

**AGENDA ITEM
REQUEST/JUSTIFICATION FORM**
(To be completed by requesting Department)
Forward all requests to Sharon Bourke, LC2 Civic Center
**DEADLINE SUBMITTAL IS 3:00 P.M. WEDNESDAY
BEFORE THE TUESDAY MEETING**

Agenda item: Public Hearing (Action can be taken today)
(i.e. Consent/Recognition-Proclamation/Presentation/Public Hearing/Committee, etc.)
Date to be on agenda: May 21, 2019

Exact wording to be used for the agenda: Resolution Approving "Deer Creek Golf Car Ordinance" to allow the operation of golf car vehicles within Sanitary and Improvement Districts 405, 499 and 574.

Action requested: Approval

Amount requested: N/A Object Code: _____

Is item in current year's budget? Yes _____ No _____

Does this item commit funds in future years? Yes _____ No _____

If yes, explain: _____

If an agreement or contract*, has the County Attorney reviewed and approved? **Ordinance** Yes x No _____

**Provide County Clerk with contact info for outside organization*

Previous action taken on this item, if any: _____

Recommendations and rationale or action: _____

Will anyone speak on behalf of this item, if so who? _____

If this is a rush agenda item, please explain why: _____

Submitted by (Name & Dept.): Patrick Bloomingdale, CAO Ext. 7025

Date submitted: May 14, 2019

List Attachments: Resolution and ordinance

(Attach resolution and all pertinent documentation; i.e. contract, agreement, memorandums, etc.)

Certified resolutions can be obtained at the County Clerk's website:
<http://www.douglascountyclerk.org/county-board-records/search-for-resolutions>

Completed by receiving office	Date	Time
Received in Administrative Office:		

Revised 4/4/2019

BOARD OF COUNTY COMMISSIONERS
DOUGLAS COUNTY, NEBRASKA

WHEREAS, pursuant to Neb. Rev. Stat. §23-187 and Neb. Rev. Stat. §60-6,381, this Board has the authority to implement an ordinance to authorize the operation of golf car vehicles within the county if the operation is on roads adjacent and contiguous to a golf course; and,

WHEREAS, Sanitary and Improvement Districts 405, 499 and 574 lay adjacent and contiguous to the Players Club at Deer Creek Golf and Country Club, and these S.I.D.s have requested that this Board pass an ordinance to allow the operation of golf car vehicles on roads within those S.I.D.s; and,

WHEREAS, the proposed "Deer Creek Golf Car Ordinance" is attached to this resolution, and lays out all of the requirements for the operation of golf car vehicles within those S.I.D.s; and,

WHEREAS, the required public hearing was held on May 21, 2019, at which time members of the public were allowed to speak for or against this ordinance.

NOW, THEREFORE, BE IT RESOLVED BY THIS BOARD OF COUNTY COMMISSIONERS, DOUGLAS COUNTY, NEBRASKA, that this Board hereby approves the attached "Deer Creek Golf Car Ordinance".

DATED this 21st day of May, 2019.

Deer Creek Golf Car Ordinance

Be it ordained by the County Board of Douglas County, Nebraska that it does hereby enact and adopt the following Golf Car Ordinance pursuant to Neb. Rev. Stat. §23-187 and Neb. Rev. Stat. §60-6,381. The Douglas County Board of Commissioners hereby authorizes the operation of golf car vehicles (hereinafter defined and referenced as "Golf Cars") on roads within the following areas, Sanitary Improvement District 499, Sanitary Improvement District 574 and Sanitary Improvement District 405 the three (3) Sanitary Improvement Districts that lay adjacent to The Players Club at Deer Creek Golf and Country Club.

Any and all Golf Cars, as defined in Neb. Rev. Stat. §60-116.1, are only to be driven and/or operated on the above named Sanitary Improvement Districts' county roads (i) between sunrise and sunset and (ii) on roads with a posted speed limit of thirty-five miles per hour or less. When operating a Golf Car as authorized under this ordinance the operator shall not operate such vehicle at a speed in excess of twenty miles per hour. A Golf Car shall not be operated at any time on any state or federal highway but may be operated upon such highway in order to cross a portion of the highway system which intersects a road as directed in subsection (2) of this ordinance.

(1) Any person operating a Golf Car as authorized under this ordinance shall have a valid Class O operator's license, and the owner of the Golf Car shall have liability insurance coverage for the Golf Car. The person operating the Golf Car shall carry, on his/her/their person, a valid operator's license and shall provide that license to any peace officer so requesting proof thereof. The person operating the Golf Car shall provide proof of liability insurance coverage to any peace officer requesting such proof within five days after 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.

(2) The crossing of a highway shall be permitted by a Golf Car only if:

(a) 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;

(b) The Golf Car is brought to a complete stop before crossing the shoulder or roadway of the highway;

(c) The operator yields the right-of-way to all oncoming traffic that constitutes an immediate potential hazard; and

(d) In crossing a divided highway, the crossing is made only at an intersection of such highway with a street or road, as applicable.

(3) All portions of this ordinance are subject to the applicable statutes, rules and regulations of all public roads and/or roadways including entire areas within a public right-of-way.

(4) Any violation of this ordinance or failure to comply with any of its requirements is a \$50 fine for the first offense; \$150 for a second offense; and \$300 for each additional offense (within a rolling 12-month period). Additionally, penalties listed do not include court costs and fees that may be imposed by the Douglas County Court in addition to the penalty. In addition, Golf Cars not in drivable condition or having a licensed driver may be towed, at the owner's expense, at the police officer's and/or Sheriff Deputy's discretion.

(5) For purposes of this section:

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

(b) 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.

(c) golf car vehicle ("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.

Sources:

See Neb. Rev. Stat. §23-187; §60-6,381; §60-116.1.