,355.

WHEREAS, recent use of "All-Terrain Vehicles" within City limits has not been pursuant to City Code and can negatively impact the safety and comfort of the Community.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUBURN, NEBRASKA:

1. All-Terrain Vehicles, as defined in City Code Section 75.50 and Neb. Rev. Stat. Sect. 60-6,355, are prohibited from use and operation on the streets, controlled-access highway(s), and alley ways within Auburn, NE, City limits except as authorized as follows:
 - a. by law enforcement pursuant to official duty and operation, by City and Board of Public Works personnel and employees pursuant to employment, by fire and rescue personnel pursuant to official duty, by City streets and operations personnel pursuant to employment, for snow removal as equipped for such, for lawn care as equipped for such, and for parades authorized by the State of Nebraska or the City of Auburn, NE.
2. To the extent of any irreconcilable conflict with the provisions of this Ordinance and other ordinances of the City of which are not expressly amended by this Ordinance, the provisions of this Ordinance shall be controlling. In the event there is an irreconcilable conflict within the text of this Ordinance relating to the applicable standard to be enforced, the strictest standard shall be controlling unless the City Council determines by approval of a motion or resolution that the less stringent standard is to apply.
3. **Severability Clause.** Should any word, sentence, paragraph, subdivision, clause, phrase, or section of this Ordinance, or of the Auburn Code of Ordinances, as amended hereby, be adjudged, or held to be void or unconstitutional, the same shall not affect the validity of the remaining portions of said ordinance or the Auburn Code of Ordinances, as amended hereby, which shall remain in full force and effect.

- 4. **Savings Clause.** An offense committed before the effective date of this Ordinance is governed by prior law and the provisions of the Auburn Code of Ordinances, as amended, in effect when the offense was committed, and the former law is continued in effect for this purpose.
- 5. **Effective Date.** This Ordinance shall become effective from and after the date of its passage and final publication in the newspaper of record for the City of Auburn, Nebraska.

SUSPEND
 READINGS _____
 (3/4 VOTE)

FIRST READING _____
 SECOND READING _____
 THIRD READING _____

PASSED AND APPROVED THIS 10TH DAY OF FEBRUARY 2025

Tom Clark (Ward 1) Aye:_____ Nay:_____ Absent:_____ Abstain:_____

Shawn Clark (Ward 1) Aye:_____ Nay:_____ Absent:_____ Abstain:_____

Brian Lavigne (Ward 2) Aye:_____ Nay:_____ Absent:_____ Abstain:_____

Rick Janssen (Ward 2) Aye:_____ Nay:_____ Absent:_____ Abstain:_____

Nathan Seitz (Ward 3) Aye:_____ Nay:_____ Absent:_____ Abstain:_____

Johnny Curtright (Ward 3) Aye:_____ Nay:_____ Absent:_____ Abstain:_____

Chris Erickson, Mayor
 (Tiebreaker vote) Aye:_____ Nay:_____

*(Mayor votes as Council only
 As needed on a tiebreaker)*

 Chris Erickson, Mayor
 City of Auburn, Nebraska

ATTESTED:

 Sherry Heskett, Municipal Clerk
 City of Auburn, Nebraska (Seal)

APPROVED AS TO FORM & LEGALITY:

Angelo M. Ligouri 02/10/2025
 City Attorney Date

NOTICE OF PUBLICATION
OF ORDINANCE NO. 4-25
IN PAMPHLET FORM

Public notice is hereby given that at a meeting of the Mayor and City Council of the City of Auburn, Nebraska held at Auburn City Hall, 1101 “J” St, Auburn, NE, starting at 7:00 p.m. on 10th day of February 2025, there was passed and adopted Ordinance No. 4-25 entitled:

AN ORDINANCE OF THE CITY OF AUBURN, NEMAHA COUNTY, NEBRASKA, PROHIBITING THE USE OF ALL-TERRAIN VEHICLES FROM OPERATION ON STREETS, HIGHWAYS, & ALLEY-WAYS WITHIN CITY CORPORATE LIMITS UNLESS BY AUTHORIZATION HEREIN; REPEALING & NEGATING ALL ORDINANCES, RESOLUTIONS, MOTIONS, OR TERMS NOT CONSISTENT WITH THIS ORDINANCE; PROVIDING FOR SEVERABILITY; & ESTABLISHING AN EFFECTIVE DATE FOR THIS ORDINANCE.

Said Ordinance was published in pamphlet form. Copies of said Ordinance as published in pamphlet form are available for inspection and distribution at Auburn City Hall, 1101 “J” St, Auburn, NE, 68205 and upon the City website at auburn.ne.gov.

Sherry Heskett, Municipal Clerk
City of Auburn, Nebraska

Publish One (1) Time: _____