

## **CHAPTER 4 – VEHICLES AND TRAFFIC**

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## **CHAPTER 4 – VEHICLES AND TRAFFIC**

### **Article 1 – Traffic Regulations**

#### **SECTION 4-101: DEFINITIONS**

The words and phrases used in this chapter pertaining to motor vehicles and traffic regulations shall be construed as defined in Neb. Rev. Stat. Chapter 60, as now existing or hereafter amended. If not defined in the designated statutes, the word or phrase shall have its common meaning. (Neb. Rev. Stat. §§60-606 through 60-676) (Ord. Nos. 405, 9/4/84; 543, 11/1/94)

#### **SECTION 4-102: RULES OF THE ROAD; INCORPORATED BY REFERENCE**

The Nebraska Rules of the Road, together with all subsequent amendments thereto, as adopted by the State of Nebraska relating to traffic regulations, are incorporated by reference into this section and made a part of this article as though spread at large herein, except those provisions in conflict with this article when the Village Board has the authority to alter such regulations. One copy of the Nebraska Rules of the Road and amendments shall be on file with the village clerk and available for public inspection during office hours. (Neb. Rev. Stat. §18-132) (Ord. No. 404, 9/4/84)

#### **SECTION 4-103: EMERGENCY REGULATIONS**

The designated law enforcement authority is hereby empowered to make and enforce temporary traffic regulations to cover emergencies. (Am. Ord. No. 233, 3/1/77)

#### **SECTION 4-104: POLICE; ENFORCEMENT**

The designated law enforcement authority is hereby authorized, empowered, and ordered to exercise all powers and duties with relation to the management of street traffic and to direct, control, stop, restrict, regulate and, when necessary, temporarily divert or exclude in the interest of public safety, health, and convenience the movement of pedestrian, animal, and vehicular traffic of every kind in streets, parks, and on bridges. The driver of any vehicle shall stop upon the signal of any law enforcement officer. (Neb. Rev. Stat. §60-683)

#### **SECTION 4-105: POLICE; REFUSAL TO OBEY**

It shall be unlawful for any person to refuse or fail to comply with any lawful order, signal, or direction of any law enforcement officer. (Neb. Rev. Stat. §60-680)

#### **SECTION 4-106: POLICE; TRAFFIC OFFICERS**

The Village Board or the chairman of the board may at any time detail officers, to be known as "traffic officers," at street intersections. All traffic officers shall be vested

with the authority to regulate and control traffic at the intersections to which they are assigned. It shall be their duty to direct the movement of traffic and prevent congestion and accidents. It shall be unlawful for any person to violate any order or signal of any such traffic officer notwithstanding the directive of a stop sign or signal device which may have been placed at any such intersection. (Neb. Rev. Stat. §§60-680, 60-683)

#### **SECTION 4-107: REGULATION BY VILLAGE BOARD**

A. The Village Board may, by resolution:

1. Mark lanes for traffic, provide for one-way travel in any street or alley, designate any street or portion thereof as a snow route, and establish and maintain crosswalks.
2. Provide for the placing of stop signs or other signs, signals, standards, or mechanical devices in any street or alley under the village's jurisdiction for the purpose of regulating or prohibiting traffic thereon.
3. Designate any street or portion thereof as an arterial street and shall provide for appropriate signs or markings when such street has been so designated.
4. Establish and maintain crosswalks by appropriate devices, markers, or lines upon the street at intersections where there is particular danger to pedestrians crossing the street and at such other places as may be deemed necessary.

B. Such resolutions shall describe the portion of the street or alley wherein traffic is to be regulated or prohibited; the regulation or prohibition; the location where such sign, signal, standard or mechanical device shall be placed; and the hours when such regulation or prohibition shall be effective.

(Neb. Rev. Stat. §§60-6,119 through 60-6,121, 60-680)

#### **SECTION 4-108: TRUCK ROUTES**

The Village Board may by resolution designate certain streets in the village that trucks shall travel upon and it shall be unlawful for persons operating such trucks to travel on other streets than those designated for trucks, unless to pick up or deliver goods, wares, or merchandise; and in that event, the operator of such truck shall return to such truck routes as soon as possible in traveling through or about the village. The Village Board shall cause notices to be posted or shall erect signs indicating the streets so designated as truck routes. (Neb. Rev. Stat. §60-681)

#### **SECTION 4-109: SCHOOL ZONES**

It shall be unlawful for the driver of any vehicle, when passing premises on which

school buildings are located and which are used for school purposes, during school recess or while children are going to or leaving school during the opening or closing hours, to drive such vehicle in excess of 15 miles per hour unless otherwise posted past such premises. Such driver shall stop at all stop signs located at or near such school premises and it shall be unlawful for such driver to make a "U" turn at any intersection where such stop signs are located at or near such school premises. (Neb. Rev. Stat. §60-6,190)

#### **SECTION 4-110: SIGNS, TRAFFIC CONTROL AND SURVEILLANCE DEVICES; DEFACING OR INTERFERING WITH**

It shall be unlawful for any person to willfully or maliciously deface, injure, remove, obstruct, knock down, or interfere with any official traffic sign or signal, traffic control device, or traffic control surveillance device. (Neb. Rev. Stat. §§60-6,129, 60-6,130)

#### **SECTION 4-111: SIGNS; UNAUTHORIZED DISPLAY**

It shall be unlawful for any person to maintain or display upon or in view of any street any unofficial sign, signal, or device which purports to be, is an imitation of, or resembles an official traffic sign or signal which attempts to direct the movement of traffic or which hides from view or interferes with the effectiveness of any official sign or signal. Every such prohibited sign, signal, or device is hereby declared to be a public nuisance and any police officer is hereby empowered to remove the same or cause it to be removed without notice. (Neb. Rev. Stat. §60-6,127)

#### **SECTION 4-112: STOP SIGNS; GENERALLY**

Every person operating any vehicle shall, upon approaching any stop sign erected in accordance with the resolution prescribed in Section 4-107(B), cause such vehicle to come to a complete stop before entering or crossing any street, highway, or railroad crossing. The vehicle operator shall stop at a marked stop line or, if there is no stop line, before entering the crosswalk; but if neither is indicated, then as near the right of way line of the intersecting roadway as possible. (Neb. Rev. Stat. §§60-6,119 through 60-6,121, 60-680)

#### **SECTION 4-113: BUSINESS DISTRICT; DESIGNATED**

The Business District shall include that portion of Fillmore Avenue within the bounds as follows:

From the west line of Concord Street to the east line of West Railway Street, including the portions of Concord, Catawba, and West Railway Streets, 200 feet north and 200 feet south from the center line of Fillmore Avenue, and the portion of Pear Street 200 feet south from the center line of said avenue.

(Ord. Nos. 405, 9/4/84; 543, 11/1/94)

**SECTION 4-114: CROSSING SIDEWALKS**

A. The driver of a vehicle emerging from an alley, driveway, private road, or building shall stop such vehicle immediately before driving onto a sidewalk and shall yield the right of way to any pedestrian approaching on any sidewalk. Before entering the highway, the driver shall yield the right of way to all vehicles approaching on such highway.

B. The driver of a vehicle entering an alley, building, private road, or driveway shall yield the right of way to any pedestrian approaching on any sidewalk.  
(Neb. Rev. Stat. §60-6,149)

**SECTION 4-115: UNNECESSARY STOPPING**

It shall be unlawful for any person to stop any vehicle on any public street or in an alley other than in permitted parking areas, except when such a stop is necessary for emergency situations, to comply with traffic control devices and regulations, or to yield the right of way to pedestrians or to other vehicles. (Neb. Rev. Stat. §§60-6,164, 60-6,166)

**SECTION 4-116: SPEED LIMITS**

No person shall operate a motor vehicle on any street, alley, or other place at a rate of speed greater than 25 miles per hour within the Residential District and 20 miles per hour within the Business District, unless a different rate of speed is specifically permitted by ordinance. In no instance shall a person drive a vehicle on a highway at a speed greater than is reasonable and prudent under the conditions. Where a different maximum speed is set by ordinance, appropriate signs shall be posted. (Neb. Rev. Stat. §§60-6,186, 60-6,190) (Am. Ord. No. 283, 1/2/80)

**SECTION 4-117: SPEED; ELECTRONIC DETECTOR**

A. A determination made regarding the speed of any motor vehicle based upon the visual observation of any law enforcement officer, while being competent evidence for all other purposes, shall be corroborated by the use of a radio microwave, mechanical, or electronic speed measurement device. The results of such device may be accepted as competent evidence of the speed of such motor vehicle in any court or legal proceeding when the speed of the vehicle is at issue. Before the village may offer in evidence the results of such speed measurement device for the purpose of establishing the speed of any motor vehicle, the village shall prove the following:

1. The said speed measurement device was in proper working order at the time of conducting the measurement;
2. The speed measurement device was being operated in such a manner and under such conditions so as to allow a minimum possibility of distortion or outside interference;



3. The person operating the speed measurement device and interpreting such measurement was qualified by training and experience to properly test and operate the speed measurement device; and
4. The operator conducted external tests of accuracy upon the speed measurement device within a reasonable time both prior to and subsequent to an arrest being made and the device was found to be in proper working order.

B. The driver of any motor vehicle measured by use of a speed measurement device to be driving in excess of the applicable speed limit may be arrested if the apprehending officer:

1. Is in uniform and displays his or her badge of authority; and
2. Has (a) observed the recording of the speed of the motor vehicle by the speed measurement device or (b) received a radio message from a law enforcement officer who observed the speed recorded and (i) the radio message has been dispatched immediately after the speed of the motor vehicle was recorded and (ii) gives a description of the vehicle and its recorded speed.

(Neb. Rev. Stat. §60-6,192)

#### **SECTION 4-118: RACING**

No person shall drive any vehicle in any race, speed competition or contest, drag race or acceleration contest, test of physical endurance, or exhibition of speed or acceleration or for the purpose of making a speed record. No person shall in any manner participate in any such race, competition, contest, test, or exhibition. (Neb. Rev. Stat. §60-6,195)

#### **SECTION 4-119: NEGLIGENT DRIVING**

Any person who drives any vehicle in such a manner as to indicate the absence of care, prudence, and forethought as duty requires should be exercised under the circumstances is guilty of negligent driving. (Neb. Rev. Stat. §60-4,182)

#### **SECTION 4-120: CARELESS DRIVING**

Any person who drives any motor vehicle in the village carelessly or without due caution so as to endanger a person or property shall be guilty of careless driving. (Neb. Rev. Stat. §§60-6,212, 60-4,182) (Ord. No. 274, 9/4/79)

#### **SECTION 4-121: RECKLESS DRIVING**

Any person who drives a motor vehicle in such a manner as to indicate an indifferent or wanton disregard for the safety of persons or property shall be deemed to be guilty

of reckless driving and as such shall be punished as provided by statute. (Neb. Rev. Stat. §§60-6,213, 60-6,215, 60-4,182)

#### **SECTION 4-122: WILLFUL RECKLESS DRIVING**

Any person who drives a motor vehicle in such a manner as to indicate a willful disregard for the safety of persons or property shall be deemed to be guilty of willful reckless driving. (Neb. Rev. Stat. §§60-6,214, 60-6,216, 60-4,182)

#### **SECTION 4-123: RIGHT OF WAY; GENERALLY**

A. When two vehicles approach or enter an intersection at approximately the same time, the driver of the vehicle on the left shall yield the right of way to the vehicle on the right when the paths of such vehicles intersect and there is danger of a collision, unless otherwise directed by a village police officer stationed at the intersection.

B. The driver of a vehicle intending to turn to the left within an intersection or into an alley, private road, or driveway shall yield the right of way to any vehicle approaching from the opposite direction which is within the intersection or so close thereto as to constitute an immediate hazard.

C. The driver of a vehicle on any street shall yield the right of way to a pedestrian crossing such street within any clearly marked crosswalk or at any regular pedestrian crossing at the end of a block where the movement of traffic is being regulated by traffic officers or traffic direction devices. Every pedestrian crossing a street at any point other than a pedestrian crossing, crosswalk, or intersection shall yield the right of way to vehicles upon the street.

D. The driver of a vehicle emerging from or entering an alley, building, private road, or driveway shall yield the right of way to any pedestrian approaching on any sidewalk and all vehicles approaching on such streets.  
(Neb. Rev. Stat. §§60-6,146 through 60-6,154)

#### **SECTION 4-124: RIGHT OF WAY; EMERGENCY VEHICLES**

A. Upon the immediate approach of an authorized emergency vehicle which makes use of proper audible or visual signals:

1. The driver of any other vehicle shall yield the right of way and shall immediately drive to a position parallel to and as close as possible to the right-hand edge or curb of the roadway or to either edge or curb of a one-way roadway, clear of any intersection, and shall stop and remain in such position until such emergency vehicle passes unless otherwise directed by any peace officer; and

2. Any pedestrian using such roadway shall yield the right of way until such emergency vehicle passes, unless otherwise directed by any peace officer.

B. This section shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway. (Neb. Rev. Stat. §60-6,151)

#### **SECTION 4-125: TURNING; GENERALLY; SIGNAL**

Vehicles turning to the right into an intersecting street shall approach such intersection in the lane of traffic nearest to the right-hand side of the highway and must turn the corner as near the right-hand curb as possible to keep between the curb to the right and the center of the intersection of the two streets. The driver of a vehicle intending to turn to the left shall approach such center line of the highway and in turning shall pass as near as possible to the center of the intersection, passing as closely as practicable to the right thereof before turning such vehicle to the left. For the purposes of this section, the "center of the intersection" shall mean the meeting point of the medial lines of the highways intersecting one another. A signal of intention to turn right or left shall be given continuously during not less than the last 100 feet traveled by the vehicle before turning. (Neb. Rev. Stat. §§60-6,159, 60-6,161)

#### **SECTION 4-126: TURNING; "U" TURNS**

No vehicle shall be turned so as to proceed in the opposite direction at any intersection where an automatic signal is in operation or where a sign is posted indicating that "U" turns are prohibited. (Neb. Rev. Stat. §60-6,160)

#### **SECTION 4-127: BACKING**

It shall be unlawful for any person to back a motor vehicle on the village streets except to park in or to remove the vehicle from a permitted parking position, to move the vehicle from a driveway, or to back to the curb for unloading where such unloading is permitted; provided, a vehicle shall be backed only when such movement can be made in safety. (Neb. Rev. Stat. §60-6,169)

#### **SECTION 4-128: DRIVING ABREAST**

Two or more vehicles shall not be driven abreast except when passing or when traversing a multi-lane or one-way street; provided, motorcycles may be driven no more than two abreast in a single lane. (Neb. Rev. Stat. §60-6,139)

#### **SECTION 4-129: DRIVING ON SHOULDERS OF HIGHWAY; EXCEPTIONS**

No person shall drive on the shoulders of highways within the corporate limits of the village with the exception of vehicles driven by federal mail carriers while delivering

the United States mail, vehicles involved in safely removing a vehicle from traffic lanes, or implements of husbandry. (Neb. Rev. Stat. §60-6,142) (Ord. No. 481, 1/5/88)

#### **SECTION 4-130: RADAR DEVICE; PROHIBITED**

A. It shall be unlawful for any person to operate or possess any radar transmission device while operating a motor vehicle on any road, street, highway or interstate highway in this village; except that this section shall not apply to any such device which has been lawfully licensed by the Federal Communications Commission or is being used by law enforcement officials in their official duties.

B. For purposes of this section unless the context otherwise requires:

1. "Radar transmission device" shall mean any mechanism designed to interfere with the reception of radio microwaves in the electromagnetic spectrum, which microwaves, commonly referred to as radar, are employed by law enforcement officials to measure the speed of motor vehicles;
2. "Possession" shall mean to have a device defined above in a motor vehicle if such device is not:
  - a. Disconnected from all power sources and
  - b. Placed in the rear trunk, which shall include the spare tire compartment, or any other compartment which is not accessible to the driver or any other person in the vehicle while such vehicle is in operation. If no such compartment exists in a vehicle, then such device must be disconnected from all power sources and be placed in a position not readily accessible to the driver or any other person in the vehicle; and

C. "Transceiver" shall mean an apparatus contained in a single housing, functioning alternately as a radio transmitter and receiver.  
(Neb. Rev. Stat. §60-6,275) (Ord. No. 346, 9/7/82)

#### **SECTION 4-131: FOLLOWING; FIRE APPARATUS**

The driver of any vehicle shall not follow any fire apparatus traveling in response to a fire alarm closer than 500 feet or drive into or park such vehicle within the block when fire apparatus has stopped in answer to a fire alarm. (Neb. Rev. Stat. §60-6,183)

#### **SECTION 4-132: FOLLOWING; DISTANCE**

The operator of a vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of the vehicles and the traffic and condition of the street. (Neb. Rev. Stat. §60-6,140)

**SECTION 4-133: OVERLOADING**

No person shall drive a motor vehicle when it is so loaded as to obstruct the view of the driver to the front or sides of the vehicle or to interfere with the driver's control over such vehicle or when there are more than three persons in the front seat. No passenger in a vehicle shall ride in such a position as to interfere with the driver's control over such vehicle. (Neb. Rev. Stat. §60-6,179)

**SECTION 4-134: RIDING OUTSIDE VEHICLE**

No person shall permit any other person to ride on the running board, hood, top, or fenders of any motor vehicle nor shall any person ride on the running board, hood, top, or fenders of any motor vehicle. (Neb. Rev. Stat. §60-180)

**SECTION 4-135: CONVEYANCES; CLINGING TO MOTOR VEHICLES**

No person riding upon any bicycle, coaster, roller skates, sled, skis, or toy vehicle shall attach himself or the said conveyance to any vehicle upon a roadway; and it shall be unlawful for the driver of any vehicle to suffer or permit any person riding upon any bicycle, coaster, roller skates, sled, skis, or toy vehicle to cling or attach himself or his conveyance to such vehicle driven and operated by him. (Neb. Rev. Stat. §60-6,316) (Am. Ord. No. 534, 11/1/94)

**SECTION 4-136: MUFFLER**

Every motor vehicle operated within this village shall be equipped with a muffler in good working order to prevent excessive or unusual noise or smoke. It shall be unlawful to use a "muffler cut-out" on any motor vehicle upon any streets; provided, the provisions of this section shall not apply to authorized emergency vehicles. (Neb. Rev. Stat. §60-6,286)

**SECTION 4-137: DRIVING IN SIDEWALK SPACE**

No motor vehicle shall be driven or ridden within any sidewalk space, except a permanent or temporary driveway. (Neb. Rev. Stat. §60-6,178)

**SECTION 4-138: REMOVAL OF DEBRIS**

Any person who removes a wrecked or damaged vehicle from a highway shall remove any glass or other injurious substance deposited on the highway from such vehicle. (Neb. Rev. Stat. §39-311)

**SECTION 4-139: UNNECESSARY NOISE**

No person shall drive, use, operate, park, or stop any motor vehicle in such a manner as to cause unnecessary noise. (Neb. Rev. Stat. §17-505)

**SECTION 4-140: EXHIBITION DRIVING**

Any person who operates a motor vehicle, meaning any self-propelled vehicle, upon streets or alleys within the village limits or upon property owned by the village in such a manner as to cause or create unnecessary engine noise, squealing of tires, rear skidding, sliding, or swaying of such motor vehicle or possible acceleration of speed of said motor vehicle shall be guilty of exhibition driving. (Neb. Rev. Stat. §17-505)

**SECTION 4-141: LICENSE PLATES; READABLE**

The license plates required on every motor vehicle by laws of the State of Nebraska or of any other state while such vehicle is operated within the corporate limits shall be kept clear and free from grease, dust, or other blurring matter so they will be plainly visible at all times. The said plates shall be attached in such manner as to be clearly readable at a distance of 100 feet and under no circumstances shall they be obstructed by any portion of the vehicle. (Neb. Rev. Stat. §§60-324, 60-325)

**SECTION 4-142: ENGINE BRAKES**

It shall be unlawful for any person within the village limits to make or cause to be made loud or disturbing noises with any mechanical device operated by compressed air and used for purposes of assisted braking on any motor vehicle; provided, however, it shall be permitted to use engine brakes in an emergency situation.

**SECTION 4-143: LOADS; PROJECTING**

When any vehicle has been loaded in such a manner that any portion of the load extends more than 4 feet beyond the rear of the bed or the body of such vehicle, a red flag of not less than 12 inches both in length and width shall be carried by day and a red light after sunset at the extreme rear end of such load. (Neb. Rev. Stat. §60-243)

**SECTION 4-144: LOADS; CONTENTS; REQUIREMENTS**

A. No vehicle shall be driven or moved on any highway unless the vehicle is so constructed or loaded as to prevent its contents from dropping, sifting, leaking, or otherwise escaping from the vehicle.

B. No person shall transport any sand, gravel, rock less than 2 inches in diameter, or refuse in any vehicle on any hard-surfaced state highway if such material protrudes above the sides of that part of the vehicle in which it is being transported unless such material is enclosed or completely covered with canvas or similar covering.

C. No person shall drive or move a motor vehicle, trailer, or semitrailer upon any highway unless the cargo or contents carried by the motor vehicle, trailer, or semitrailer are properly distributed and adequately secured to prevent the falling of cargo or contents from the vehicle. The tailgate, doors, tarpaulins, and any other

equipment used in the operation of the motor vehicle, trailer, or semitrailer or in the distributing or securing of the cargo or contents carried by the motor vehicle, trailer, or semitrailer shall be secured to prevent cargo or contents falling from the vehicle. The means of securement to the motor vehicle, trailer, or semitrailer must be tiedowns and tiedown assemblies of adequate strength or sides, sideboards, or stakes and a rear endgate, endboard, or stakes strong enough and high enough to assure that cargo or contents will not fall from the vehicle.

(Neb. Rev. Stat. §60-6,304)





## Article 2 – Parking

### SECTION 4-201: GENERALLY

No person shall park any vehicle or approach the curb with a vehicle except when headed in the direction of the traffic. Vehicles when parked shall stand parallel with and adjacent to the curb or edge of the roadway in such manner as to have both right wheels within 12 inches of the curb or edge of the roadway and so as to leave at least 4 feet between the vehicle so parked and any other parked vehicles, except where the Village Board designates that vehicles shall be parked at an angle so as to have the front right wheel at the curb or edge of the roadway. Where stalls are designated either on the curb or pavement, vehicles shall be parked within such stalls. No vehicle shall be parked upon a roadway when there is a shoulder adjacent to the roadway which is available for parking. (Neb. Rev. Stat. §§60-6,167, 60-680) (Am. Ord. No. 535, 11/1/94)

### SECTION 4-202: REGULATION BY VILLAGE BOARD

A. The Village Board may by resolution set aside any street, alley, public way, or portion thereof where the parking of a particular kind or class of vehicle shall be prohibited or where the parking of any vehicle shall be prohibited. No vehicle prohibited from parking thereon shall stand or be parked adjacent to the curb of said street, alley, public way, or portion thereof longer than a period of time necessary to load and unload freight or passengers. (Neb. Rev. Stat. §60-680)

B. The Village Board may by resolution designate any street or portion thereof where vehicles shall be parked parallel with and adjacent to the curb so as to have both right wheels within 12 inches of the curb, or at an angle so as to have the right front wheel at the curb. Where stalls are designated either on the curb or pavement, vehicles shall be parked within such stalls. (Neb. Rev. Stat. §§60-6,167, 60-680)

C. The Village Board may by ordinance designate certain streets, alleys, or public ways where vehicles, regardless of length, shall be permitted to load or unload freight. Vehicles so designated shall park upon said streets, alleys, or public ways in such manner that other vehicles may pass.

D. The Village Board may by resolution entirely prohibit or fix a time limit for the parking and stopping of vehicles on any street, streets, or district designated by such resolution; and the parking or stopping of any vehicle in any such street, streets, or district, for a period of time longer than fixed in such resolution shall constitute a violation of this article.

(Neb. Rev. Stat. §60-680)

### SECTION 4-203: CURBS PAINTED

When ordered by the Village Board, it shall be the duty of the street commissioner to cause the curb space to be painted at places designated by the board and to keep

the same painted. No person, firm, or corporation shall paint the curb of any street or in any manner set aside or attempt to prevent the parking of vehicles in any street or part thereof except at such places where the parking of vehicles is prohibited by the provisions of this article. The marking or designating of portions of streets or alleys where the parking of vehicles is prohibited or limited shall be done only by the village through its proper officers at the direction of the Village Board. (Neb. Rev. Stat. §60-680)

#### **SECTION 4-204: DESIGNATED NO PARKING**

A. No person shall park or cause to be parked a vehicle at any time on that portion of:

1. West Railroad Street lying between the alley running east and west located between Fillmore Avenue and York Avenue and the intersection of Madden Avenue and West Railroad;
2. The east side of Pear Street, 50 feet on either side of the center line of the alley running east and west between Fillmore Avenue and Beatrice Avenue;
3. On the west side of Pear Street, from 50 feet south of the center line of the alley running east and west between Fillmore Avenue and Beatrice Avenue to the north line of Beatrice Avenue; and,
4. On the north side of Madden Avenue, commencing at a point 137 feet west of the intersection of the north line of Madden Avenue with West Railroad Street and extending west therefrom to the intersection of the north line of Madden Avenue with the east line of Pear Street.

B. No person shall park or cause to be parked a vehicle from 8:00 a.m. to 5:00 p.m. each day on either side of those portions of Pear Street, Plum Street, and Apple Street lying south of their respective intersections with the south line of Madden Avenue.

C. Further, no person shall park or cause to be parked a vehicle from 6:00 a.m. to 6:00 p.m. every day except Sunday, for a continuous period exceeding three hours:

1. On both sides of that portion of Fillmore Avenue lying between Pear Street and Catawba Street;
2. On both sides of that portion of Beatrice Avenue lying between Pear Street and Catawba Street;

3. On the west side of that portion of Pear Street lying between Fillmore Avenue and Madden Avenue, except for that portion thereof hereinabove designated as a "No Parking" zone.

D. No person shall park from 8:00 a.m. to 5:00 p.m. for longer than one hour each day, Monday through Friday, except weekends and holidays, on the south side of Madden Avenue from the respective intersections of Pear Street to S.W. Railroad Street.

(Ord. Nos. 242, 6/7/77; 281, 9/4/79; 290, 5/6/80; 364, 7/5/83; 501, 6/5/90; 518, 9/1/92; 602, 8/6/96)

#### **SECTION 4-205: ALLEYS; OBSTRUCTION; LOADING AND UNLOADING**

A. No vehicle while parked shall have any portion thereof projecting into any alley entrance.

B. No vehicle shall be parked in any alley except for the purpose of loading or unloading during the time necessary to load or unload. Every vehicle while loading or unloading in any alley shall be parked in such manner as will cause the least obstruction possible to traffic in such alley.

(Neb. Rev. Stat. §60-680)

#### **SECTION 4-206: PRIVATE LOTS**

A. Any person parking a motor vehicle in a properly posted, restricted parking lot without the consent of the owner or tenant authorized to give permission shall be guilty of an infraction and the vehicle shall be subject to being towed away at the request of such lot owner or tenant. Any person found guilty under this section shall be subject to the penalties provided for infractions. If the identity of the operator of a motor vehicle in violation of this section cannot be determined, the owner or person in whose name such vehicle is registered shall be held *prima facie* responsible for such infraction. When any law enforcement officer observes or is advised that a motor vehicle may be in violation of this section, he or she shall make a determination as to whether a violation has in fact occurred and if so, shall personally serve or attach to such motor vehicle a citation directed to the owner or operator of such vehicle which shall set forth the nature of the violation. Any person who refuses to sign the citation or otherwise comply with the command of the citation shall be punished as provided by Neb. Rev. Stat. §29-426.

B. Signs designating a restricted parking lot shall be readily visible and shall state the purpose or purposes for parking on the restricted parking lot, state the hours for restricted parking, and state the person to contact for information regarding a towed vehicle.

(Neb. Rev. Stat. §§60-2401.01, 60-2402) (Ord. No. 329, 10/6/81)

#### **SECTION 4-207: LICENSE PLATES REQUIRED**

Every vehicle parked or left standing upon any street, alley, public way, or public

property shall have license plates attached thereto which are issued for the vehicle to which said license plates are attached and are registered in the name of the owner of the vehicle in accordance with the laws of the State of Nebraska or of the state wherein the license is issued. If any vehicle is found upon any street or alley in violation of this article and the identity of the driver cannot be determined, the owner or person in whose name such vehicle is registered shall be held *prima facie* responsible for such violation. (Neb. Rev. Stat. §60-3,100)

#### **SECTION 4-208: OBSTRUCTING TRAFFIC**

Except in case of an accident or emergency, no person shall stop any vehicle in any location where such stopping will obstruct any street, intersection, or entrance to an alley or public or private drive. (Neb. Rev. Stat. §§60-680, 60-6,166)

#### **SECTION 4-209: STREET INTERSECTIONS**

Except in compliance with traffic control devices, no vehicle shall be parked or left standing for any purpose, except momentarily to load or discharge passengers, within 25 feet of the intersection or curb lines, nor where said curb lines are painted red to indicate such prohibition or, if none, then within 15 feet of the intersection of property lines. (Neb. Rev. Stat. §60-6,166)

#### **SECTION 4-210: LEFT SIDE AT CURB; PROHIBITION**

No vehicle shall park on any street with its left side to the curb, unless said street has been designated to be a one-way street by the Village Board. Vehicles must not be parked at any curb in such a position as to prevent another vehicle already parked at the curb from moving away. (Neb. Rev. Stat. §60-6,167)

#### **SECTION 4-211: OBSTRUCTING PRIVATE DRIVEWAY**

Except as otherwise provided herein, it shall be unlawful for any person to stop or park any vehicle so as to obstruct a private driveway in any manner, which includes stopping or parking any vehicle within 5 feet of the outer portion of a curb cut on a private driveway.

#### **SECTION 4-212: VEHICLE OVERHANGING ADJACENT PROPERTY**

It shall be unlawful for any person to park or place or cause to be parked or placed any motor vehicle or other vehicle on any private property in such a manner that the vehicle overhangs the street, including that space between the curb line and the lot line, or in such a manner that the vehicle overhangs adjacent property.

#### **SECTION 4-213: VEHICLE PARKED IN SIDEWALK SPACE**

It shall be unlawful for any person to park, place, or cause to be parked or placed any

motor vehicle or other vehicle upon any part of the sidewalk space or that space between the curb line and the lot line.

#### **SECTION 4-214: EMERGENCY VEHICLES**

The provisions of this article regulating the movement, parking, and standing of vehicles shall not apply to any authorized emergency vehicle while the driver of such vehicle is operating the same in an emergency. (Neb. Rev. Stat. §60-6,114)

#### **SECTION 4-215: FIRE STATION AND HYDRANTS**

No vehicle shall be parked (A) within 15 feet in either direction of any fire hydrant; (B) within 20 feet of the driveway entrance to any fire station; nor (C) on the side of the street opposite the entrance to any fire station within 75 feet of such entrance when properly signposted. The curb space within such area of 15 feet in either direction of such fire hydrant shall be painted red to indicate such prohibition. Any vehicle or material found as an obstruction may be immediately removed by the fire chief or any member of the Fire Department at the risk, cost, and expense of the owner or claimant. (Neb. Rev. Stat. §60-6,166)

#### **SECTION 4-216: SNOW REMOVAL; STREET MAINTENANCE OR CLEANING**

The Village Board shall have the power to order any street, alley, or portion thereof vacated for weather emergencies and street maintenance or street cleaning. Notice shall be given by posting appropriate signs along such streets or alleys or personally notifying the owner or operator of a vehicle parked on such street or alley. Any person parking a vehicle in violation of this section shall be subject to the penalties provided in this chapter and such vehicle may be removed and parked under the supervision of village personnel to a suitable nearby location without further notice to the owner or operator of such vehicle. (Neb. Rev. Stat. §17-557)

#### **SECTION 4-217: DISPLAY OR REPAIR OF VEHICLE**

It shall be unlawful for any person to park upon any street, alley, or public place within the village any vehicle displayed for sale. No person shall adjust or repair any automobile or motorcycle or race the motor of same while on the public streets or alleys of this village, except in case of breakdown or other emergency. No person or employee connected with a garage or repair shop shall use sidewalks, streets, or alleys in the vicinity of such garage or shop for the purpose of working on automobiles or vehicles of any description. (Neb. Rev. Stat. §60-680)

#### **SECTION 4-218: HANDICAPPED OR DISABLED PERSONS**

The Village Board adopts and promulgates the rules and regulations necessary to

fulfill the duties and obligations provided in Neb. Rev. Stat. §§18-1736 to 18-1741.07, dealing with parking for handicapped and disabled persons. A printed copy of the current regulations shall be available for public review and access at the office of the village clerk during regular office hours.

#### **SECTION 4-219: REMOVAL OF ILLEGALLY PARKED VEHICLES**

A. Whenever any police officer shall find a vehicle standing upon a street or alley in violation of any of the provisions of this article, such officer may remove or have such vehicle removed or require the driver or other person in charge of the vehicle to move such vehicle to a position off the roadway of such street or alley or from such street or alley.

B. The owner or other person lawfully entitled to the possession of any vehicle towed or stored shall be charged with reasonable towing and storage fees. Any such towing or storage fees shall be a lien upon the vehicle prior to all other claims. Any person towing or storing a vehicle shall be entitled to retain possession of such vehicle until such charges are paid. The lien provided for in this section shall not apply to the contents of any vehicles.

(Neb. Rev. Stat. §§60-6,165, 60-680) (Ord. Nos. 406, 9/4/84; 482, 1/5/88)

#### **SECTION 4-220: PARKING; BUREAU OF VIOLATIONS**

A. Any person accused of a violation of a section herein or ordinance prohibiting parking a vehicle in a designated area or restricting the length of time a vehicle may be there parked, may settle and compromise the claim against him or her for such illegal parking by paying a fine within seven calendar days of the time such alleged offense was committed. Said fine shall be as set by resolution of the Village Board and placed on file in the village office.

B. This subsection (B) shall apply only to persons parking a vehicle for longer than one hour each day, from 8:00 a.m. to 5:00 p.m., Monday through Friday, except weekends and holidays, on the south side of Madden Avenue from the respective intersections of Pear Street to S.W. Railroad Street. Any person accused of violation of prohibited parking on this designated area or restricting the length of time a vehicle may be there parked may settle and compromise the claim against him or her for such illegal parking by paying a fine within seven calendar days of the time such alleged offense was committed. Said fine shall be as set by resolution of the Village Board and placed on file in the village office.

C. A receipt shall be issued for all money so received and such money shall be promptly turned over to the appropriate officer to be used in the manner provided for the disposition of fines for traffic violations. The Sheriff's Office is hereby authorized to receive payment as identified in subsections (A) and (B) from any person accused of a violation as herein described, to issue receipt therefor, and to turn over all of such monies collected to the village treasurer.

D. This section shall not apply to persons parking a vehicle so as to obstruct the entrance or exit of any place where Police or Fire Department apparatus or other emergency equipment is kept or housed; nor shall this section apply to any person charged with parking a vehicle so as to entirely obstruct traffic in any street or alley, or in such a way as to reduce traffic on an arterial street to one-way traffic only; nor to any person who refused to move a vehicle illegally parked at the request of any member of the Police Department.

(Neb. Rev. Stat. §18-1729) (Ord. Nos. 267, 8/7/79; 294, 8/19/80)





## Article 3 – Bicycles and Mini-Bikes

### SECTION 4-301: BICYCLES; PROHIBITED ACTS

A. Any person who rides a bicycle shall not ride other than upon or astride a permanent and regular seat attached thereto.

B. Any person who rides a bicycle shall not remove his or her feet from the pedals and shall have at least one hand on the handlebars at all times.

C. Any person who operates a bicycle shall not carry any package, bundle, or article which prevents such operator from keeping at least one hand upon the handlebars.

D. No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped.

(Neb. Rev. Stat. §60-6,315)

### SECTION 4-302: BICYCLES; OPERATION

A. Any person who operates a bicycle upon a roadway at less than the normal speed of traffic at the time and place and under conditions then existing shall ride as near to the right-hand curb or right-hand edge of the roadway as practicable except when:

1. Overtaking and passing another bicycle or vehicle proceeding in the same direction;
2. Preparing for a left turn onto a private road or driveway or at an intersection;
3. Reasonably necessary to avoid conditions that make it unsafe to continue along the right-hand curb or right-hand edge of the roadway, including fixed or moving objects, stopped or moving vehicles, bicycles, pedestrians, animals, or surface hazards;
4. Riding upon a lane of substandard width which is too narrow for a bicycle and a vehicle to travel safely side by side within the lane; or
5. Lawfully operating a bicycle on the paved shoulders of a highway included in the state highway system as provided in Neb. Rev. Stat. §60-6,142. Any person who operates a bicycle upon a roadway with a posted speed limit of 35 miles per hour or less on which traffic is restricted to one direction of movement and which has two or more marked traffic lanes may ride as near to the left-hand curb or left-hand edge of the roadway as practicable. Whenever a person operating a bicycle leaves the roadway to ride on the paved shoulder or leaves the paved shoulder to enter the

roadway, the person shall clearly signal his or her intention and yield the right of way to all other vehicles.

B. Any person who operates a bicycle upon a highway shall not ride more than single file except on paths or parts of highways set aside for the exclusive use of bicycles.

C. Except as provided in Neb. Rev. Stat. §60-6,142, whenever a usable path for bicycles has been provided adjacent to a highway, a person operating a bicycle shall use such path and shall not use such highway.

D. A local authority may by ordinance further regulate the operation of bicycles and may provide for the registration and inspection of bicycles.  
(Neb. Rev. Stat. §60-6,317) (Am. Ord. No. 559, 12/6/94)

### **SECTION 4-303: BICYCLES; EQUIPMENT**

A. When in use at nighttime, a bicycle shall be equipped with a light visible from a distance of at least 500 feet to the front on a clear night and with a red reflector on the rear of a type which is approved by the Department of Motor Vehicles or a local authority, visible on a clear night from all distances between 100 feet and 600 feet to the rear when directly in front of lawful lower beams of headlights on a motor vehicle. A red light visible from a distance of 500 feet to the rear may be used in addition to such red reflector.

B. Any bicycle used on a highway shall be equipped with a brake or brakes which will enable the operator to stop the bicycle within 25 feet of the point of braking when moving at a speed of 10 miles per hour on dry, level, clean pavement.  
(Neb. Rev. Stat. §60-6,318)

### **SECTION 4-304: MINI-BIKES; UNLAWFUL OPERATION**

It shall be unlawful for any person to operate a mini-bike upon any street or highway within the corporate limits of the village. For purposes of this article, "mini-bike" shall mean a two-wheel motor vehicle which has a total wheel and tire diameter of less than 14 inches, an engine-rated capacity of less than 45 cubic centimeters displacement, or a seat height less than 25 inches from the ground, or any other two-wheel motor vehicle primarily designed by the manufacturer for off-road use only. (Neb. Rev. Stat. §§60-6,347, 60-6,352) (Am. Ord. No. 328, 10/6/81)

### **SECTION 4-305: MINI-BIKES; EMERGENCIES AND PARADES**

Mini-bikes shall be exempt from the provisions of this article during any public emergency or while being used in parades by regularly organized units of any recognized charitable, social, educational, or community service organization. (Neb. Rev. Stat. §60-6,348)

**SECTION 4-306: MINI-BIKES; PUBLIC LANDS**

Mini-bikes shall be prohibited upon the public lands owned by the village except where allowed by resolution of the Village Board. (Neb. Rev. Stat. §60-6,353)

**SECTION 4-307: MINI-BIKES; TRAFFIC LAWS INAPPLICABLE**

The provisions of Neb. Rev. Stat. Chapter 60, Articles 1, 3, 4, 5, and 17 shall not be applicable to the owners and operators of any mini-bike. (Neb. Rev. Stat. §60-6,347)



## Article 4 – Mopeds and Motorcycles

### SECTION 4-401: MOPEDS; DEFINED; STATUTORY REGULATION

“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, which 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. Mopeds, their owners and their operators shall be subject to the Motor Vehicle Operator's License Act, but shall be exempt from the requirements of the Motor Vehicle Certificate of Title Act, the Motor Vehicle Registration Act, and the Motor Vehicle Safety Responsibility Act. (Neb. Rev. Stat. §§60-122, 60-6,309) (Ord. No. 275, 9/4/79)

### SECTION 4-402: MOPEDS; OPERATOR'S LICENSE

No person shall operate a moped upon a street, alley, or highway unless such person has a valid operator's license. (Neb. Rev. Stat. §60-6,310) (Ord. Nos. 275, 9/4/79; 555, 12/6/94)

### SECTION 4-403: MOPEDS; REGULATIONS APPLICABLE

A. Any person who rides a moped upon a roadway shall have all of the rights and shall be subject to all of the duties applicable to the driver of a motor vehicle under the Nebraska Rules of the Road except for special moped regulations in the rules and except for those provisions of the rules which by their nature can have no application.

B. Regulations applicable to mopeds shall apply whenever a moped is operated upon any highway or upon any path set aside by the Department of Roads or a local authority for the use of mopeds.  
(Neb. Rev. Stat. §60-6,311) (Ord. Nos. 275, 9/4/79; 556, 12/6/94)

### SECTION 4-404: MOPEDS; OPERATION; EQUIPMENT

A. Any person who operates a moped shall ride only upon a permanent and regular seat attached to the moped. A person operating a moped shall not carry any other person nor shall any other person ride on a moped unless it is designed by the manufacturer to carry more than one person.

B. A person shall ride upon a moped only while sitting astride the seat, facing forward.

C. No person shall operate a moped while carrying any package, bundle, or other article which prevents him or her from keeping both hands on the handlebars.

D. No operator shall carry any person nor shall any person ride in a position

that interferes with the operation or control of the moped or the view of the operator.

E. Any moped which carries a passenger shall be equipped with footrests for such passenger.

F. No person shall operate any moped with handlebars more than 15 inches above the mounting point of the handlebars.

(Neb. Rev. Stat. §60-6,312) (Ord. Nos. 275, 9/4/79; 557, 12/6/94)

#### **SECTION 4-405: MOPEDS; USE OF TRAFFIC LANES**

A. A moped shall be entitled to full use of a traffic lane of any highway with an authorized speed limit of 45 miles per hour or less, and no vehicle shall be operated in such a manner as to deprive any moped of the full use of such lane, except that mopeds and motorcycles may be operated two abreast in a single lane.

B. No person shall operate a moped between lanes of traffic or between adjacent lines or rows of vehicles.

C. Mopeds shall not be operated more than two abreast in a single lane.

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

E. No person who rides upon a moped shall attach himself, herself, or the moped to any other vehicle on a roadway.

F. Mopeds shall not be operated on sidewalks.

G. Notwithstanding the maximum speed limits in excess of 25 miles per hour established in Neb. Rev. Stat. §60-6,186, no person shall operate any moped at a speed in excess of 30 miles per hour.

(Neb. Rev. Stat. §60-6,313) (Ord. Nos. 275, 9/4/79; 556, 12/6/94; 558, 12/6/94)

#### **SECTION 4-406: MOPEDS; HELMET REQUIRED**

A person shall not operate or be a passenger on a moped or motorcycle on any highway, as defined in state statutes, unless such person is wearing a protective helmet of the type and design manufactured for use by operators of such vehicles and unless such helmet is secured properly on his or her head with a chin strap while the vehicle is in motion. All such protective helmets shall be designed to reduce injuries to the user resulting from head impacts and shall be designed to protect the user by remaining on the user's head, deflecting blows, resisting penetration, and spreading the force of impact. Each such helmet shall consist of lining, padding, visor, and chin strap and shall meet or exceed the standards established in the United States

Department of Transportation's *Federal Motor Vehicle Safety Standard No. 218*, 49 C.F.R. 571.218, for motorcycle helmets. (Neb. Rev. Stat. §60-6,279) (Ord. Nos. 480, 1/5/88; 554, 2/6/94)

#### **SECTION 4-407: MOTORCYCLES; OPERATION**

A. Any person who operates a motorcycle shall have all of the rights and shall be subject to all of the duties applicable to the driver of any other vehicle under this chapter.

B. Any person who operates a motorcycle shall ride only upon a permanent, regular seat attached thereto and shall not carry any other person nor shall any other person ride on a motorcycle unless such motorcycle is designed to carry more than one person, in which event a passenger may ride upon the permanent, regular seat if designed for two persons or upon another seat firmly attached to the motorcycle to the rear or side of the operator.

C. Any person shall ride upon a motorcycle only while sitting astride the seat, facing forward.

D. No person shall operate a motorcycle while carrying any package, bundle or other article which prevents him or her from keeping both hands on the handlebars.

E. No operator shall carry any person nor shall any person ride in a position that will interfere with the operation or control of the motorcycle or the view of the operator.

F. A motorcycle shall be entitled to full use of a traffic lane of any highway and no vehicle shall be driven in such a manner as to deprive any motorcycle of the full use of such lane. This subsection shall not apply to motorcycles operated two abreast in a single lane.

G. The operator of a motorcycle shall not overtake and pass in the same lane occupied by the vehicle being overtaken.

H. No person shall operate a motorcycle between lanes of traffic or between adjacent lines or rows of vehicles.

I. Motorcycles shall not be operated more than two abreast in a single lane.

J. Subsections (G) and (H) of this section shall not apply to police officers in the performance of their official duties.  
(Neb. Rev. Stat. §§60-6,307, 60-6,308)

#### **SECTION 4-408: MOTORCYCLES; LIGHTS**

No person shall ride a motorcycle upon the streets, alleys or highways from one-half hour after sunset to one-half hour before sunrise unless the same shall be equipped with at least one and not more than two headlights, plainly visible from the front; and a light on the rear exhibiting a red light visible under normal atmospheric conditions from a distance of at least 500 feet to the rear thereof; provided, said lights shall comply with the requirements and limitations of state statutes. (Neb. Rev. Stat. §60-6,219)

**SECTION 4-409: MOTORCYCLES; HELMET REQUIRED**

A person shall not operate or be a passenger on a motorcycle or moped on any highway, as defined in state statutes, unless such person is wearing a protective helmet as provided in Section 4-406.



## Article 5 – Recreational and Off-Road Vehicles

### SECTION 4-501: SNOWMOBILES; EQUIPMENT

A. Every snowmobile operated within the village shall be registered with the State of Nebraska as required by law. No snowmobile shall be operated upon a public street or highway unless it is equipped with at least one headlamp, one taillamp, reflector material of a minimum area of 16 square inches mounted on each side forward of the handle bars, and with brakes as prescribed by the state director of motor vehicles. Every snowmobile shall be equipped at all times with a muffler in good working order which blends the exhaust noise into the overall snowmobile noise and is in constant operation to prevent excessive or unusual noise; the exhaust system shall not emit or produce a sharp popping or crackling sound.

B. All laws applying to the operation of other motor vehicles shall apply to snowmobiles, except those relating to required equipment and those which, by their nature, have no application.

(Neb. Rev. Stat. §§60-6,332, 60-6,335, 60-6,339)

### SECTION 4-502: SNOWMOBILES; UNLAWFUL ACTS

A. It shall be unlawful for any person to allow a snowmobile, either owned or operated by him or her, to be operated:

1. At a rate of speed greater than reasonable or proper under the surrounding circumstances.
2. In a careless, reckless or negligent manner so as to endanger person or property.
3. While under the influence of alcoholic liquor or any drug.
4. By a person (a) under the age of 12 years unless accompanied by a parent, guardian, or other person over 18 years of age or (b) over the age of 12 years and under the age of 16 years unless such person (i) holds a valid snowmobile safety certificate, (ii) is accompanied by a person 14 years of age or over who holds a valid snowmobile safety certificate, or (iii) is accompanied by a person over the age of 18 years. The operator of a snowmobile shall not be required to hold an operator's license.
5. Without the proper equipment as required in Section 4-501.
6. In any tree nursery or planting in a manner which damages or destroys growing stock.

7. Upon the public lands owned by the village, except where allowed by resolution of the Village Board.
8. Upon any private lands without first having obtained permission of the owner, lessee or operator of such lands.
9. Within the congested area of the village, unless weather conditions are such that it provides the only practicable method of safe vehicular travel or said snowmobile is engaged in responding to an emergency.

(Neb. Rev. Stat. §§60-6,337, 60-6,338, 60-6,340)

#### **SECTION 4-503: SNOWMOBILES; ACCIDENT; REQUIREMENTS**

A. The operator of a snowmobile involved in a collision, accident, or other casualty occurring on any public land, ice, snow, park, right-of-way, trail, or course shall give his or her name and address and the number of such snowmobile in writing to any injured person and to the owner of any property damaged in such collision, accident, or other casualty.

B. When a collision, accident, or other casualty involving a snowmobile results in death or injury to a person or damage to property in excess of \$100.00, the operator of such snowmobile shall within ten days file with the state director of motor vehicles a full report of such collision, accident, or other casualty in such form and detail as the director by regulation may prescribe.

(Neb. Rev. Stat. §60-6,346)

#### **SECTION 4-504: ALL-TERRAIN AND UTILITY-TYPE VEHICLES; DEFINITIONS**

A. "All-terrain vehicle" (ATV) means any motorized off-highway vehicle which (1) is 50 inches or less in width, (2) has a dry weight of 1,200 pounds or less, (3) travels on three or more non-highway tires, and (4) is designed for operator use only with no passengers or is specifically designed by the original manufacturer for the operator and one passenger. (Neb. Rev. Stat. §60-6,355)

B. "Utility-type vehicle" (UTV) means any motorized off-highway vehicle which (1) is 74 inches in width or less, (2) is not more than 180 inches in length, including the bumper, (3) has a dry weight of 2,000 pounds or less, and (4) travels on four or more non-highway tires. "Utility-type vehicle" does not include all-terrain vehicles, golf car vehicles, or low-speed vehicles. (Neb. Rev. Stat. §60-6,355)

C. "Street" or "highway" means the entire width between the boundary limits of any street, road, avenue, boulevard, or way which is publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel. (Neb. Rev. Stat. §60-624) (Ord. Nos. 714, 7/5/05; 722, 11/6/07)

**SECTION 4-505: ALL-TERRAIN AND UTILITY-TYPE VEHICLES; OPERATION**

A. An ATV and a UTV may be operated on streets and highways within the corporate limits of the village only if the operator and the vehicle comply with the provisions of this section.

B. An ATV or UTV may be operated only between the hours of sunrise and sunset and shall not be operated at a speed in excess of 30 miles per hour. When in operation as authorized herein, the headlight and taillight of the vehicle shall be on and it shall be equipped with a bicycle safety flag which extends not less than 5 feet above ground attached to the rear of such vehicle. The bicycle safety flag shall be triangular in shape with an area of not less than 30 square inches and shall be Day-Glo in color.

C. Any person operating an ATV or UTV as authorized herein shall have:

1. A valid Class O operator's license or a farm permit as provided in Neb. Rev. Stat. §60-4,126; and
2. Liability insurance coverage for the ATV or UTV while being operated on a street or highway. The person operating the vehicle shall provide proof of such insurance coverage to any peace officer requesting such proof within five days of such a request.

D. ATVs and UTVs may be operated without complying with subsections (B) and (C) of this section on streets and highways in parades which have been authorized by the village.

E. An ATV or a UTV shall not be operated on any controlled-access highway with more than two marked traffic lanes, and the crossing of any controlled-access highway with more than two marked traffic lanes shall not be permitted. Subsections (A) through (C) and (F) of this section authorize and apply to operation of an ATV or UTV only on a street or highway other than a controlled-access highway with more than two marked traffic lanes.

F. Subject to subsection (E) of this section, the crossing of a street or highway shall be permitted by an ATV or a UTV without complying with subsections (B) and (C) of this section only if:

1. The crossing is made at an angle of approximately 90° to the direction of the street or 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 street or highway;

3. The operator yields the right of way to all oncoming traffic that constitutes an immediate potential hazard;
4. In crossing a divided highway, the crossing is made only at an intersection of such highway with another highway; and
5. Both the headlight and taillight of the vehicle are on when the crossing is made.

(Neb. Rev. Stat. §60-6,356) (Am. Ord. Nos. 560, 12/6/94; 722, 11/6/07)

#### **SECTION 4-506: ALL-TERRAIN AND UTILITY-TYPE VEHICLES; EQUIPMENT**

Every ATV and UTV shall be equipped with:

- A. A brake system maintained in good operating condition;
- B. An adequate muffler system in good working condition; and
- C. A United States Forest Service-qualified spark arrester.

(Neb. Rev. Stat. §60-6,358)

#### **SECTION 4-507: ALL-TERRAIN AND UTILITY-TYPE VEHICLES; PROHIBITIONS**

No person shall:

- A. Equip the exhaust system of an ATV or UTV with a cutout, bypass, or similar device;
- B. Operate an ATV or UTV with an exhaust system so modified; or
- C. Operate an all-terrain vehicle with the spark arrester removed or modified except for use in closed-course competition events.

(Neb. Rev. Stat. §60-6,359)

#### **SECTION 4-508: ALL-TERRAIN AND UTILITY-TYPE VEHICLES; COMPETITION**

ATVs and UTVs participating in competitive events may be exempted from Sections 4-506 and 4-507 of this article at the discretion of the director of motor vehicles. (Neb. Rev. Stat. §60-6,360)

#### **SECTION 4-509: ALL-TERRAIN AND UTILITY-TYPE VEHICLES; ACCIDENT REPORT**

If an accident results in the death of any person or in the injury of any person which requires the treatment of the person by a physician, the operator of each ATV or UTV involved in the accident shall give notice of the accident in the same manner as provided in Neb. Rev. Stat. §60-699. (Neb. Rev. Stat. §60-6,361)

**SECTION 4-510: ALL-TERRAIN AND UTILITY-TYPE VEHICLES; PENALTY**

Any violation of Section 4-505 to 4-509 which is also a violation under and other provision of Chapter 60, may be punished under the penalty provisions of such chapter. (Neb. Rev. Stat. §60-6,362)

**SECTION 4-511: ALL-TERRAIN AND UTILITY-TYPE VEHICLES; ENFORCEMENT**

Any peace officer of the state or of any political subdivision, including conservation officers of the Game and Parks Commission shall be charged with the enforcement of the provisions of Sections 4-505 to 4-509 of this article.

**SECTION 4-512: GOLF CAR VEHICLES; DEFINITIONS**

A. "Golf car vehicle" means a vehicle that (1) has at least four wheels, (2) has a maximum level ground speed of less than 20 miles per hour, (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, (6) is designed and manufactured for operation on a golf course for sporting and recreational purposes, and (7) is not being operated within the boundaries of a golf course. (Neb. Rev. Stat. §60-622.01)

B. "Road" means a public way for the purposes of vehicular travel, including the entire area within the right of way. (Neb. Rev. Stat. §60-6,381)

C. "Street" means a public way for the purposes of vehicular travel in the village and includes the entire area within the right of way. (Neb. Rev. Stat. §60-6,381)

**SECTION 4-513: GOLF CAR VEHICLES; OPERATION**

A. A golf car vehicle may be operated on streets within the corporate limits of the village if the operation is (1) between sunrise and sunset and (2) on streets with a posted speed limit of 35 miles per hour or less. When operating a golf car vehicle as authorized under this subsection, the operator shall not operate such vehicle at a speed in excess of 20 miles per hour. A golf car vehicle shall not be operated at any time on any state or federal highway but may be operated upon such a highway in order to cross a portion of the highway system which intersects a street as directed in subsection (C) of this section.

B. Any person operating a golf car vehicle as authorized herein shall have a valid Class O operator's license and the owner of the vehicle shall have liability insurance coverage for it. The person operating the golf car vehicle shall provide proof of such 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: \$25,000.00 because of bodily injury to or death of one person in any one accident and, subject to such limit for one person,

\$50,000.00 because of bodily injury to or death of two or more persons in any one accident and \$25,000.00 because of injury to or destruction of property of others in any one accident.

C. The crossing of a highway shall be permitted by a golf car vehicle only if:

1. The crossing is made at an angle of approximately 90° to the direction of the highway and at a place where no obstruction prevents a quick and safe crossing;
2. The golf car 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; and
4. In crossing a divided highway, the crossing is made only at an intersection of such highway with a street or road, as applicable.

(Neb. Rev. Stat. §60-6,381)

#### **SECTION 4-514: GOLF CAR VEHICLES; ACCIDENT REPORT**

If an accident results in the death of any person or in the injury of any person requiring treatment by a physician, the operator of such golf car vehicle involved in the accident shall give notice of the accident in the same manner as provided in Neb. Rev. Stat. §60-699. (Neb. Rev. Stat. §60-6,361)

## Article 6 – Abandoned Vehicles

(Am. Ord. Nos. 231, 3/1/77; 626, 11/3/98)

### SECTION 4-601: DEFINITIONS

A. A motor vehicle is an abandoned vehicle:

1. If left unattended with no license plates or valid “In Transit” stickers issued pursuant to the Motor Vehicle Registration Act affixed thereto for more than six hours on any public property;
2. If left unattended for more than 24 hours on any public property, except a portion thereof on which parking is legally permitted;
3. If left unattended for more than 48 hours after the parking of such vehicle has become illegal if left on a portion of any public property on which parking is legally permitted;
4. If left unattended for more than seven days on private property if left initially without permission of the owner or after permission of the owner is terminated;
5. If left for more than 30 days in the custody of a law enforcement agency after the agency has sent a letter to the last registered owner under Neb. Rev. Stat. §60-1903.01; or
6. If removed from private property by the village pursuant to a municipal ordinance.

B. An all-terrain vehicle, a utility-type vehicle, or a mini-bike is an abandoned vehicle:

1. If left unattended for more than 24 hours on any public property, except a portion thereof on which parking is legally permitted;
2. If left unattended for more than 48 hours after the parking of such vehicle has become illegal if left on a portion of any public property on which parking is legally permitted;
3. If left unattended for more than seven days on private property if left initially without permission of the owner or after permission of the owner is terminated;

4. If left for more than 30 days in the custody of a law enforcement agency after the agency has sent a letter to the last registered owner under Neb. Rev. Stat. §60-1903.01; or
5. If removed from private property by the village pursuant to a municipal ordinance.

C. A mobile home is an abandoned vehicle if left in place on private property for more than 30 days after the village, pursuant to an ordinance or resolution, has sent a certified letter to each of the last registered owners and posted a notice on the mobile home, stating that the mobile home is subject to sale or auction or vesting of title as set forth in Neb. Rev. Stat. §60-1903.

D. For purposes of this section:

1. "Mobile home" means a movable or portable dwelling constructed to be towed on its own chassis, connected to utilities, and designed with or without a permanent foundation for year-round living. It may consist of one or more units that can be telescoped when towed and expanded later for additional capacity or of two or more units separately towable but designed to be joined into one integral unit and shall include a manufactured home as defined in Neb. Rev. Stat. §71-4603. "Mobile home" does not include a mobile home or manufactured home for which an affidavit of affixture has been recorded pursuant to Neb. Rev. Stat. §60-169.
2. "Public property" means any public right of way, street, highway, alley, or park or other state, county, or municipally owned property.
3. "Private property" means any privately owned property which is not included within the definition of public property.

E. No motor vehicle subject to forfeiture under Neb. Rev. Stat. §28-431 shall be an abandoned vehicle under this section.  
(Neb. Rev. Stat. §60-1901)

#### **SECTION 4-602: ABANDONMENT OF VEHICLE PROHIBITED**

No person shall cause any vehicle to be an abandoned vehicle as described in subdivision (A)(1), (2), (3), or (4) or (B)(1), (2), or (3) of Neb. Rev. Stat. §60-1901. (Neb. Rev. Stat. §60-1907)

#### **SECTION 4-603: TITLE; VEST IN VILLAGE; WHEN**

If an abandoned vehicle at the time of abandonment has no license plates of the current year or valid "In Transit" stickers issued pursuant to Neb. Rev. Stat. §60-376 affixed and is of a wholesale value, taking into consideration the condition of the vehicle, of \$250.00 or less, title shall immediately vest in the village as provided in Neb.



Rev. Stat. §60-1904. Any certificate of title issued under this section to the village shall be issued at no cost. (Neb. Rev. Stat. §60-1902)

#### **SECTION 4-604: VILLAGE; POWERS AND DUTIES**

A. Except for vehicles governed by Neb. Rev. Stat. §60-1902, the village shall make an inquiry concerning the last registered owner of such vehicle as follows:

1. Abandoned vehicle with license plates affixed, to the jurisdiction which issued such license plates; or
2. Abandoned vehicle with no license plates affixed, to the Department of Motor Vehicles.

B. The village shall notify the last registered owner, if any, that the vehicle in question has been determined to be an abandoned vehicle and that, if unclaimed, either (1) it will be sold or will be offered at public auction after five days from the date such notice was mailed or (2) title will vest in the village 30 days after the date such notice was mailed. If the agency described in subdivision (A)(1) or (2) of this section also notifies the village that a lien or mortgage exists, such notice shall also be sent to the lienholder or mortgagee. Any person claiming such vehicle shall be required to pay the cost of removal and storage of such vehicle.

C. Title to an abandoned vehicle, if unclaimed, shall vest in the village (1) five days after the date the notice is mailed if the vehicle will be sold or offered at public auction under subdivision (B)(1) of this section, (2) 30 days after the date the notice is mailed if the village will retain the vehicle, or (3) if the last registered owner cannot be ascertained, when notice of such fact is received.

D. After title to the abandoned vehicle vests pursuant to subsection (C) of this section, the village may retain for use, sell, or auction the abandoned vehicle. If the village has determined that the vehicle should be retained for use, the village shall, at the same time that the notice, if any, is mailed, publish in a newspaper of general circulation in the jurisdiction an announcement that the village intends to retain the abandoned vehicle for its use and that title will vest in the village 30 days after the publication.

(Neb. Rev. Stat. §60-1903)

#### **SECTION 4-605: CUSTODY; WHO ENTITLED**

The village shall be entitled to custody of an abandoned vehicle found within the village. (Neb. Rev. Stat. §60-1904)

#### **SECTION 4-606: PROCEEDS OF SALE; DISPOSITION**

Any proceeds from the sale of an abandoned vehicle less any expenses incurred by the village shall be held by it without interest for the benefit of the owner or lienhold-

ers of such vehicle for a period of two years. If not claimed within such two-year period, the proceeds shall be paid into the general fund of the village. (Neb. Rev. Stat. §60-1905)

**SECTION 4-607: LIABILITY FOR REMOVAL**

Neither the village nor the owner, lessee, nor occupant of the premises from which any abandoned vehicle is removed shall be liable for any loss or damage to such vehicle which occurs during its removal or while in the possession of the village or its contractual agent or as a result of any subsequent disposition. (Neb. Rev. Stat. §60-1906)

**SECTION 4-608: DESTROY, DEFACE, OR REMOVE PARTS; UNLAWFUL**

No person other than one authorized by the village shall destroy, deface, or remove any part of a vehicle which is left unattended on a highway or other public place without license plates affixed or which is abandoned. Anyone violating this section shall be guilty of a Class V misdemeanor. (Neb. Rev. Stat. §60-1908)

**SECTION 4-609: COSTS OF REMOVAL AND STORAGE**

The last registered owner of an abandoned vehicle shall be liable to the village for the costs of removal and storage of such vehicle. (Neb. Rev. Stat. §60-1909)

## **Article 7 – Penal Provision**

### **SECTION 4-701: VIOLATION; PENALTY**

Any person who shall violate or refuse to comply with the enforcement of any of the provisions of this chapter, set forth at full length herein or incorporated by reference, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than \$500.00 for each offense. A new violation shall be deemed to have been committed every 24 hours of such failure to comply. (Neb. Rev. Stat. §17-505) (Am. Ord. Nos. 650, 9/2/03; 661, 9/2/03)