

ORDINANCE NO. 1539

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF DAVID CITY, NEBRASKA, AMENDING THE DAVID CITY MUNICIPAL CODE TO INCLUDE AND REGULATE THE USE OF ELECTRIC SCOOTERS AND ELECTRIC MOTORCYCLES; PROVIDING AN EFFECTIVE DATE; AND AUTHORIZING PUBLICATION OF THE SAME IN PAMPHLET FORM.

WHEREAS, Nebraska Revised Statutes Section 17-505 authorizes the City of David City, Nebraska, a municipal corporation and city of the second class (the “**City**”) to adopt and amend the City’s Municipal Code (the “**Code**”); and

WHEREAS, Sections 4-401 through 4-406 of the Code regulate the use of mopeds (Section 4-401 of the Code so defines) within the City; and

WHEREAS, Section 60-678(2) of the Nebraska Revised Statutes allows the City to “permit, control, or prohibit operation of any motor vehicle, minibike, motorcycle . . . electric bicycles, [and] other powered vehicle[s] . . . on all or any portion of any area under [the City’s] ownership or control”; and

WHEREAS, the City desires to amend the Code to regulate the use of electric scooters, electric motorcycles, and mopeds; and

WHEREAS, the City finds it in the best interest of the City and the City’s residents’ health, safety and welfare to amend the Code as provided herein.

**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF
THE CITY OF DAVID CITY, NEBRASKA**, the City hereby amends the Code as follows:

1. The City hereby repeals Article 4, Chapter 4 of the Code in its entirety and replaces it with the following:

SECTION 4-401: DEFINITIONS

A. “Moped” shall mean a device with fully operative pedals for propulsion by human power, an automatic transmission, and a motor with a cylinder capacity not exceeding 50 cubic centimeters, that produces no more than two brake horsepower and is capable of propelling the device at a maximum design speed of no more than 30 miles per hour on level ground.

B. “Electric Scooter” shall mean a battery-powered device with handlebars for propulsion and braking by human power, with a battery-powered motor containing a voltage capacity between 250 and 3,000 watts.

C. “Electric Motorcycle” shall mean a device with fully operative pedals for propulsion by human power, an automatic transmission, and a motor with a cylinder capacity not exceeding 150 cubic centimeters, which produces no more than five brake horsepower and is capable of propelling the device at a maximum design speed of no more than 70 miles per hour on level ground.

D. For purposes of this Article 4, Chapter 4 of the Code, the “Downtown Area” shall mean that certain portion of the corporate limits of the City of David City, Nebraska, between 9th and 1st Street, to the east and west, and A Street and G Street, to the south and north, as generally depicted below.



E. “Electric Motor-Driven Cycles” shall include Mopeds and Electric Motorcycles.

F. “Operator” shall mean all persons using an Electric Motor-Driven Cycle or Electric Scooter.

SECTION 4-402: ELECTRIC MOTOR-DRIVEN CYCLES; OPERATOR’S LICENSE

No person shall operate an Electric Motor-Driven Cycle upon a highway unless such person has a valid operator’s license. (Nebraska Revised Statutes Section 60-6,310). Electric Motor-Driven Cycles and their owners and operators shall be subject to the Motor Vehicle Operator’s License Act and shall be exempt from the Motor Vehicle Certificate of Title Act, the Motor Vehicle Registration Act, and the Motor Vehicle Safety Responsibility Act. (Nebraska Revised Statutes Sections 60-122, 60-6,309, 60-614.02-.04)

SECTION 4-403: ELECTRIC MOTOR-DRIVEN CYCLES; TRAFFIC REGULATIONS APPLICABLE

A. Any Operator of a Moped or Electric Motorcycle on a roadway shall have all the rights and shall be subject to all the duties applicable to the driver of a motor vehicle under the Nebraska Rules of the Road as Section 60-6,314 of the Nebraska Revised Statutes so provides.

B. Regulations applicable to Electric Motor-Driven Cycles shall apply to the use of Electric Motor-Driven Cycles upon any highway or upon any path the Department of Roads or a local authority designates specifically for the use of Electric Motor-Driven Cycles. (Nebraska Revised Statutes Section 60-6,311)

SECTION 4-404: ELECTRIC MOTOR-DRIVEN CYCLES AND ELECTRIC SCOOTERS; OPERATION; EQUIPMENT

A. Any Operator who operates an Electric Motor-Driven Cycle shall ride upon a permanent and regular seat attached to the same. A person operating an Electric Motor-Driven Cycle or Electric Scooter shall only transport one person unless the manufacturer's design naturally allows the ability to carry more than one person.

B. An Operator shall only operate an Electric Motor-Driven Cycle or Electric Scooter while facing forward.

C. No Operator shall operate an Electric Motor-Driven Cycle or Electric Scooter while carrying any package, bundle, or other article that prevents him or her from keeping both hands on the handlebars.

D. Only the Operator shall operate an Electric Motor-Driven Cycle or Electric Scooter at one time. If the manufacturer's design of the Electric Motor-Driven Cycle or Electric Scooter allows for an additional passenger, such passenger shall not ride the Electric Motor-Driven Cycle or Electric Scooter in a manner that obstructs the Operator's view or control of the same.

E. Any Electric Motor-Driven Cycle or Electric Scooter that carries a passenger shall be equipped with footrests for such passenger.

F. No Operator shall operate any Electric Motor-Driven Cycle with handlebars more than 15 inches above the mounting point of the handlebars. (Nebraska Revised Statutes Section 60-6,312)

SECTION 4-405: ELECTRIC MOTOR-DRIVEN CYCLES; USE OF TRAFFIC LANES

A. An Electric Motor-Driven Cycle may use the traffic lane of any highway with an authorized speed limit of 45 miles per hour or less. No Operator shall use a motor vehicle so as to deprive any Electric Motor-Driven Vehicle of the full use of such lane.

B. No Operator shall operate an Electric Motor-Driven Cycle between lanes of traffic or between adjacent lines or rows of vehicles.

C. No more than two (2) Operators of any Electric Motor-Driven Cycles shall occupy a single lane while abreast on any roadway with an authorized speed limit of less than 45 miles per hour.

D. Any Operator who operates an Electric Motorcycle on a roadway with an authorized speed limit 45 miles per hour or more shall ride as near to the right side of the roadway as practicable and shall not ride more than single file.

E. No Operator operating an Electric Motor-Driven Cycle or Electric Scooter shall attach himself, herself, or the Electric Motor-Driven Cycle or Electric Scooter to any other vehicle on a roadway.

F. No Operator shall operate an Electric Motor-Driven Cycle on sidewalks, crosswalks, or pedestrian walkways.

G. Notwithstanding the maximum speed limits in excess of 25 miles per hour that Section 60-6,186 of the Nebraska Revised Statutes establishes, no Operator shall operate any Moped at a speed in excess of 30 miles per hour. (Nebraska Revised Statutes Section 60-6,313)

SECTION 4-406: ELECTRIC MOTOR-DRIVEN CYCLES AND ELECTRIC SCOOTERS; HELMET REQUIRED

Any Operator operating or riding an Electric Motor-Driven Cycle shall wear a helmet on any highway to the extent Section 60-6,279 of the Nebraska Revised Statutes so requires. Any Operator of an Electric Scooter shall wear a helmet at all times. (Nebraska Revised Statutes Section 60-6,279) (Am. Ord. No. 1482, 6/12/24)

SECTION 4-407 ELECTRIC SCOOTERS; PROHIBITION IN DOWNTOWN AREA; PENALTY FOR VIOLATIONS

A. The City prohibits the use of Electric Scooters on all streets, roads, highways, or other avenues of travel that share space with motor vehicles. The City further prohibits the use of Electric Scooters on all sidewalks, crosswalks, and other pedestrian walkways within the Downtown Area, except for such sidewalks and pedestrian walkways immediately abutting residential property. Operators may only transport Electric Scooters in such prohibited areas while walking next to the same.

B. Any Operator of an Electric Scooter, or such Operator's parent or legal guardian if the Operator is under the age of eighteen, that violates any provision of the David City Municipal Code shall receive a citation and a fine of \$150. The fine shall double for each subsequent violation. On the fourth offense, the David City Police Department may seize the Operator's Electric Scooter and impose a fine of \$450. Each subsequent offense thereafter shall carry a fine of \$500. (Nebraska Revised Statutes Section 17-505).

4. The City hereby repeals all other ordinances or portions of other ordinances passed and approved prior to the passage, approval, and publication or posting of this Ordinance and in conflict herewith to the extent of the conflict therewith.

5. This Ordinance shall be in full force and effect from and after passage, approval and publication in pamphlet form.

PASSED AND APPROVED THIS 26th day of August, 2026.

Jessica Miller, Mayor

ATTEST

Lori Matchett, City Clerk

APPROVED AS TO FORM:

David C. Levy, Esq., City Attorney