

ORDINANCE NO. 2440

AN ORDINANCE OF THE CITY OF WAHOO, SAUNDERS COUNTY, NEBRASKA, TO APPROVE AN ORDINANCE PERMITTING THE USE OF ALL-TERRAIN AND UTILITY-TYPE VEHICLES WITHIN THE CORPORATE LIMITS OF THE CITY OF WAHOO UNDER TERMS SPECIFICIED HEREIN; TO PROVIDE THAT THE MAYOR AND THE APPROPRIATE DEPARTMENT, WHETHER ONE OR MORE, OF THE CITY OF WAHOO, NEBRASKA, ARE AUTHORIZED AND DIRECTED TO IMPLEMENT THIS ORDINANCE; TO PROVIDE FOR THE SEVERABILITY OF ANY SECTION, CLAUSE, OR PROVISION OR PORTION OF THIS ORDINANCE FOUND UNCONSTITUTIONAL OR INVALID; TO PROVIDE FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH; TO PROVIDE THAT THIS ORDINANCE SHALL BE PUBLISHED WITHIN THE FIRST FIFTEEN (15) DAYS AFTER ITS PASSAGE AND APPROVAL 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 THAT IT IS THE INTENTION OF THE MAYOR AND COUNCIL OF THE CITY OF WAHOO, NEBRASKA, AND IT IS HEREBY ORDAINED, THAT THE PROVISIONS OF THIS ORDINANCE SHALL NOT BECOME AND BE MADE A PART OF THE WAHOO MUNICIPAL CODE OF THE CITY OF WAHOO, NEBRASKA.

WHEREAS, a number of citizens of the City of Wahoo, Nebraska, have requested the City to adopt regulations allowing the use of All-Terrain, Utility-Type Vehicles within the corporate limits of the City of Wahoo, Nebraska, and,

WHEREAS, Neb. Rev. Stat. § 60-6,356(7) gives cities the authority to adopt ordinances relating to use of All-Terrain and Utility-Type Vehicles, and,

WHEREAS, Title VII: TRAFFIC Code; Chapter 70 GENERAL PROVISIONS; Section 70.03 currently provides a process from which an off-road designed vehicle shall be permitted to operate within the City of Wahoo, and,

WHEREAS, the Mayor and Council of the City of Wahoo, Nebraska, are willing to permit the use of All-Terrain and Utility-Type Vehicles within the corporate limits of the City of Wahoo, subject to certain conditions as contained herein, and,

WHEREAS, the Mayor and Council of the City of Wahoo, Nebraska, deem the adoption of this Ordinance to be in the best interests of the citizens of the City of Wahoo, Nebraska, and,

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF WAHOO, NEBRASKA, AS FOLLOWS:

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

2. That Title VII: TRAFFIC Code; Chapter 70 GENERAL PROVISIONS; Section 70.03 shall be amended to read as follows:

(A) Golf Cart; DEFINITIONS

(1) Golf Cart is defined pursuant to Neb. Rev. Stat. § 60-103 and means any vehicle which: (a) is four-wheeled, (b) can attain in 1 mile more than 20 MPH and not more than 25 MPH on paved, level surface, (c) Gross vehicle weight rating is less than 3,000 lbs and (d) complies with 49 C.F.R., Part 571. OR (a) three-wheeled vehicle whose speed attainable in one mile is not more than 25 MPH on a paved, level surface, (b) Gross weight rating is less than 3,000 lbs, (c) equipped with a windshield and occupant protection system, and (d) complies with 49 C.F.R., Part 571.

(B) Golf Cart; OPERATION AND EQUIPMENT

A Golf Cart may be operated upon city streets and highways within the corporate limits of the City only if the operator and vehicle is in compliance with the following provisions in addition to the Nebraska Rules of the Road and City Codes:

1. Such Golf Cart must be registered with City Hall as provided in this Chapter, unless the same is owned by the City itself.
2. A Golf Cart may only be operated on city streets with a posted speed limit of 35 MPH or less.
3. A Golf Cart shall not be operated at a speed faster than twenty (20) miles per hour or the posted speed limit, whichever is less.
4. Any person operating a Golf Cart as authorized by this Code shall:
 - a. Have a valid Class O operator's license as provided for in Neb. Rev. Stat. § 60-4,126;
 - b. Have liability insurance coverage for the Golf Carts while in operation upon a street or highway and provide such insurance proof of coverage upon the demand of any peace officer requesting such proof within five (5) days of such request; such insurance shall be within the limits stated in Neb. Rev. Stat. § 60-509, as amended from time to time;
 - c. Only operate such Golf Carts between sunrise and sunset.
 - d. Only have as many riders as the manufacturers intended.
5. Every Golf Cart shall be equipped with:
 - a. A braking system maintained in good operating condition; complete with working brake lights

(C) Golf Cart; Usage in Parades; Usage on Public Roads, Sidewalks and Trails.

Golf Cart may be operated without complying with this section only: (1) during parades

which have been authorized by the State or any department, board, commission, or political subdivision of the State, (2) if the operation is removing snow from driveways or sidewalks within 48 hours after cessation of a snow storm, or (3) on public trails and streets only if engaged by the public entity for snow removal.

(D) Golf Cart; Controlled-Access Highways and Off-Limit Streets.

A Golf Cart shall not be operated on any controlled-access highway with more than two (2) marked traffic lanes, or any portion of Chestnut Street.

(E) Golf Cart; Crossing Highways

For the purpose of this Article, the crossing of a highway shall be permitted only if:

1. The crossing is made at an angle of approximately ninety degrees (90°) perpendicular to the direction of travel being made on such highway and at a place where no obstruction prevents a timely and safe crossing;
2. The vehicle is brought to a complete stop before crossing shoulder or roadway of said highway;
3. The operator yields the right of way to all traffic which constitutes an immediate or potential hazard;
4. In crossing a divided highway, the crossing shall only be made at an intersection of another highway or roadway; and,

(F) Golf Cart; Registration.

Only Golf Cart registered with City Hall or owned by the City shall be authorized for operation on streets or highways within the corporate limits of the City. A registration sticker shall be issued by City Hall upon the owner submitting the following:

1. Certification from the Wahoo Police Department stating that the Golf Cart has been inspected and is in compliance with the equipment requirements identified by City Code.
2. Proof of liability insurance coverage for the vehicle specifically listing the vehicle as referenced by year, make, model, and serial number; and,
3. A one hundred dollar (\$100.00) annual fee for registration of the vehicle.

The registration sticker shall entitle the vehicle to be operated on the streets and highways of the City as provided by Code during the calendar year of issuance. The annual fee will not be prorated and is not transferrable. No refunds shall be allowed for any reason. Registration will expire on December 31 of each year.

A reflecting, self-destructing sticker with an assigned number will be provided to the

registering owner upon registration of such vehicle at City Hall. This registration sticker shall be affixed on the vehicle's lower driver's side windshield if equipped, or if the vehicle is not equipped with a windshield, then the sticker shall be affixed on the driver's side front of such vehicle. A duplicate sticker at a cost of twenty-five dollars (\$25.00) may be issued by City Hall in the event of a lost or destroyed registration sticker.

(G) Golf Cart; Accident; Report Required.

If an accident involving a Golf Cart results in an injury to any person resulting in the examination or treatment of the injured person by a physician, or results in the death of any person, then the operator of each Golf Cart involved in the accident shall give notice of the accident in the same manner as provided in Neb. Rev. Stat. § 60-699.

(H) Golf Cart; Penalty; Impoundment.

Any person who violates any provision of this Article or violates the provisions defined by Chapter 39 or Chapter 60 of the Revised Statutes of Nebraska while operating an Golf Cart shall be subject to the penalties under the provisions of Chapter 39 and Chapter 60 of the Revised Statutes of Nebraska and additionally all City-issued registrations for all of the operator's and the owner's Golf Cart shall be revoked as follows:

1. For the operator's first offense, the operator shall be fined two hundred dollars (\$200.00);
2. For the operator's second offense occurring within two (2) years of the first offense, the operator shall be fined four hundred dollars (\$400.00)
3. For the operator's third offense occurring within two (2) years of the first offense, the operator shall be fined four hundred dollars (\$400.00), impoundment of vehicle, and all City-issued registrations of both the operator and the owner shall be revoked for a period of two (2) years from the date of offense.
4. For the operator's fifth offense occurring within five (5) years of the first offense, all City-issued registrations of both the operator and the owner shall be revoked for a period of ten (10) years from the date of offense.

3. That the Mayor and the appropriate department, whether one or more of the City of Wahoo, Nebraska, are hereby authorized and directed to implement this Ordinance, to include, but not be limited to, the filing of a certified copy of this Ordinance with the Saunders County Register of Deeds.

4. That should any section, paragraph, sentence, or word of this Ordinance hereby adopted be declared for any reason be invalid, it is the intent of the Mayor and Council of the City of Wahoo, Nebraska, that it would have passed all other portions of this Ordinance independent of the elimination herefrom of any such portion as may be declared invalid.

5. That all Ordinances or parts of Ordinances passed and approved prior to the passage, approval and publication of this Ordinance and in conflict herewith, are hereby repealed.

6. That this Ordinance shall be published within the first fifteen days after its passage and approval, in pamphlet form, and shall be in full force and be effective on January 1, 2024, from and after its passage and approval, and publication, as provided herein.

7. That it is the intention of the Council and Mayor of the City of Wahoo, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Wahoo Municipal Code of the City of Wahoo, Nebraska, and the sections of this Ordinance may be renumbered to accomplish such intention.

PASSED AND APPROVED this 22nd day of August 2023.

CITY OF WAHOO, NEBRASKA

BY:

Gerald D. Johnson, Its Mayor

ATTEST:

Christina Fasel, Its Clerk
(SEAL)

1st reading: July 27, 2023

2nd reading: August 8, 2023

3rd reading: August 22, 2023