

ORDINANCE NO. 1943

AN ORDINANCE OF THE CITY OF PLATTSMOUTH, NEBRASKA TO AMEND ARTICLE IV, CHAPTER 4 OF THE PLATTSMOUTH REVISED MUNICIPAL ORDINANCES OF 2011, TO ENACT SECTIONS 4-433 TO 4-440 RELATING TO THE USE OF UTILITY TYPE VEHICLES IN THE CITY; TO ENACT SECTIONS 4-441 TO 4-447 RELATING TO THE USE OF GOLF CAR VEHICLES IN THE CITY; TO REPEAL ALL ORDINANCES IN CONFLICT; TO PROVIDE FOR PUBLICATION IN PAMPHLET FORM; AND TO PROVIDE AN EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA.

Section 1. Sections 4-433 to 4-440 of Article IV, Chapter 4 of the Plattsmouth Municipal Ordinances 2011 are hereby enacted as follows:

SECTION 4-433: UTILITY-TYPE VEHICLES (UTVS) DEFINED

As used in this article, unless the context otherwise requires, "utility-type vehicle" or "UTV" means any motorized off-highway vehicle which (a) is 74 inches in width or less; (b) is not more than 180 inches, including the bumper, in length; (c) has a dry weight of 2,000 pounds or less; and (d) travels on four or more nonhighway tires. "Utility-type vehicle" does not include all-terrain vehicles or golf-car vehicles.

SECTION 4-434: UTVS; OPERATION

1. No person shall operate a UTV on any street, road, or highway within the City except in compliance with this article.
2. The operation of a UTV on City streets, roads, and highways shall be subject to each of the following requirements and restrictions:
 - a. Operation between the hours of sunset and sunrise is prohibited;
 - b. Operation on streets, roads, and highways with a posted speed limit in excess of 30 miles per hour is prohibited;
 - c. Operation in excess of the posted speed limit or 30 miles per hour, whichever is less, is prohibited;
 - d. The operator of the vehicle shall be at least 18 years of age;
 - e. The operator and all passengers of a UTV shall be seated in permanent and regular seats and shall use available manufacturer-installed occupant protection systems, if any, such as lap belts, shoulder belts, or a combination of belts;
 - f. The vehicle shall be equipped with operable headlight(s) and taillights and such headlight(s) and taillights shall be on at all times during operation;
 - g. The vehicle shall be equipped with a bicycle safety flag which extends not less than five feet above the ground attached to the rear of such vehicle,

- and such bicycle safety flag shall be triangular in shape with an area of not less than 30 square inches and shall be day-glow in color;
- h. The vehicle shall be equipped with (i) a brake system maintained in good operating condition; (ii) an adequate muffler system in good working condition; and (iii) a United States Forest Service qualified spark arrester; and
 - i. No person shall: (i) equip the exhaust system of a UTV with a cutout, bypass, or similar device; (ii) operate a UTV with an exhaust system so modified; or (iii) operate a UTV with the spark arrester removed or modified except for use in closed-course competition events.
3. The crossing of a controlled-access highway with more than two marked traffic lanes by a UTV is prohibited.
 4. The crossing of a highway other than a controlled-access highway with more than two marked traffic lanes by a UTV shall be permitted only if:
 - a. The crossing is made at an angle of approximately ninety degrees to the direction of the highway and at a place where no obstruction prevents a quick and safe crossing;
 - b. The vehicle is brought to a complete stop before crossing the shoulder or roadway of the highway;
 - c. The operator yields the right-of-way to all oncoming traffic that constitutes an immediate potential hazard;
 - d. In crossing a divided highway, the crossing is made only at an intersection of such highway with another highway; and
 - e. Both the headlight and taillight of the vehicle are on when the crossing is made.

SECTION 4-435: UTVS; REGISTRATION REQUIRED

1. Except for UTVs owned by the City, the State of Nebraska, or another political subdivision thereof, only UTVs registered with the City shall be authorized to operate on roads, streets, and highways within the City. The owner of a UTV desiring to register his or her vehicle with the City shall submit the following to the City Clerk as a registration application:
 - a. The owner's name and address;
 - b. A copy of the owner's valid Class O operator's license;
 - c. Proof of liability insurance coverage for the vehicle specifically listing the vehicle as referenced by year, make, model, and serial number and in the amounts required by this article; and
 - d. The annual registration fee required by the City's Fee Ordinance.
2. Upon receipt of a completed registration application, the City will issue the owner a registration sticker. The registration sticker shall be affixed on the lower driver's side of the vehicle's 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 to such vehicle. In the event the registration sticker is lost or destroyed, the City, upon the owner's request and payment of the reissue fee set forth in the City's Fee Ordinance, shall issue a replacement registration sticker. The registration sticker shall entitle the vehicle to be operated on the streets, roads, and highways within the City, subject to this article, during the calendar year of issuance. The annual registration fee will not be prorated and is not transferrable. No refunds shall be allowed for any reason.

SECTION 4-436: UTVS; OPERATOR'S LICENSE REQUIRED

No person shall operate a UTV on any street, road, or highway within the City unless such person shall have a valid Class O operator's license.

SECTION 4-437: UTVS; INSURANCE REQUIRED

No person shall operate a UTV on any street, road, or highway within the City without liability insurance coverage as follows: \$25,000 because of bodily injury to or death of one person in any one accident and, subject to such limit for one person, \$50,000 because of bodily injury to or death of two or more persons in any one accident, and \$25,000 because of injury to or destruction of property of others in any one accident. The operator of any such UTV shall provide proof of such insurance coverage to any peace officer requesting such proof within five days of such request.

SECTION 4-438: UTVS; ACCIDENT REPORT

If an accident results in the death of any person or in the injury of any person which requires the treatment of the person by a physician, the operator of each UTV involved in the accident shall give notice of the accident in the same manner provided in Neb. Rev. Stat. § 60-699. (Ref. Neb. Rev. Stat. § 60-6,361)

SECTION 4-439: UTVS; PENALTY

1. Any violation of Sections 4-433 to 4-440 which is also a violation under any provision of Chapter 60 of the Revised Statutes of Nebraska may be punished under the penalty provisions of such chapter. In addition, any violation of Section 4-433 to 4-440 may be punishable by a fine of up to \$500.
2. Upon conviction of a violation of Section 4-433 to 4-440, under either this Section 4-439 or any provision of Chapter 60 of the Revised Statutes of Nebraska, the City shall revoke the registration and suspend the eligibility for registration of the vehicle operated by the person convicted of such violation as follows:
 - a. If, at the time of violation, the registration for the vehicle had not been previously revoked during the two-year period prior to such violation, the City shall revoke its registration, if any, and the vehicle shall not be eligible for registration until the next annual registration period.

- b. If, at the time of violation, the registration for the vehicle had been previously revoked during the two-year period prior to such violation, the City shall revoke its registration, if any, and the vehicle shall not be eligible for registration until two (2) years after the date of the violation.

SECTION 4-440: UTVS; SUNSET PROVISION

Sections 4-433 to 4-438 shall sunset on December 31, 2021, and no person shall thereafter operate a UTV on any street, road, or highway within the City, unless the City Council adopts an ordinance to extend these Sections.

Section 2. Sections 4-441 to 4-447 of Article IV, Chapter 4 of the Plattsmouth Municipal Ordinances 2011 are hereby enacted as follows:

SECTION 4-441: GOLF CAR VEHICLE; DEFINITION

As used in this article, golf car vehicle means a vehicle that (a) has at least four wheels; (b) has a maximum level ground speed of less than 20 miles per hour; (c) has a maximum payload capacity of 1,200 pounds; (d) has a maximum gross vehicle weight of 2,500 pounds; (e) has a maximum passenger capacity of not more than four persons; (f) is designed and manufactured for operation on a golf course for sporting and recreational purposes; and (g) is not being operated within the boundaries of a golf course.

SECTION 4-442: GOLF CAR VEHICLE; OPERATION

1. No person shall operate a golf car on any street, road, or highway within the City except in compliance with this article.
2. The operation of golf cars on City streets, roads, and highways shall be subject to each of the following requirements and restrictions:
 - a. Operation is prohibited between the hours of sunset and sunrise;
 - b. Operation on streets, roads, and highways with a posted speed limit in excess of 30 miles per hour is prohibited;
 - c. Operation is not authorized on any state or federal highway except for the purpose of crossing such highway as directed in subsection (4) below;
 - d. The vehicle shall not be operated at a speed in excess of 20 miles per hour or the posted speed limit, whichever is less;
 - e. The operator of the vehicle shall be at least 18 years of age; and
 - f. The vehicle shall be equipped with a bicycle safety flag which extends not less than five feet above the ground attached to the rear of such vehicle, and such bicycle safety flag shall be triangular in shape with an area of not less than 30 square inches and shall be day-glow in color.
3. The crossing of a controlled-access highway with more than two marked traffic lanes by a golf car is prohibited.

4. The crossing of a highway other than a controlled-access highway with more than two marked traffic lanes by a golf car shall be permitted only if:
 - a. The crossing is made at an angle of approximately ninety degrees to the direction of the highway and at a place where no obstruction prevents a quick and safe crossing;
 - b. The golf car vehicle is brought to a complete stop before crossing the shoulder or roadway of the highway;
 - c. The operator yields the right-of-way to all oncoming traffic that constitutes an immediate potential hazard; and
 - d. In crossing a divided highway, the crossing is made only at an intersection of such highway with a street or road, as applicable.

SECTION 4-443: GOLF CAR VEHICLE; REGISTRATION REQUIRED

1. Only golf car vehicles registered with the City shall be authorized to operate on streets, roads, and highways within the City. The owner of a golf car vehicle desiring to register his or her vehicle with the City shall submit the following to the City Clerk as its registration application:
 - a. The owner's name and address;
 - b. A copy of the owner's valid Class O operator's license;
 - c. Proof of liability insurance coverage for the vehicle specifically listing the vehicle as referenced by year, make, model, and serial number and in the amounts required by this article; and
 - d. The annual registration fee required by the City's Fee Ordinance.
2. Upon receipt of a completed registration application, the City will issue the owner a registration sticker. The registration sticker shall be affixed on the lower driver's side of the vehicle's 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 to such vehicle. In the event the registration sticker is lost or destroyed, the City, upon the owner's request and payment of the reissue fee set forth in the City's Fee Ordinance, shall issue a replacement registration sticker. The registration sticker shall entitle the vehicle to be operated on the streets, roads, and highways within the City, subject to this article, during the calendar year of issuance. The annual registration fee will not be prorated and is not transferrable. No refunds shall be allowed for any reasons.

SECTION 4-444: GOLF CAR VEHICLE; OPERATOR'S LICENSE REQUIRED

No person shall operate a golf car on any street, road, or highway within the City unless such person shall have a valid Class O operator's license.

SECTION 4-445: GOLF CAR VEHICLE; INSURANCE REQUIRED

No person shall operate a golf car vehicle on streets within the City without liability insurance coverage as follows: \$25,000 because of bodily injury to or death of one person in any one accident and, subject to such limit for one person, \$50,000 because of bodily injury to or death of two or more persons in any one accident, and \$25,000 because of injury to or destruction of property of others in any one accident. The operator of a golf car shall provide proof of such insurance coverage to any peace officer requesting such proof within five days of such request.

SECTION 4-446: GOLF CAR VEHICLES; PENALTY

1. Any violation of Section 4-441 to 4-447 of this article which is also a violation under Chapter 60 of the Revised Statutes of Nebraska may be punished under the penalty provisions of such chapter. In addition, any violation of Section 4-441 to 4-447 may be punishable by a fine of up to \$500.
2. Upon conviction of a violation of Section 4-441 to 4-447, under either this Section 4-446 or any provision of Chapter 60 of the Revised Statutes of Nebraska, the City shall revoke the registration and suspend the eligibility for registration of the golf car vehicle operated by the person convicted of such violation as follows:
 - a. If, at the time of violation, the registration for the vehicle had not been previously revoked during the two-year period prior to such violation, the City shall revoke its registration, if any, and the vehicle shall not be eligible for registration until the next annual registration period.
 - b. If, at the time of violation, the registration for the vehicle had been previously revoked during the two-year period prior to such violation, the City shall revoke its registration, if any, and the vehicle shall not be eligible for registration until two (2) years from the date of the violation.

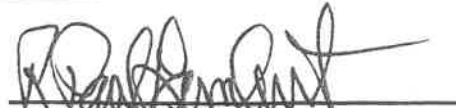
SECTION 4-447: GOLF CAR VEHICLES; SUNSET PROVISION

Sections 4-441 to 4-445 shall sunset on December 31, 2021, and no person shall thereafter operate a golf car vehicle on any street, road, or highway within the City, unless the City Council adopts an ordinance to extend these Sections.

Section 3. All ordinances passed and approved prior to the passage, approval, and publication or posting of this ordinance which are in conflict are repealed.

Section 4. This ordinance is adopted and published in pamphlet form and shall take effect and be in full force from and after its passage, approval, and publication as required by law.

Passed and approved this 5th day of November 2018.


R. Paul Lambert, Mayor

ATTEST:


Sandra J. Meyer, City Clerk

Publication Date: November 8, 2018.