

## ORDINANCE NO. 25-11

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA AMENDING COLUMBUS CITY CODE (ORDINANCE NO. 24-01) SECTION 70.001 OF CHAPTER 70 OF TITLE VII, TO AMEND THE DEFINITION OF UTILITY TYPE VEHICLE; REPEALING ALL ORDINANCES OR PORTIONS THEREOF IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR THE PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM.

WHEREAS, the LB98 (of the 109<sup>th</sup> Legislature (2025-2026)) was recently passed and enacted and said bill removes the maximum weight limit for Utility Type Vehicles from the effected state statutes; and

WHEREAS, the City of Columbus desires to make similar changes to its appropriate City Code as to weight limit range for Utility Type Vehicles.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA:

Section 1. That Section 70.001 of Chapter 70 of Title VII of the Columbus City Code shall be amended and revised to read as follows:

### **§ 70.001 DEFINITIONS.**

For the purpose of this title, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**ALLEY.** An open way or public passage intended to provide access to the rear side of lots or buildings and not intended for the purpose of through vehicular traffic.

**AUTHORIZED EMERGENCY VEHICLE.** The Fire Department vehicles, Police Department vehicles and ambulances as are publicly-owned and such other publicly- or privately-owned vehicles as are designed or authorized by the Chief of Police or City Council.

**BICYCLE.** Any device propelled by human power which has handlebars, pedals for propulsion and two tandem wheels.

**BUS.** Any motor vehicle which is designed for carrying more than ten passengers and used for the transportation of persons.

**BUSINESS DISTRICT.** Property properly zoned for business use as listed in the city zoning code and shown on the current zoning map adopted by the city.

**COMMERCIAL VEHICLE.** Any vehicle which is designed, maintained or used primarily for the transportation of property.

**COMMUNITY SERVICE TECHNICIAN.** A non-sworn employee of the Police Department who shall have general charge, direction and authority to ensure that the ordinances of the city are properly enforced and obeyed

regardless of the department under which the ordinances may be published. **COMMUNITY SERVICE TECHNICIANS** shall have the authority to issue traffic infraction tickets.

**CROSSWALK.**

(1) Any portion of a road which is protected for pedestrian crossing by lines or other distinct markings on the surface, by signs or other devices, designated by competent authority, whether at an intersection or elsewhere.

(2) In the absence of lines or other identifying markings, signs or devices, the part of a road at an intersection included within the connections of the lateral lines of opposite sidewalks, measured from the curbs or, in the absence of curbs, from the edges of the road.

**DAYTIME.** The period of time between sunrise and sunset.

**DRIVER.** Any person who operates or is in actual physical control of a vehicle.

**ELECTRIC SCOOTER.** Any two-wheeled motor vehicle which has a total wheel and tire diameter of less than 14 inches or an engine capacity of less than 45 cubic centimeters displacement.

**GOLF CAR VEHICLE.** Golf car vehicle means a vehicle that:

- (1) Has at least four wheels;
- (2) Has a maximum level ground speed of less than 20 mph;
- (3) Has a maximum payload capacity of 1,200 pounds;
- (4) Has a maximum gross vehicle weight of 2,500 pounds;
- (5) Has a maximum passenger capacity of not more than four persons; and
- (6) Is designed and manufactured for operation on a golf course for sporting and recreational purposes.

**HIGHWAY.** Any paved road which is divided into two or more clearly marked lanes for vehicular traffic.

**INTERSECTION.**

(1) The area included within the prolongation or connection of the lateral curb lines of a street.

(2) The area included within the prolongation or connection of the lateral boundary lines of two roads or highways which join one another at, or approximately at, right angles.

(3) The area within which vehicles traveling upon different roads, streets or highways joining at any other angle may come in conflict.

(4) Where a road intersects a divided highway made up of a total of four or more lanes, each crossing of the divided highway by the road shall be regarded as a separate *INTERSECTION*. In the event the intersecting road is also a divided highway made up of a total of four or more lanes, each crossing of the highways shall be regarded as a separate *INTERSECTION*.

**MINIBIKE.** Any two-wheel motor vehicle which has a total wheel and tire diameter of less than 14 inches, or an engine rated capacity of less than 45

cubic centimeters displacement, or any other two-wheel motor vehicle designed by the manufacturer primarily for off-road use only.

**MOPED.** A bicycle with fully operative pedals for propulsion by human power, an automatic transmission and a motor with a cylinder capacity not exceeding 50 cubic centimeters which produces no more than two brake horsepower and is capable of propelling the bicycle at a maximum design speed of no more than 30 mph on level ground.

**MOTOR VEHICLE.** Any vehicle which is propelled by any power other than muscular power, except for the following:

- (1) Self-propelled chairs used by persons who are disabled;
- (2) Mopeds;
- (3) Vehicles which run only on rails or tracks;
- (4) Golf carts, go-carts, riding lawn mowers and garden tractors;
- (5) Electric scooters;
- (6) Utility type vehicles; and
- (7) Golf cart vehicles.

**MOTORCYCLE.** Any motor vehicle, excluding a tractor, where the rider sits on an unenclosed saddle or seat and which is designed to travel with not more than three wheels in contact with the ground.

**NIGHTTIME.** The period of time between sunset and sunrise.

**OWNER.** Any person who holds the legal title to a vehicle. In the event that a vehicle is the subject of an agreement for the conditional sale or lease thereof and with an immediate right of possession vested in the conditional vendee or lessee, or in the event that a mortgagor of a vehicle is entitled to possession, then the conditional vendee, lessee or mortgagor shall be deemed the *OWNER* for the purpose of this title.

**PARK or PARKING.** The standing of a vehicle, whether occupied or not, unless standing of the vehicle is in obedience to traffic regulations, signs or signals or temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers.

**PEDESTRIAN.** Any person traveling on foot.

**PEDESTRIAN ZONE.** The area or space within a road or street, but not necessarily at an intersection, which is officially protected for use by pedestrians and which is so marked or indicated by adequate signs as to be plainly visible at all times.

**POLICE OFFICER.** Any officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations or other regulations in this code or violations of state law.

**PRIVATE ROAD or DRIVEWAY.** Any way or place which is privately-owned and/or used for vehicular travel only by the owner thereof or by those having express or implied permission from the owner.

**RESIDENTIAL DISTRICT.** The territory contiguous to and including a public road not comprising a business district when the property on the road for a distance of 300 feet or more is mainly improved with residences.

**RIGHT-OF-WAY.** The right of one vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching

under such circumstances of direction, speed and proximity as to give rise to danger of collision unless one grants precedence to the other.

**ROAD.** An open way or public passage, whether paved or unpaved, which is used for the purpose of vehicle travel, including a street.

**SCHOOL BUS.** Any motor vehicle which is owned by a public or governmental agency and operated for the purpose of transporting pupils to or from school, or any motor vehicle which is privately-owned and operated for compensation for the purpose of transporting pupils to or from school.

**SCHOOL CROSSING ZONE.** The area of a roadway designated to the public by the Department of Roads, county or city, as a school crossing zone through the use of a sign or traffic-control device as specified by the Department, county or city, in conformity with the state driver's manual, but does not include any area of a freeway. A **SCHOOL CROSSING ZONE** starts at the location of the first sign or traffic-control device identifying the school crossing zone and continues until a sign or traffic-control device indicates that the school crossing zone has ended.

**SEMI-TRAILER.** A vehicle without automotive power which has a set or sets of wheels at the rear only, which is so constructed that some part of its weight rests upon or is supported by a truck tractor or another towing vehicle and which is designed to be used primarily for the transportation of property.

**SIDEWALK.** Any walk or raised path, whether paved or unpaved, intended for use by pedestrians.

**STAND or STANDING.** The halting of a vehicle, whether occupied or not.

**STOP or STOPPING.**

(1) Complete cessation from movement; and

(2) When prohibited, any halting, even momentarily, of a vehicle or bicycle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control sign, signal or other device.

**STREET.** Any curbed and guttered or otherwise improved road set apart for public travel which may or may not be abutted by sidewalks.

**TRAFFIC.** Pedestrians, vehicles and other conveyances either singly or together while using any road, street or highway for the purpose of travel.

**TRAFFIC-CONTROL DEVICE.** Any sign, signal or marking which is placed or erected by authority of the City Council or the Chief of Police or their designees for the purpose of regulating, warning or guiding traffic or standing, stopping or parking.

**TRAFFIC-CONTROL SIGNAL.** Any signal, whether manually, electronically or mechanically operated, by which traffic is alternately directed to stop and to proceed.

**TRAILER.** Any vehicle with or without automotive power which is designed for carrying persons or property and for being drawn by a motor vehicle.

**TRICYCLE.** A device propelled by human power which has handlebars, pedals for propulsion and three wheels, designed primarily for use by children.

**TRUCK.** Any motor vehicle which is equipped or used to transport anything other than persons. This definition shall not include pickup trucks which have a box not greater than 96 inches in length.

**TRUCK TRACTOR.** Any motor vehicle which has a cab and no body and is designed and used primarily for pulling large vehicles such as semi-trailers.


**UTILITY TYPE VEHICLE.** Any motorized off-highway vehicle which:

- (1) Is not less than 48 inches nor more than 74 inches in width;
- (2) Is not more than 180 inches, including the bumper, in length;
- (3) Travels on four or more low-pressure tires;
- (4) Is equipped with a steering wheel and a bench or bucket type seating designed for at least two persons to sit side-by-side; and
- (5) A utility type vehicle does not include a golf cart or low-speed vehicles.

**VEHICLE.** Any device by which any person or property may be transported upon a public road, street or highway, except those devices operated upon rails and permanent tracks.

Section 2. This Ordinance shall repeal all Ordinances or portions thereof and conflict herewith.


Section 3. This Ordinance shall be in full force and effect from and after its passage approval of publication according to law. Publication shall be in pamphlet form as authorized by Nebraska Revised Statutes § 16-405 with distribution to be made by making copies available to the public upon request at the City office.

INTRODUCED BY COUNCIL MEMBER \_\_\_\_\_ 

PASSED ND ADOPTED THIS 21 DAY OF July, 2025.

  
MAYOR

ATTEST:  
  
ASSISTANT CITY CLERK

APPROVED AS TO FORM:  
  
CITY ATTORNEY

