

ORDINANCE NO. 20-764

AN ORDINANCE TO AMEND SECTION 71.08 OF THE MUNICIPAL CODE OF THE CITY OF FRIEND, NEBRASKA, RELATED TO THE USE AND OPERATION OF GOLF CARS WITHIN THE CITY LIMITS; TO DEFINE THE HOURS AND CONDITIONS OF OPERATION; THE MINIMUM AGE OF DRIVERS OF GOLF CARTS; TO REPEAL ALL PRIOR ORDINANCES IN CONFLICT HEREWITH; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF.

WHEREAS, The Municipal Code of the City of Friend currently regulates the operation of golf carts upon the public streets of the City of Friend, Nebraska pursuant to Section 71.08 et seq; and

WHEREAS, it is the desire of the Mayor and City Council to amend and update the regulation and operation of golf carts within certain areas of the municipality, including updates to statutory references and expansion and clarification of requirements and other limitations.

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

Section 1. That Section 71.08 is hereby amended to read as attached in Exhibit A.

Section 2. That all ordinances and parts of ordinances in conflict herewith are hereby specifically repealed.

Section 3. Should any section, paragraph, sentence, or word of this Ordinance hereby adopted be declared for any reason to be invalid, it is the intent of the Mayor and Council of the City of Friend, Nebraska, that it would have passed all other portions of this Ordinance independent of the elimination hereof of any such portion as may be declared invalid.

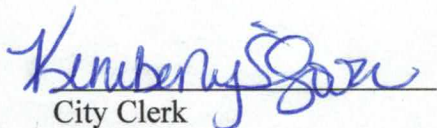
Section 2. This ordinance shall take full force and effect beginning on, and continuing thereafter, the date of its passage, approval, and publication or posting as required by law.

PASSED AND ADOPTED this 5 th day of May, 2020.



Mayor

ATTEST:



City Clerk



Exhibit A:

§ 71.08 GOLF CAR VEHICLES; DEFINITIONS

- A. "Annual application fee" shall be a nonrefundable fee for a Golf Car Vehicle Permit. The fee shall be set by resolution of the City Council and shall be sufficient to include all other expenses and costs associated with such application.
- B. "Golf car vehicle" means a vehicle that: has at least three wheels, has a maximum payload capacity of 1,200 pounds, has a maximum gross vehicle weight of 2,500 pounds, has a maximum passenger capacity of not more than four persons, is designed and manufactured for operation on a golf course for sporting and recreational purposes, and is not being operated within the boundaries of a golf course. (Neb. Rev. Stat. §60-622.01)
- C. "Road" means a public way for the purposes of vehicular travel, including the entire right of way. (Neb. Rev. Stat. §60-6381)
- D. "Street" means a public way for the purposes of vehicular travel in the city and includes the entire area within the right of way. (Neb. Rev. Stat. §60-6381)
- E. "Orange Flag" means a bicycle safety flag which extends not less than five feet above 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 square inches and shall be day-glow in color. [Neb. Rev. Stat. §60-6356 (3)]

§ 71.100 GOLF CAR VEHICLES; PERMIT

- A. Any person desiring to operate a golf car vehicle upon the public streets of the city, other than in parades which have been authorized by the mayor and the City Council, provided such operation has not been prohibited elsewhere in this article, shall:
 - 1. Obtain an application form from the city clerk or Police Department;
 - 2. Present the application and proof of insurance to the Police Department for review and approval;
 - 3. Submit completed application and the Annual Application Fee to the city clerk; and
 - 4. Receive the permit for said operation of the golf car vehicle from the clerk, which shall expire on December 31 of the calendar year.
- B. The operator of a golf car vehicle shall not operate such vehicle if his or her operator's license is under suspension, revocation, or subject to any other restriction under the laws of the state.
- C. No person under the age of 21 years shall operate a golf car vehicle.

§ 71.101 GOLF CAR VEHICLES; OPERATION

- A. A golf car vehicle with an appropriate permit, may be operated on the streets within the corporate limits of the city if the operation is (1) between sunrise and sunset and (2) on streets with a posted speed limit of 35 miles per hour or less. An operator may return to their residence or storage location after sunset, provided the operator takes

the most direct route and only if the golf car vehicle is equipped with front and rear lighting.

- B. Every golf car vehicle shall be equipped with a slow-moving vehicle emblem or orange flag on the rear of the vehicle which is fully visible at all times. Such emblem or flag may be removed upon entry onto country club or private property.
- C. Any person operating a golf car vehicle as authorized herein shall have a valid class O operator's license and the owner of the golf car vehicle shall have liability insurance coverage for the vehicle. The person operating the golf car vehicle shall provide proof of insurance coverage to any peace officer requesting such proof within five days after such request. The liability insurance shall be subject to limits, exclusive of interest and costs, as follows: \$25,000.00 because of bodily injury to or death of one person in any one accident and, subject to such limit for one person, \$50,000.00 because of bodily injury to or destruction of property of others in any one accident.
- D. A golf car vehicle shall not be operated at any time on any state or federal highway except to cross a portion of the highway system which intersects a street as directed in subsection (E) below.
- E. The crossing of a highway shall be permitted by a golf car vehicle only if:
 - 1. The crossing is made at an angle of approximately 90 degrees to the direction of the highway and at a place where no obstruction prevents a quick and safe crossing;
 - 2. The golf car vehicle is brought to a complete stop before crossing the shoulder or roadway of the highway;
 - 3. The operator yields the right of way to all oncoming traffic that constitutes an immediate 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. (Neb. Rev. Stat. §60-6381)