ORDINANCE NO. 26-15

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 INCLUDE DEFINITIONS FOR E-BIKE, ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICE, HOVERBOARD, AND LIGHTWEIGHT E-SCOOTER; TO ADD SECTION 71.015 INTO CITY CODE CHAPTER 71 OF TITLE VII TO INCLUDE REGULATIONS REGARDING THESE MOTORIZED DEVICES; TO AMEND SECTION 71.999 OF CHAPTER 71.999 TO INCLUDE PENALTIES FOR PERSONS VIOLATING SECTION 71.015; 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 City of Columbus desires to amend city code to include definitions, regulations and penalties for e-bikes, electric personal assistive mobility devices, hoverboards, and lightweight e-scooters.

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.

***E*-BIKE.** Any device propelled by electronic or gas motor, having two to three wheels and fully operative pedals for human propulsion, and capable of exceeding 15 miles per hour.

ELECTRONIC PERSONAL ASSISTIVE MOBILITY DEVICE. Any motorized wheelchair or other self-balancing, two-non-tandem-wheeled device designed to transport only one person, powered solely by such a propulsion system, and not capable of exceeding 20 miles per hour on a level surface.

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.

HOVERBOARD. Any self-balancing single or double wheeled electronic board, scooter, or electric skateboard.

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*.

LIGHTWEIGHT E-SCOOTER. Any device propelled by an electronic or gas motor, having a stand on deck, handlebars, and two to three 12" or smaller wheels.

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 compromising 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. That Section 71.015 of Chapter 71 of Title VII of the Columbus City Code shall be added into City Code to read as follows:

§ 71.015 E-Bikes, Hoverboard, and Lightweight E-Scooters

(A) No person under the age of 18 years shall ride an e-bike, hoverboard, or lightweight e-scooter upon a city street where the posted speed limit is greater than 25 miles per hour. Any person may ride an e-bike, hoverboard, or lightweight e-scooter upon a city street where the posted speed limit is greater than 25 miles per hour and less than 35 miles per hour with a valid operator's license in accordance with this ordinance. Any person riding an e-bike, hoverboard, or lightweight e-scooter may cross such roadways at a marked intersection.

(B) Any person riding an e-bike, hoverboard, or lightweight e-scooter shall not ride upon a sidewalk within the Downtown Business District (said Downtown Business District's boundaries are defined in the Columbus Land Development Ordinance - Chapter 1, Article 2-7, and may be amended from time to time.) Any such person is permitted to carry or walk alongside such e-bike, hoverboard, or lightweight e-scooter on the sidewalks located in the Downtown Business District.

(C) It shall be lawful for any person to operate an e-bike, hoverboard, or lightweight e-scooter on hiking and bike trails, unless such activity is expressly prohibited by posted signage. Any person riding on such hiking and bike trails must travel at a speed deemed safe and reasonable.

(D) Every person riding an e-bike, hoverboard, or lightweight e-scooter upon a roadway shall be granted all of the rights and shall be subject to all the duties applicable to the driver of a vehicle by the laws of this state declaring rules of the road applicable to vehicles or by this code or other traffic ordinances of this city applicable to the driver of a vehicle, except as to special regulations in this section and as to those provisions of laws and ordinances which by their nature can have no application.

(E) Any person operating an e-bike, hoverboard, or lightweight e-scooter shall obey the instruction of official traffic control signals, signs, and other control devices applicable to vehicles, unless otherwise directed by a police officer.

(F) Any person operating an e-bike, hoverboard, or lightweight e-scooter upon a street shall clearly signal his or her intention for turning left and right by utilizing hand signals.

(G) Any e-bike, hoverboard, or lightweight e-scooter being ridden at night shall be equipped with a light on the front which shall emit a white light visible from a distance of at least five hundred (500) feet to the front on a clear night and with a red reflector on the rear which shall be visible on a clear night from all distances between one hundred (100) feet and six hundred (600) feet to the rear when directly in front of lawful lower beams of headlights on a motor vehicle. A light emitting a red light visible from a distance of five hundred (500) feet to the rear may be used in addition to such red reflector.

(H) When riding an e-bike, hoverboard, or lightweight e-scooter on a sidewalk, hiking and bike trail, or other pedestrian walkway, the user shall yield the right of way to all pedestrians and give an audible signal before overtaking and passing such pedestrian. When three or more e-bikes, hoverboards, and/or lightweight e-scooters ride in a group, such group must proceed in single file so as to not impede others.

(I) The operator of an e-bike, hoverboard, or lightweight e-scooter emerging from an alley, driveway, or building, shall, upon approaching a sidewalk or the sidewalk area extending across any alleyway, yield the right of way to all pedestrians approaching on the sidewalk or sidewalk area, and upon entering the roadway, shall yield the right of way to all vehicles approaching on the roadway.

(J) Any person operating an electric personal assistive mobility device is exempt from the provisions of this section. This exemption applies to devices designed primarily for individuals with mobility impairments and operated in accordance with applicable state and federal accessibility laws and regulations.

Section 3. That Section 71.999 of Chapter 71 of Title VII of the Columbus City Code shall be amended and revised to read as follows:

§ 71.999 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99 of this code of ordinances.

(B) Any person who refuses to submit to the test or tests required pursuant to § 71.008 of this code shall not have the tests taken but shall be found guilty of a traffic infraction and upon conviction shall have that person's operator's license impounded by the court for 90 days for refusal to submit to the tests required pursuant to this section.

(C) Any person violating §71.015 of this code, shall be subject to the following:

1. First offense: a person convicted of violation of any provision of this section shall be punished by a fine not less than $0.00 nor more than $50.00.
2. Second offense: a person convicted of a violation of any provision of this section shall be punished by a fine not less than $50.00 nor more than $100.00.
3. Third and successive offenses: a person convicted of a violation of any provision of this section shall be punished by a fine of $150.00.
4. A police officer apprehending a person for violating this section may impound the e-bike, hoverboard, or lightweight e-scooter for a period no longer than 10 days. A court may order it to be sold by the City of Columbus or destroyed. The e-bike, hoverboard, or lightweight e-scooter will only be released to an adult.

Section 4. This Ordinance shall be in full force and effect from and after its passage, approval, and 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 8 DAY OF September, 2026.

CITY OF COLUMBUS, NEBRASKA SEAL FEBRUARY 11, 1865

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MAYOR

ATTEST:

_____
CITY CLERK

APPROVED AS TO FORM:

_____
CITY ATTORNEY