

ORDINANCE NO. 21- 776

AN ORDINANCE TO AMEND CHAPTER 71 OF THE MUNICIPAL CODE OF THE CITY OF FRIEND, NEBRASKA, RELATED TO THE USE AND OPERATION OF GOLF CAR VEHICLES WITHIN THE CITY LIMITS; TO INCLUDE UTILITY TASK VEHICLES AND ALL-TERRAIN VEHICLES; TO DEFINE THE HOURS AND CONDITIONS OF OPERATION; TO DEFINE THE MINIMUM AGE OF DRIVERS OF SUCH VEHICLES; TO REPEAL ALL PRIOR ORDINANCES IN CONFLICT HEREWITH; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF.

Section 1. Chapter 71 of the Municipal Code of the City of Friend, Nebraska is amended as follows:

§ 71.08 GOLF CAR VEHICLES, ALL-TERRAIN VEHICLES, AND UTILITY TASK VEHICLES; DEFINITIONS

- A. "Annual application fee" shall be an annual nonrefundable fee for a Golf Car Vehicle, All-Terrain Vehicle ("ATV"), and Utility Task Vehicle ("UTV") 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. "All-terrain vehicle," or "ATV," means any motorized off-highway device which is fifty inches or less in width, has a dry weight of 1,200 pounds or less, travels on three or more nonhighway tires, and is designed for operator use only with no passengers or is specifically designed by the original manufacturer for the operator and one passenger. (Neb. Rev. Stat. §60-103)
- D. "Utility-task vehicle," or "UTV," means any motorized off-highway device which is seventy-four (74) inches in width or less, is not more than one hundred eighty (180) inches, including the bumper, in length, has a dry weight of 2,000 pounds or less, and travels on four or more nonhighway tires. (Neb. Rev. Stat. §60-135.01)
- E. "Road" means a public way for the purposes of vehicular travel, including the entire right of way. (Neb. Rev. Stat. §60-6381)
- F. "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)
- G. "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)]
- H. "Permitted Vehicle" means a Golf Car Vehicle, ATV, or UTV with a valid Permit issued by the City under §71.100 for purposes of this section.

§ 71.100 GOLF CAR VEHICLES, ATVs, AND UTVs; PERMIT

- A. Any person desiring to operate a Permitted 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 vehicle from the clerk, which shall expire on December 31 of the calendar year.
- B. The operator of a Permitted 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 18 years shall operate a Permitted Vehicle.

§ 71.101 GOLF CAR VEHICLES, ATVs, AND UTVs; OPERATION

- A. A Permitted Vehicle 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 Permitted Vehicle is equipped with front and rear lighting.
- B. Every Permitted Vehicle shall be equipped with an Orange Flag on the rear of the vehicle which is fully visible at all times. Such Orange Flag may be removed upon entry onto country club or private property.
- C. Any person operating a Permitted Vehicle as shall have a valid class O operator's license and the owner shall have liability insurance coverage for the Vehicle. The person operating the Permitted 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. Permitted Vehicles may only carry the number of passengers for which the Vehicle is designed. Occupants of golf car vehicles must be in the passenger area. Occupants of ATVs and UTVs must be in factory-designated seating.
- E. A Permitted 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 (F) below.
- F. The crossing of a highway shall be permitted by a Permitted 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 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)

Section 2. All ordinances or parts of ordinances passed and approved prior to the passage of this ordinance and which are in conflict with the provisions of this ordinance are hereby 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 4. 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 3 day of AUGUST, 2021.

CITY OF FRIEND, NEBRASKA

By: _____

MAYOR

Attest:



CITY CLERK/TREASURER

