

ORDINANCE 647

AN ORDINANCE OF THE VILLAGE OF PENDER, NEBRASKA, TO AMEND VILLAGE ORDINANCE 5-228 TO PERMIT AND REGULATE THE USE OF GOLF CARS WITHIN THE VILLAGE LIMITS OF THE VILLAGE OF PENDER, NEBRASKA; SETTING FORTH OPERATION REQUIREMENTS; DEFINITIONS; ESTABLISHING THE PENALTY FOR VIOLATION AND STATING EXCEPTIONS FOR PARADES; CREATING A REGISTRATION FEE AND ESTABLISHING A MINIMUM SEAT HEIGHT FOR GOLF CARS TO BE OPERATED ON MUNICIPAL STREETS; REPEALING ORDINANCES IN CONFLICT AND ESTABLISHING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CHAIRMAN AND BOARD OF TRUSTEES OF THE VILLAGE OF PENDER, NEBRASKA.

SECTION 1. Section §5-228 of the municipal code of Pender, Nebraska, shall be amended to read as follows:

§5-228 GOLF CAR VEHICLE; OPERATION; RESTRICTIONS; PENALTIES; EXCEPTIONS. It shall be permissible to drive golf cars on the public streets and alleys in the Village of Pender, Nebraska, providing the following conditions are met: (A) For purposes of this section: (1) "Golf car vehicle" means a vehicle that has at least four wheels, has a maximum level ground speed of less than twenty miles per hour, has a maximum payload capacity of one thousand two hundred pounds, has a maximum gross vehicle weight of two thousand five hundred 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. (2) "Street" or "highway" means a public way for the purposes of vehicular travel in a city or village and includes the entire area within the right-of-way; and (3) "Road" means a public way for the purposes of vehicular travel, including the entire area within the right-of-way.

(B) Golf car vehicles may be operated on streets and highways within the corporate limits of the village only if the operator and the vehicle comply with the provisions of this section.

(C) Golf car vehicles may be operated only between the hours of sunrise and sunset and on streets with a posted speed limit of thirty-five miles per hour or less. The operator shall not operate such vehicle at a speed in excess of twenty miles per hour. A golf car vehicle shall not be operated at any time on any state or federal highway but may be operated upon such a highway in order to cross a portion of the highway system which intersects a street only if: (1) the crossing is made at an angle of approximately ninety degrees to the direction of the highway and at a place no obstruction prevents a quick and safe crossing; (2) the operator yields the right-of-way to all oncoming traffic that constitutes an immediate potential hazard; and (3) in crossing a divided highway, the crossing is made only at an intersection of such highway with a street or road, as applicable.

(D) Any person operating a golf car vehicle as authorized in subsection (B) of this section shall have: (1) A valid Class O operator's license, and (2) Liability insurance coverage for the golf car vehicle while operating such vehicle on a street or highway. The person operating any of these vehicles shall provide proof of such insurance coverage to any peace officer requesting such proof within five days of such a request. The liability insurance coverage shall be subject to limits, exclusive of interest and costs, as follows: Twenty-five thousand dollars because of bodily injury to or death of one person in any one accident and, subject to such limit for one person, fifty thousand dollars because of bodily injury to or death of two or more persons in any one accident, and twenty-five thousand dollars because of injury to or destruction of property of others in any one accident. (3) Any owner of a Golf Car Vehicle housed and operated within the municipal limits in accordance with this ordinance shall register said vehicle annually in January with the Village Clerk. There will be an initial fee of \$35 and an annual fee of \$10 thereafter. Applicants will be required to show proof of insurance and qualifying seat height of the vehicle in order to register the vehicle.

(E) Said vehicle shall have a minimum seat height of 26 inches. Said vehicle shall be operated with a triangular day-glow colored bicycle safety flag which is at least 30 square inches that extends at least five (5) feet above the ground attached to the rear of the vehicle.

(F) Golf car vehicles may be operated without complying with subsections (C), (D), and (E) and of this section on streets and highways in parades which have been authorized by the State or any department, board, commission, or political subdivision of the State.

(G) Golf car vehicles shall not be operated on any controlled-access highway with more than two marked traffic lanes, and the crossing of any controlled-access highway with more than two marked traffic lanes shall not be permitted.

(H) 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 a golf car vehicle involved in the accident shall give notice of the accident in the same manner as provided in Neb. Rev. Stat. §60-699.

(I) Every Golf Car Vehicle as defined by the Statutes of Nebraska or the Pender Municipal Code, which are operated within the jurisdiction of the Village of Pender are hereby declared to be a motor vehicle and subject to all of the motor vehicle Rules of the Road and traffic laws as defined in either the Nebraska State Statutes or the Pender Municipal Code.


(J) Penalty. Any person who violates any provision of this ordinance shall be subject to the penalty set forth in §5-601.

SECTION 2: That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 3: That this ordinance shall be in full force and in effect from and after its passage, approval and publication according to law.

PASSED AND APPROVED THIS 9<sup>th</sup> DAY OF November, 2020.

VILLAGE OF PENDER

By:   
William Newton, Chairman  
Village Board of Trustees

ATTEST:

  
Holly Kinning, Village Clerk

Neb. Rev. Stat. § 60-6, 381