

Public Property, Safety, and Works Committee
Monday, August 8, 2022 4:00 PM
Council Chambers
2500 14 Street
Columbus, NE 68601

The Mayor and City Council reserve the right to go into closed session as per Section 84-1410 of the Nebraska Revised Statutes. A current agenda is on file at the office of the city clerk at City Hall, 2500 14 Street, Columbus, Nebraska. For more information, call 402-562-4224 or visit our website at www.columbusne.us.

- 1. Statement of compliance with Open Meetings Act and roll call.**

Open Meetings Act

Neb. Rev. Stat. § 84-1407. Act, how cited.

Sections 84-1407 to 84-1414 shall be known and may be cited as the Open Meetings Act.

Neb. Rev. Stat. § 84-1408. Declaration of intent; meetings open to public.

It is hereby declared to be the policy of this state that the formation of public policy is public business and may not be conducted in secret.

Every meeting of a public body shall be open to the public in order that citizens may exercise their democratic privilege of attending and speaking at meetings of public bodies, except as otherwise provided by the Constitution of Nebraska, federal statutes, and the Open Meetings Act.

Neb. Rev. Stat. § 84-1409. Terms, defined.

For purposes of the Open Meetings Act, unless the context otherwise requires:

(1)(a) Public body means (i) governing bodies of all political subdivisions of the State of Nebraska, (ii) governing bodies of all agencies, created by the Constitution of Nebraska, statute, or otherwise pursuant to law, of the executive department of the State of Nebraska, (iii) all independent boards, commissions, bureaus, committees, councils, subunits, or any other bodies created by the Constitution of Nebraska, statute, or otherwise pursuant to law, (iv) all study or advisory committees of the executive department of the State of Nebraska whether having continuing existence or appointed as special committees with limited existence, (v) advisory committees of the bodies referred to in subdivisions (i), (ii), and (iii) of this subdivision, and (vi) instrumentalities exercising essentially public functions; and

(b) Public body does not include (i) subcommittees of such bodies unless a quorum of the public body attends a subcommittee meeting or unless such subcommittees are holding hearings, making policy, or taking formal action on behalf of their parent body, except that all meetings of any subcommittee established under section 81-15,175 are subject to the Open Meetings Act, and (ii) entities conducting judicial proceedings unless a court or other judicial body is exercising rulemaking authority, deliberating, or deciding upon the issuance of administrative orders;

(2) Meeting means all regular, special, or called meetings, formal or informal, of any public body for the purposes of briefing, discussion of public business, formation of tentative policy, or the taking of any action of the public body; and

(3) Virtual conferencing means conducting or participating in a meeting electronically or telephonically with interaction among the participants subject to subsection (2) of section 84-1412.

Neb. Rev. Stat. § 84-1410. Closed session; when; purpose; reasons listed; procedure; right to challenge; prohibited acts; chance meetings, conventions, or workshops.

(1) Any public body may hold a closed session by the affirmative vote of a majority of its voting members if a closed session is clearly necessary for the protection of the public interest or for the prevention of needless injury to the reputation of an individual and if such

individual has not requested a public meeting. The subject matter and the reason necessitating the closed session shall be identified in the motion to close. Closed sessions may be held for, but shall not be limited to, such reasons as:

(a) Strategy sessions with respect to collective bargaining, real estate purchases, pending litigation, or litigation which is imminent as evidenced by communication of a claim or threat of litigation to or by the public body;

(b) Discussion regarding deployment of security personnel or devices;

(c) Investigative proceedings regarding allegations of criminal misconduct;

(d) Evaluation of the job performance of a person when necessary to prevent needless injury to the reputation of a person and if such person has not requested a public meeting;

(e) For the Community Trust created under section 81-1801.02, discussion regarding the amounts to be paid to individuals who have suffered from a tragedy of violence or natural disaster; or

(f) For public hospitals, governing board peer review activities, professional review activities, review and discussion of medical staff investigations or disciplinary actions, and any strategy session concerning transactional negotiations with any referral source that is required by federal law to be conducted at arms length.

Nothing in this section shall permit a closed meeting for discussion of the appointment or election of a new member to any public body.

(2) The vote to hold a closed session shall be taken in open session. The entire motion, the vote of each member on the question of holding a closed session, and the time when the closed session commenced and concluded shall be recorded in the minutes. If the motion to close passes, then the presiding officer immediately prior to the closed session shall restate on the record the limitation of the subject matter of the closed session. The public body holding such a closed session shall restrict its consideration of matters during the closed portions to only those purposes set forth in the motion to close as the reason for the closed session. The meeting shall be reconvened in open session before any formal action may be taken. For purposes of this section, formal action shall mean a collective decision or a collective commitment or promise to make a decision on any question, motion, proposal, resolution, order, or ordinance or formation of a position or policy but shall not include negotiating guidance given by members of the public body to legal counsel or other negotiators in closed sessions authorized under subdivision (1)(a) of this section.

(3) Any member of any public body shall have the right to challenge the continuation of a closed session if the member determines that the session has exceeded the reason stated in the original motion to hold a closed session or if the member contends that the closed session is neither clearly necessary for (a) the protection of the public interest or (b) the prevention of needless injury to the reputation of an individual. Such challenge shall be overruled only by a majority vote of the

members of the public body. Such challenge and its disposition shall be recorded in the minutes.

(4) Nothing in this section shall be construed to require that any meeting be closed to the public. No person or public body shall fail to invite a portion of its members to a meeting, and no public body shall designate itself a subcommittee of the whole body for the purpose of circumventing the Open Meetings Act. No closed session, informal meeting, chance meeting, social gathering, email, fax, or other electronic communication shall be used for the purpose of circumventing the requirements of the act.

(5) The act does not apply to chance meetings or to attendance at or travel to conventions or workshops of members of a public body at which there is no meeting of the body then intentionally convened, if there is no vote or other action taken regarding any matter over which the public body has supervision, control, jurisdiction, or advisory power.

Neb. Rev. Stat. § 84-1411. Meetings of public body; notice; method; contents; when available; right to modify; duties concerning notice; virtual meetings authorized; emergency meeting without notice; appearance before public body.

(1)(a) Each public body shall give reasonable advance publicized notice of the time and place of each meeting as provided in this subsection. Such notice shall be transmitted to all members of the public body and to the public.

(b)(i) Except as provided in subdivision (1)(b)(ii) of this section, in the case of a public body described in subdivision (1)(a)(i) of section 84-1409 or such body's advisory committee, such notice shall be published in a newspaper of general circulation within the public body's jurisdiction and, if available, on such newspaper's web site.

(ii) In the case of the governing body of a city of the second class or village or such body's advisory committee, such notice shall be published by:

(A) Publication in a newspaper of general circulation within the public body's jurisdiction and, if available, on such newspaper's web site; or

(B) Posting written notice in three conspicuous public places in such city or village. Such notice shall be posted in the same three places for each meeting.

(iii) In the case of a public body not described in subdivision (1)(b)(i) or (ii) of this section, such notice shall be given by a method designated by the public body.

(c) In addition to a method of notice required by subdivision (1)(b)(i) or (ii) of this section, such notice may also be provided by any other appropriate method designated by such public body or such advisory committee.

(d) Each public body shall record the methods and dates of such notice in its minutes.

(e) Such notice shall contain an agenda of subjects known at the time of the publicized notice or a statement that the agenda, which shall be kept continually current, shall be readily available for public inspection at the principal office of the public body during normal business hours. Agenda items shall be sufficiently descriptive to give the public reasonable notice of the matters to be considered at the

meeting. Except for items of an emergency nature, the agenda shall not be altered later than (i) twenty-four hours before the scheduled commencement of the meeting or (ii) forty-eight hours before the scheduled commencement of a meeting of a city council or village board scheduled outside the corporate limits of the municipality. The public body shall have the right to modify the agenda to include items of an emergency nature only at such public meeting.

(2)(a) The following entities may hold a meeting by means of virtual conferencing if the requirements of subdivision (2)(b) of this section are met:

(i) A state agency, state board, state commission, state council, or state committee, or an advisory committee of any such state entity;

(ii) An organization, including the governing body, created under the Interlocal Cooperation Act, the Joint Public Agency Act, or the Municipal Cooperative Financing Act;

(iii) The governing body of a public power district having a chartered territory of more than one county in this state;

(iv) The governing body of a public power and irrigation district having a chartered territory of more than one county in this state;

(v) An educational service unit;

(vi) The Educational Service Unit Coordinating Council;

(vii) An organization, including the governing body, of a risk management pool or its advisory committees organized in accordance with the Intergovernmental Risk Management Act;

(viii) A community college board of governors;

(ix) The Nebraska Brand Committee;

(x) A local public health department;

(xi) A metropolitan utilities district;

(xii) A regional metropolitan transit authority;

(xiii) A natural resources district; and

(xiv) The Judicial Resources Commission.

(b) The requirements for holding a meeting by means of virtual conferencing are as follows:

(i) Reasonable advance publicized notice is given as provided in subsection (1) of this section, including providing access to a dial-in number or link to the virtual conference;

(ii) In addition to the public's right to participate by virtual conferencing, reasonable arrangements are made to accommodate the public's right to attend at a physical site and participate as provided in section 84-1412, including reasonable seating, in at least one designated site in a building open to the public and identified in the notice, with: At least one member of the entity holding such meeting, or his or her designee, present at each site; a recording of the hearing by audio or visual recording devices; and a reasonable opportunity for input, such as public comment or questions, is provided to at least the same extent as

would be provided if virtual conferencing was not used;

(iii) At least one copy of all documents being considered at the meeting is available at any physical site open to the public where individuals may attend the virtual conference. The public body shall also provide links to an electronic copy of the agenda, all documents being considered at the meeting, and the current version of the Open Meetings Act; and

(iv) Except as otherwise provided in this subdivision or subsection (4) of section 79-2204, no more than one-half of the meetings of the state entities, advisory committees, boards, councils, organizations, or governing bodies are held by virtual conferencing in a calendar year. In the case of an organization created under the Interlocal Cooperation Act that sells electricity or natural gas at wholesale on a multistate basis or an organization created under the Municipal Cooperative Financing Act, the organization may hold more than one-half of its meetings by virtual conferencing if such organization holds at least one meeting each calendar year that is not by virtual conferencing. The governing body of a risk management pool that meets at least quarterly and the advisory committees of the governing body may each hold more than one-half of its meetings by virtual conferencing if the governing body's quarterly meetings are not held by virtual conferencing.

(3) Virtual conferencing, emails, faxes, or other electronic communication shall not be used to circumvent any of the public government purposes established in the Open Meetings Act.

(4) The secretary or other designee of each public body shall maintain a list of the news media requesting notification of meetings and shall make reasonable efforts to provide advance notification to them of the time and place of each meeting and the subjects to be discussed at that meeting.

(5) When it is necessary to hold an emergency meeting without reasonable advance public notice, the nature of the emergency shall be stated in the minutes and any formal action taken in such meeting shall pertain only to the emergency. Such emergency meetings may be held by virtual conferencing. The provisions of subsection (4) of this section shall be complied with in conducting emergency meetings. Complete minutes of such emergency meetings specifying the nature of the emergency and any formal action taken at the meeting shall be made available to the public by no later than the end of the next regular business day.

(6) A public body may allow a member of the public or any other witness to appear before the public body by means of virtual conferencing.

(7)(a) Notwithstanding subsections (2) and (5) of this section, if an emergency is declared by the Governor pursuant to the Emergency Management Act as defined in section 81-829.39, a public body the territorial jurisdiction of which is included in the emergency declaration, in whole or in part, may hold a meeting by virtual conferencing during such emergency if the public body gives reasonable advance publicized notice as described in subsection (1) of this section. The notice shall include information regarding access for the public and news media. In addition to any formal action taken pertaining to the emergency, the public body may hold such meeting for the purpose of briefing, discussion of public business, formation of tentative policy, or the taking of any action by the public body.

(b) The public body shall provide access by providing a dial-in
Open Meetings Act

number or a link to the virtual conference. The public body shall also provide links to an electronic copy of the agenda, all documents being considered at the meeting, and the current version of the Open Meetings Act. Reasonable arrangements shall be made to accommodate the public's right to hear and speak at the meeting and record the meeting. Subsection (4) of this section shall be complied with in conducting such meetings.

(c) The nature of the emergency shall be stated in the minutes. Complete minutes of such meeting specifying the nature of the emergency and any formal action taken at the meeting shall be made available for inspection as provided in subsections (5) and (6) of section 84-1413.

Neb. Rev. Stat. § 84-1412. Meetings of public body; rights of public; public body; powers and duties.

(1) Subject to the Open Meetings Act, the public has the right to attend and the right to speak at meetings of public bodies, and all or any part of a meeting of a public body, except for closed sessions called pursuant to section 84-1410, may be videotaped, televised, photographed, broadcast, or recorded by any person in attendance by means of a tape recorder, a camera, video equipment, or any other means of pictorial or sonic reproduction or in writing.

(2) It shall not be a violation of subsection (1) of this section for any public body to make and enforce reasonable rules and regulations regarding the conduct of persons attending, speaking at, videotaping, televising, photographing, broadcasting, or recording its meetings, including meetings held by virtual conferencing. A body may not be required to allow citizens to speak at each meeting, but it may not forbid public participation at all meetings.

(3) No public body shall require members of the public to identify themselves as a condition for admission to the meeting nor shall such body require that the name of any member of the public be placed on the agenda prior to such meeting in order to speak about items on the agenda. The body shall require any member of the public desiring to address the body to identify himself or herself, including an address and the name of any organization represented by such person unless the address requirement is waived to protect the security of the individual.

(4) No public body shall, for the purpose of circumventing the Open Meetings Act, hold a meeting in a place known by the body to be too small to accommodate the anticipated audience.

(5) No public body shall be deemed in violation of this section if it holds its meeting in its traditional meeting place which is located in this state.

(6) No public body shall be deemed in violation of this section if it holds a meeting outside of this state if, but only if:

(a) A member entity of the public body is located outside of this state and the meeting is in that member's jurisdiction;

(b) All out-of-state locations identified in the notice are located within public buildings used by members of the entity or at a place which will accommodate the anticipated audience;

(c) Reasonable arrangements are made to accommodate the public's right to attend, hear, and speak at the meeting, including making virtual conferencing available at an in-state location to members, the public, or the press, if requested twenty-four hours in advance;

(d) No more than twenty-five percent of the public body's meetings in a calendar year are held out-of-state;

(e) Out-of-state meetings are not used to circumvent any of the public government purposes established in the Open Meetings Act; and

(f) The public body publishes notice of the out-of-state meeting at least twenty-one days before the date of the meeting in a legal newspaper of statewide circulation.

(7) Each public body shall, upon request, make a reasonable effort to accommodate the public's right to hear the discussion and testimony presented at a meeting.

(8) Public bodies shall make available at the meeting or the in-state location for virtual conferencing as required by subdivision (6)(c) of this section, for examination and copying by members of the public, at least one copy of all reproducible written material to be discussed at an open meeting, either in paper or electronic form. Public bodies shall make available at least one current copy of the Open Meetings Act posted in the meeting room at a location accessible to members of the public. At the beginning of the meeting, the public shall be informed about the location of the posted information.

Neb. Rev. Stat. § 84-1413. Meetings; minutes; roll call vote; secret ballot; when.

(1) Each public body shall keep minutes of all meetings showing the time, place, members present and absent, and the substance of all matters discussed.

(2) Any action taken on any question or motion duly moved and seconded shall be by roll call vote of the public body in open session, and the record shall state how each member voted or if the member was absent or not voting. The requirements of a roll call or viva voce vote shall be satisfied by a public body which utilizes an electronic voting device which allows the yeas and nays of each member of such public body to be readily seen by the public.

(3) The vote to elect leadership within a public body may be taken by secret ballot, but the total number of votes for each candidate shall be recorded in the minutes.

(4) The minutes of all meetings and evidence and documentation received or disclosed in open session shall be public records and open to public inspection during normal business hours.

(5) Minutes shall be written, except as provided in subsection (6) of this section, and available for inspection within ten working days or prior to the next convened meeting, whichever occurs earlier, except that cities of the second class and villages may have an additional ten working days if the employee responsible for writing the minutes is absent due to a serious illness or emergency.

(6) Minutes of the meetings of the board of a school district or educational service unit may be kept as an electronic record.

(7) Beginning July 31, 2022, the governing body of a natural resources district, the city council of a city of the metropolitan class, the city council of a city of the primary class, the city council of a city of the first class, the county board of a county with a population greater than twenty-five thousand inhabitants, and the school board of a school district shall make available on such entity's public web site the agenda and minutes of any meeting of the governing body. The agenda shall be placed on the web site at least twenty-four hours before the meeting of

the governing body. Minutes shall be placed on the web site at such time as the minutes are available for inspection as provided in subsection (5) of this section. This information shall be available on the public web site for at least six months.

Neb. Rev. Stat. § 84-1414. Unlawful action by public body; declared void or voidable by district court; when; duty to enforce open meeting laws; citizen's suit; procedure; violations; penalties.

(1) Any motion, resolution, rule, regulation, ordinance, or formal action of a public body made or taken in violation of the Open Meetings Act shall be declared void by the district court if the suit is commenced within one hundred twenty days of the meeting of the public body at which the alleged violation occurred. Any motion, resolution, rule, regulation, ordinance, or formal action of a public body made or taken in substantial violation of the Open Meetings Act shall be voidable by the district court if the suit is commenced more than one hundred twenty days after but within one year of the meeting of the public body in which the alleged violation occurred. A suit to void any final action shall be commenced within one year of the action.

(2) The Attorney General and the county attorney of the county in which the public body ordinarily meets shall enforce the Open Meetings Act.

(3) Any citizen of this state may commence a suit in the district court of the county in which the public body ordinarily meets or in which the plaintiff resides for the purpose of requiring compliance with or preventing violations of the Open Meetings Act, for the purpose of declaring an action of a public body void, or for the purpose of determining the applicability of the act to discussions or decisions of the public body. It shall not be a defense that the citizen attended the meeting and failed to object at such time. The court may order payment of reasonable attorney's fees and court costs to a successful plaintiff in a suit brought under this section.

(4) Any member of a public body who knowingly violates or conspires to violate or who attends or remains at a meeting knowing that the public body is in violation of any provision of the Open Meetings Act shall be guilty of a Class IV misdemeanor for a first offense and a Class III misdemeanor for a second or subsequent offense.

Neb. Rev. Stat. § 84-1415. Open Meetings Act; requirements; waiver; validity of action.

No motion, resolution, rule, regulation, ordinance, or formal action made, adopted, passed, or taken at a meeting as defined in section 84-1409 of a public body as defined in such section shall be invalidated because such motion, resolution, rule, regulation, ordinance, or formal action was made, adopted, passed, or taken at a meeting or meetings on or after March 17, 2020, and on or before April 30, 2021, pursuant to a Governor's Executive Order which waived certain requirements of the Open Meetings Act.

2. **Request of Judy and Edwin Stankoski to amend City Code to allow golf carts on residential streets.**

FILED

JUL 06 2022

CITY CLERK
COLUMBUS, NEBR

**TOPIC FOR CONSIDERATION
OR CITY COUNCIL AGENDA**

If you have a specific topic that you would like the City Council to consider at a future meeting, please list your name, address and the specific topic. The item will be reviewed and forwarded to city staff for appropriate action or scheduled for a future meeting of the City Council as may be necessary. You will be notified of the staff recommendation or action taken on your request or when the item will be presented to the City Council for consideration.

Name: Judy + Edwin Stankoski

Address: 5022 - 33rd Col.

Telephone Number: 402-564-5142

Date of Request: _____

Description of Requested Topic: (Please be as specific as possible)

Edwin is 84 and will be 85 in Aug. He has a very
hard time in breathing and getting his air, so he
can't walk very far, or he gets out of breath + weak.
We would like to get a permit to take our Club car
out on the streets around West Brooks apt. etc. and
not on the main streets.

We have a horn, 2 lights, red flag, mirror + 4
reflectors on back and Insurance.

MEMORANDUM

DATE: 3 Aug 2022

FROM: Chief Charles Sherer

TO: Tara Vasicek, City Administrator 

RE: Golf Cart Usage on Public Streets

RECOMMENDATION: Authorize the use of Golf Carts on City Streets

DISCUSSION:

I was requested to make a recommendation regarding Golf Carts operation on City Streets. After careful thought and review, I would recommend that the City allow the operation of Golf Carts and to change the language of 70.001 in definitions; change 70.015 in License & Registration; and 71.014 Operation. I would encourage a language that required the same equipment and safety requirements of the ATV/UTVs, require the same licensing and registration & insurance requirements, and similar restrictions. I think it should be sent to the city attorney for language in a draft ordinance.

Neal Valorz stated that Subsection 2(a) of the statute referenced (60-6,381) allows the City to allow use of golf carts city-wide with specific restrictions and requirements. We would have to amend our City Code to do this. As an FYI, here is how the Nebraska Rules of the Road Act defines a "golf car vehicle" (Neb. Rev. Stats 60-622.01): "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, and is designed and manufactured for operation on a golf course for sporting and recreational purposes."

We would have to amend our ordinances to allow them to be used similar to ATVs/UTVs with similar restrictions on where they could & couldn't be operated.

FISCAL IMPACT:

Requiring a permit would generate additional revenue in the fees & permit line of the budget. We would use permit flags and applications that we currently use for ATVs/UTVs.

ALTERNATIVE:

Don't approve the recommendation and enforce current laws with respect to Golf Carts.

From: [Neal Valorz](#)
To: [Kline, Janelle](#)
Subject: RE: Golf Cart
Date: Monday, July 11, 2022 3:57:47 PM
Attachments: [Ordinance No. 1099 - Golf Car Vehicles 8-24-2015.pdf](#)
[Ordinance No. 1269 - Requiring Registration 8-24-2020.pdf](#)
[Resolution 2020-6 Golf Car Registration 12.14.20 REVISED AND APPROVED.do....pdf](#)

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Janelle,

Subsection 2(a) of the statute referenced (60-6,381) allows the City to allow use of golf carts city-wide with specific restrictions and requirements. We would have to amend our City Code to do this. As an FYI, here is how the Nebraska Rules of the Road Act defines a “golf car vehicle” (Neb. Rev. Stats 60-622.01): “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, and is designed and manufactured for operation on a golf course for sporting and recreational purposes.”.

I know some smaller towns/villages allow them (for example, Stromsburg does allow this and they require a permitting process – I attached their ordinances). I am not sure about if any other cities of the first class do (I quickly looked at Fremont, Grand Island, Scottsbluff, and North Platte and did not see that they were permitted).

Neal J. Valorz, Esq.

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CITY OF STROMSBURG, NEBRASKA

ORDINANCE NO. 1099

AN ORDINANCE OF THE CITY OF STROMSBURG, NEBRASKA, PROVIDING FOR THE OPERATION OF GOLF CAR VEHICLES WITHIN THE CITY; RESTRICTIONS THEREOF; DECLARING AN EFFECTIVE DATE OF THE MUNICIPAL CODE OF THE CITY OF STROMSBURG, NEBRASKA.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF STROMSBURG, NEBRASKA:

SECTION 1. The following sections shall be added to the Municipal Code of the City of Stromsburg, Nebraska:

§5-720 GOLF CAR VEHICLES; OPERATION WITHIN CITY LIMITS; CONDITION.

(a) A golf car vehicle as defined in Section 60-622.01 of the Nebraska Revised Statutes may be operated on any street, road or alley, within the City, except for a controlled-access highway or on any street, highway or alley where the posted speed limit is in excess of 35 mph, when such operation occurs only between one-half hour after sunrise and one-half hour before sunset. Any person operating a golf car vehicle shall have a valid Class O operator's license, shall have liability insurance coverage for the golf car vehicle while operating the golf car vehicle on a highway, street, road, or alley, and shall not operate such vehicle at a speed in excess of the posted speed limit. The person operating the golf car vehicle shall provide proof of such insurance coverage to any peace officer requesting such proof within five days of such a request.

(b) Subject to subsection (a) of this section, the crossing of a controlled-access highway shall be permitted by a golf car vehicle only if:

(1) 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;

(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 potential hazard.

SECTION 2. That any other ordinances or sections passed and approved prior to the passage, approval and publication or posting of this ordinance and in conflict with its provisions is hereby repealed.

SECTION 3. That this ordinance shall take effect and be in full force from and after its passage, approval and publication or posting required by law.

PASSED AND APPROVED THIS 24th DAY OF August, 2015.

ATTEST:

CITY OF STROMSBURG,

Nancy Bruen
City Clerk

Kenneth Cunningham
Mayor



CITY OF STROMSBURG, NEBRASKA

ORDINANCE NO. 1269

AN ORDINANCE REQUIRING THE REGISTRATION FOR ALL ALL-TERRAIN VEHICLES, UTILITY TYPE VEHICLES, MINI TRUCKS AND GOLF CART VEHICLES OPERATING UPON THE PUBLIC STREETS OF THE CITY OF STROMSBURG, NEBRASKA.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF STROMSBURG, NEBRASKA:

SECTION 1. That Section 5-725 of the City of Stromsburg Municipal Code shall be adopted as follows, to wit:

§ 5-725 REGISTRATION REQUIRED.

From and after January, 1, 2021 any person desiring to operate an all-terrain vehicle as defined in Section 5-701, a utility type vehicle or mini truck as defined in Section 5-710 or a golf car vehicle as defined in Section 5-720 upon the City streets within the corporate limits of the City shall prior to its operation register the vehicle and obtain a permit for the operation for the said vehicle upon the public streets. The registration and issuance of a permit shall be subject to the following conditions:

- a. Any person desiring to operate an all-terrain vehicle, a utility type vehicle, mini truck or golf car vehicle upon this public street of the City of Stromsburg, Nebraska shall first register the vehicle upon registration forms furnished by the City Clerk. Any person desiring to operate such a vehicle in a parade that has been approved by the City shall not be required to register such vehicle if it is not otherwise operated on the public streets at other times during the year. A permit will be issued after the registration is complete and the permit shall be required to be affixed to the vehicle so registered in a conspicuous place.
- b. This requirement may be waived in advance by the City for specially designated events taking place within the City limits.
- c. A non-refundable application fee in an amount to be determined by resolution of the City Council in advance shall accompany each registration. A late payment fee also in the amount to be determined by resolution of the City Council in advance shall be imposed for permits issued after January 31 of each year unless the vehicle was purchased or acquired during the calendar year for which the permit is issued.
- d. The permit shall be valid from January 1st – December 31st of each year.
- e. Operators of all-terrain vehicles, utility type vehicles, mini trucks and golf cars, must be at least 16 years of age and have a valid class O operators license or a farm permit as provided in Section 60-4,126 of the revised Statutes of Nebraska.
- f. All-terrain vehicles, utility type vehicles, mini trucks and golf car may be operated only between the hours of sunrise and sunset.

- g. Operators shall obey and follow all rules of the road.
- h. Operators shall have liability insurance coverage for the vehicle while operating the same within the corporate limits of the City.
- i. As a condition of receiving the permit, all owners shall provide to the City satisfactory evidence of insurance for each vehicle. Further, each applicant agrees that in the event the insurance is canceled for any reason after a permit has been issued, the insurance company has the duty to notify the City of the cancelation of said policy of insurance.
- j. A person operating an all-terrain vehicle, utility type vehicle, mini truck, or golf car shall provide proof of insurance coverage for the same to any peace officer requesting such proof of insurance within 5 days of such request.
- k. An all-terrain vehicle, utility type vehicle, mini truck or golf car shall be equipped with a bicycle safety flag which extends not less than 5 feet above ground attached to the rear of the vehicle.

SECTION 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 3. That this ordinance shall take effect and be in full force from and after its passage, approval and publication or posting required by law.

PASSED AND APPROVED THIS 24TH DAY OF AUGUST, 2020.

ATTEST:

CITY OF STROMSBURG,

Nancy Bryan
City Clerk

Kenneth E. Cunningham
Mayor



**CITY OF STROMSBURG
RESOLUTION NO. 2020-6**

ATV, UTV, GOLF CART VEHICLE REGISTRATION FEES

WHEREAS, the City of Stromsburg, NE on or about August 24, 2020 adopted Ordinance No. 1269 which provided for the registration of all-terrain vehicles, utility-type vehicles and golf car vehicles with an effective registration date of January 1, 2021, and

WHEREAS, Ordinance No. 1269 further required that the Mayor and Council would set the fees for registration and for a late payment fee by Resolution to be adopted later, and

WHEREAS, The City of Stromsburg does now desire to establish the initial registration and late payment fees.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council for the City of Stromsburg, Nebraska that the registration fee due on January 1, 2021 is waived or set at zero dollars (\$0) and that the late payment fee for those vehicles required to be registered under Ordinance No. 1269 and not registered by April 30, 2020 and every April 30th thereafter shall pay a late registration fee of \$50. All vehicles required to be registered under Ordinance No. 1269 and acquired on or after January 1, 2021 or are brought into the City of Stromsburg for operation upon the streets and alleys within the City of Stromsburg shall pay registration fee of \$0 prior to its operation on the public streets and alleys and shall pay a late payment fee in the amount of fifty dollars (\$50) in the event the vehicle is not registered prior to its operation on the public streets and alleys of the City of Stromsburg.

PASSED AND APPROVED THIS 14TH DAY OF DECEMBER, 2020.

ATTEST:

CITY OF STROMSBURG,

Clerk

Nancy Bryan

Mayor

Kenneth Everingham

SEAL



3. Adjournment.