

ORDINANCE NO. 2026-02

AN ORDINANCE AMENDING CHAPTER 70, SECTION 70.09; UTILITY VEHICLES; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; ESTABLISHING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF ARAPAHOE, FURNAS COUNTY, NEBRASKA THAT:

Title VII. Chapter 70, Section 70.09; Utility Vehicles and Golf Car Vehicles; shall be amended to read as follows:

70.09 Utility Vehicles and Golf Car Vehicles

(A) Definitions.

For purposes of this section:

(1) 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.

(2) Road means a public way for purposes of vehicular travel, including the entire area within the right-of-way.

(3) Street means a public way for purposes of vehicular travel within the city and includes the entire area within the right-of-way.

(4) Utility vehicle shall have the meaning provided by Nebraska law.

(B) Utility Vehicles; Operation.

(1) A utility vehicle may be operated on streets and highways within the corporate limits of the city only if the operator and vehicle comply with the provisions of this section.

(2) A utility vehicle may be operated only between the hours of sunrise and sunset and shall not be operated at a speed in excess of the posted speed limit.

(3) When operating a utility vehicle as authorized herein:

- (a) The headlights and taillights of the vehicle shall be illuminated; and
- (b) The vehicle shall be equipped with a bicycle safety flag extending not less than five feet above ground level and attached to the rear of the vehicle. The flag shall be triangular in shape, contain not less than 30 square inches of area, and be day-glow in color.

(4) Any person operating a utility vehicle shall:

- (a) Hold a valid operator's license; and
- (b) Have liability insurance coverage for the utility vehicle. Proof of insurance shall be provided to any peace officer upon request within five days after such request and shall demonstrate that coverage existed at the time of contact.

(5) Utility vehicles may be operated without complying with subsections (B)(2) and (B)(4) while participating in a parade authorized by the state or any department, board, commission, or political subdivision of the state.

(C) Golf Car Vehicles; Operation.

(1) A golf car vehicle may be operated on streets within the corporate limits of the city only if:

- (a) The operation occurs between sunrise and sunset; and
- (b) The street has a posted speed limit of 35 miles per hour or less.

(2) A golf car vehicle shall not be operated at a speed in excess of 20 miles per hour.

(3) A golf car vehicle shall not be operated on any state or federal highway except as necessary to cross such highway in accordance with subsection (E).

(4) Any person operating a golf car vehicle shall:

- (a) Hold a valid Class O operator's license; and
- (b) Maintain liability insurance coverage on the vehicle.

(5) Proof of insurance shall be provided to any peace officer requesting such proof within five days after the request.

(6) The liability insurance coverage required herein shall provide minimum limits of:

- (a) Twenty-five thousand dollars (\$25,000.00) because of bodily injury to or death of one person in any one accident;
 - (b) Fifty thousand dollars (\$50,000.00) because of bodily injury to or death of two or more persons in any one accident; and
 - (c) Twenty-five thousand dollars (\$25,000.00) because of injury to or destruction of property of others in any one accident.
- (D) Restrictions Applicable to Utility Vehicles and Golf Car Vehicles.
 - (1) The operator shall not allow the number of passengers to exceed the manufacturer's passenger specifications.
 - (2) Nothing in this section shall be construed to permit the operation or parking of a utility vehicle or golf car vehicle on sidewalks in the business district.
- (E) Highway Crossings.
 - (1) A utility vehicle shall not be operated on any controlled-access highway having more than two marked traffic lanes, and crossing such highway is prohibited. For purposes of this subsection, turn lanes are deemed auxiliary lanes and not traffic lanes.
 - (2) A utility vehicle may cross a highway only if:
 - (a) The crossing is made at an angle of approximately 90 degrees to the direction of travel and at a location where no obstruction prevents a quick and safe crossing;
 - (b) The vehicle is brought to a complete stop before crossing the shoulder or roadway;
 - (c) The operator yields the right-of-way to all oncoming traffic constituting an immediate hazard;
 - (d) In crossing a divided highway, the crossing occurs only at an intersection with another highway; and
 - (e) Headlights and taillights are illuminated if the vehicle is so equipped.
 - (3) A golf car vehicle may cross a highway only if:
 - (a) The crossing is made at an angle of approximately 90 degrees to the direction of the highway and at a location 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;
 - (c) The operator yields the right-of-way to all oncoming traffic constituting an immediate hazard; and
 - (d) In crossing a divided highway, the crossing occurs only at an intersection of the highway with a street or road.
- (F) Passenger Capacity and Seating Restrictions
 - (1) No person shall operate a utility-type vehicle or golf car vehicle upon the streets or highways of Arapahoe with a number of passengers that exceeds the manufacturer's designated seating capacity for such vehicle.
 - (2) No person shall operate a utility-type vehicle or golf car vehicle upon the streets or highways of Arapahoe while any passenger is riding in or on any portion of the vehicle not designed or intended by the manufacturer for the use of passengers. All passengers must occupy only those seating positions specifically designated by the manufacturer.
- (G) Child Passenger Safety Requirements
 - (1) Definitions.
For purposes of this section:
 - (a) Child passenger restraint system means a child passenger restraint system of a type which meets Federal Motor Vehicle Safety Standard 213 as developed by the National Highway Traffic Safety Administration, as such standard existed on January 1, 2009, or as subsequently amended. R.R.S. Neb. § 60-6,267.
 - (b) Occupant protection system means a system utilizing a lap belt, a shoulder belt, or any combination of belts installed in a motor vehicle that restrains drivers and passengers and conforms to Federal Motor Vehicle Safety Standard 208, as such standard existed on January 1, 2009, or as subsequently amended. R.R.S. Neb. § 60-6,270, R.R.S. Neb. § 60-6,267.
 - (c) Motor vehicle means a vehicle required by R.R.S. Neb. § 60-6,266 to be equipped with an occupant protection system or a three-point safety belt system.
 - (2) Any person who operates a utility-type vehicle or golf car vehicle that is equipped with an occupant protection system or is required to be equipped with restraint systems shall ensure that all children up to eight (8) years of age being transported by such vehicle:
 - (a) Use a child passenger restraint system which is correctly installed in such vehicle;
 - (b) Occupy a seat or seats, other than a front seat, if such seat or seats are so equipped with such passenger restraint system and such seat or seats are not already occupied by a child or children under eight (8) years of age.

(c) All children up to two (2) years of age shall use a rear-facing child passenger restraint system until the child outgrows the child passenger restraint system manufacturer's maximum allowable height or weight.

(3) Any person who operates a utility-type vehicle or golf car vehicle that is equipped with an occupant protection system or is required to be equipped with restraint systems shall ensure that all children eight (8) years of age and less than eighteen (18) years of age being transported by such vehicle use an occupant protection system.

(4) No person shall operate a utility-type vehicle or golf car vehicle upon the streets or highways of Arapahoe while transporting any child who cannot be properly secured in compliance with subsections (2) or (3) of this section. If the vehicle lacks sufficient occupant protection systems or child passenger restraint systems to safely secure all child passengers, the operator shall not transport children in excess of the number that can be safely secured.

(5) Any utility-type vehicle or golf car vehicle regularly used to transport children under twelve (12) years of age shall be maintained with:

(a) Operable seat belts or occupant protection systems at all designated seating positions; and
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(b) Child passenger restraint devices as required by law for children under eight (8) years of age.
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(6) The requirements of subsections (2) and (3) of this section apply to utility-type vehicles and golf car vehicles that are equipped with an occupant protection system or are required to be equipped with restraint systems, except any vehicle designated by the manufacturer as a 1963 year model or earlier which is not equipped with an occupant protection system.

(a) The following persons shall not be required to wear an occupant protection system:

(A) A person who possesses written verification from a physician that the person is unable to wear an occupant protection system for medical reasons;

(B) A rural letter carrier of the United States Postal Service while performing his or her duties as a rural letter carrier between the first and last delivery points; and

(C) A member of an emergency medical service while involved in patient care.

(7) A driver of a utility-type vehicle or golf car vehicle shall not be subject to the requirements of subsections (b) or (c) of this section if the vehicle is being operated in a parade or exhibition and the parade or exhibition is being conducted in accordance with applicable state law and local ordinances and resolutions.


Section 2. All other ordinances or sections of ordinances passed and approved prior to the passage, approval, and publication of posting of this ordinance and in conflict with its provisions are hereby repealed.

Section 3. This ordinance shall take effect and be in full force from and after its passage, approval and publication or posting as required by law.

Section 4. This Ordinance shall be published in pamphlet form and take effect as provided by law.


Passed and approved this 16 day of June, 2026.

City of Arapahoe



John Koller, Mayor

Attest.



Dixie Sickels, City Clerk

