

ORDINANCE NO. 03-02-01

AN ORDINANCE TO ESTABLISH A LAW REGARDING GOLF CAR USE WITHIN THE COUNTY; TO ESTABLISH A PENALTY AND PROVIDE A METHOD OF ENFORCEMENT; AND TO PROVIDE FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Neb. Rev. Stat. § 23-104, the County has the power to do all acts in relation to the concerns of the County necessary to the exercise of its corporate powers; and,

WHEREAS, pursuant to Neb. Rev. Stat. § 23-103, the powers of the County as a body are exercised by the Sarpy County Board of Commissioners (“County Board”); and,

WHEREAS, pursuant to Neb. Rev. Stat. § 23-187(d), the County may regulate, through an ordinance, golf car vehicles as described and operated pursuant to Neb. Rev. Stat. § 60-6,381; and,

WHEREAS, it is the intent of the County Board to enact a Golf Car Ordinance; and,

WHEREAS, the Sarpy County Board has held a public hearing on the matter, after giving due notice as required by law.

NOW THEREFORE, BE IT ORDAINED BY THE COUNTY BOARD OF THE COUNTY OF SARPY, NEBRASKA:

SECTION 1. Intent:

It is the intent of this Ordinance to establish regulations regarding the operation of Golf Cars on public roadways within the county.

SECTION 2. Definitions:

For purposes of this Ordinance, and where not inconsistent with the context of a particular section, the defined terms, phrases, words, abbreviations, and their derivations shall have the meaning given in this section. When not inconsistent with the context, words in the present tense shall include the future tense, words used in the plural number include words in the singular number and words in the singular number include words in the plural number. The word “shall” is always mandatory and not merely directory.

- a) Golf car 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, and is designed and manufactured for operation on a golf course for sporting and recreational purposes.

- b) Road means a public way for the purposes of vehicular travel, including the entire area within the right-of-way.
- c) State or Federal Highway System means the roads, streets, and highway forming a group of highway transportation lines for with the Nebraska Department of Roads or Federal Government shall be the primary authority. It shall include, but not be limited to, rights-of-way, connecting links, drainage facilities, and the bridges, appurtenances, easements, and structures used in conjunction with such roads, streets, and highways.
- d) Street 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.

SECTION 3. Safety Equipment Requirements:

All golf cars operated pursuant to this Ordinance shall be equipped with the following safety equipment:

- a) A bicycle safety flag with an area not less than 30 square inches, attached to the rear of the golf car vehicle and standing a minimum of five feet above ground level.
- b) A manufacturer installed seat belt for each passenger on the vehicle.
- c) A muffler if the golf car is powered by a gasoline engine.
- d) Tail lights, brake lights and turn signaling lights.
- e) A rearview and/or sideview mirror.

SECTION 4. Prohibited acts:

On any Road or Street as defined above and which exist outside the confines of a private golf course, it shall be unlawful:

- a) for any person to operate a golf car without a valid Driver's license.
- b) for any person under the age of 20 years to operate a golf car.
- c) for any person to operate a golf car between sunset and sunrise.
- d) to operate a golf car without first ensuring that all passengers are utilizing manufacturer installed seat belts.
- e) for any person to operate a golf car at a speed in excess of twenty (20) miles per hour.
- f) for any person to operate a golf car on streets with a posted speed limit of greater than twenty-five (25) miles per hour. This shall include and is intended to prohibit the crossing of roadways in which the speed limit is greater than twenty-five (25) miles per hour.
- g) for any person to operate a golf car on any roadway with more than two marked lanes for traffic.
- h) for any person to operate or park a golf car on any sidewalk, right-of-way, trail, or bike lane.

- i) for any person to operate a golf car on any state or federal highway system.
- j) for any person to operate a golf car if the owner of the golf car does not possess liability insurance coverage for the golf car vehicle, proof of which shall provided by the operator within five days of a request by any peace officer. The liability insurance 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 an, 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.
- k) for any person to exceed the manufacturer determined passenger capacity when operating a golf car.
- l) any person to operate a golf car while under the influence of alcoholic liquor or of any drug as outlined in Neb. Rev. Stats. §§ 60-6,196 through 60-6,211.11.
- m) for any person to operate a golf car with open alcoholic containers on board, in violation of Neb. Rev. Stat. § 60-6,211.08.

SECTION 5. Exceptions:

The following shall not be considered violations for purposes of this ordinance:

- a) Golf car vehicles may be operated without complying with section 4 subsections (a) through (h) of this ordinance on streets and highways in parades which have been authorized by the State of Nebraska or any department, board, commission, or political subdivision of the state. Such exception is not intended to apply unless such parade is formally recognized by the governing body and shall in no event apply to block parties.

SECTION 6. Penalty:

- a) Any person found to be in violation of any provision of Section 4 (a) through (k) of this Ordinance shall be fined as permitted by Nebraska Revised Statute § 23-187(2) as follows:

First Offense:	\$100.00
Second Offense:	\$250.00
Third and Subsequent Offense:	each \$500.00
- b) Any person found to be in violation of Section 4 (l) or (m) shall be subject to the provisions and penalties found in Chapter 60 of the Nebraska State Statutes.
- c) In addition to the above cited penalties, violation of Section 4 (b) or (l) above may result in the impoundment of the golf car.
- d) Such penalties set out in this section may be waived upon a showing of unusual circumstances not within the control of the operator or registered owner.


SECTION 7. Effective area:

This Ordinance is effective in Sarpy County, but it shall not be effective within the corporate boundaries of Bellevue, LaVista, Springfield, Gretna, and Papillion; nor shall it be effective within the area outside of the corporate boundaries of Bellevue, LaVista, Springfield, Gretna, and Papillion in which those cities have been granted and are exercising powers by ordinance on a similar subject matter.

SECTION 8. Effective date:

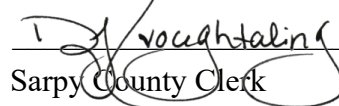
This Ordinance shall take effect and be in force fifteen days after its passage, approval, and publication, as provided by law.

Passed and Adopted this 12th day of December, 2023.


Sarpy County Board Chairman

Attest:




Sarpy County Clerk