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CHAPTER 4 – VEHICLES AND TRAFFIC

Article 1 – Traffic Regulations

SECTION 4-101: DEFINITIONS; GENERALLY

All definitions relating to traffic or rules of the road set forth in Chapter 60 of the statutes of the State of Nebraska are hereby adopted as they presently exist or may hereafter be amended.

SECTION 4-102: EMERGENCY REGULATIONS

The chief of police is hereby empowered to make and enforce temporary traffic regulations to cover emergencies. (Neb. Rev. Stat. §60-435)

SECTION 4-103: POLICE; ENFORCEMENTS

The village police and county sheriff and deputies are 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 police officer. (Neb. Rev. Stat. §60-683)

SECTION 4-104: 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 a police officer. (Neb. Rev. Stat. §60-680)

SECTION 4-105: POLICE; TRAFFIC OFFICERS

The Village Board or the village police 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 4-106: TRAFFIC LANES; DESIGNATION

The Village Board may by resolution mark lanes for traffic on street pavements at such places as may be deemed advisable. (Neb. Rev. Stat. §60-680)

SECTION 4-107: SNOW ROUTES; DESIGNATION

The Village Board may by resolution designate any street or portion thereof as a snow route and shall provide for appropriate signs or marking when such street has been so designated.

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. 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: SIGNS AND SIGNALS

The Village Board may, by resolution, provide for the placing of stop signs or other signs, signals, standards, or mechanical devices in any street or alley for the purpose of regulating or prohibiting traffic thereon. Such resolution 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. It shall be unlawful for any person to fail, neglect, or refuse to comply with such regulation or prohibition. (Neb. Rev. Stat. §60-6,119)

SECTION 4-110: STOP SIGNS, GENERALLY

Every person operating any vehicle shall, upon approaching any stop sign erected in accordance with the resolution prescribed heretofore, 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. §60-6,123)

SECTION 4-111: INSTALLATION OF STOP SIGNS

Stop signs shall be placed at the following places in the Village:

A. On the east end of the alley going east and west, between Plevna Avenue and Rollins Avenue. (Ord. No. 214, 08/02/06)

B. Four-way stop signs at the intersection of Valmont Street and Templin Avenue. (Ord. No. 223, 06/04/08)

C. At the intersections of Commercial Street and Omega Street; Commercial Street and 3rd Road; East and West sides of Templin on Warwick Street; East Depot Street and South side of Commercial Street; Zurich Street and 3rd Road; East and West Commercial Street and 3rd Road; Valmont Street and 3rd Road; Warwick Street and 3rd Road; Utica Avenue and Commercial Street; North and South sides of Commercial Street on Templin Avenue; North and South sides of Commercial Street on Stanwick Avenue; North and South sides of Commercial Street on Rollins Avenue; Omega Avenue and Upton Street; Neville Avenue and Commercial Street; Miami Avenue and Commercial Street; Neville Avenue and Zurich Street; Miami Avenue and Zurich Street; Plevna Avenue and Zurich Street; Stanwick Avenue and Zurich Street; Templin Avenue and Zurich Street; North and South sides of Utica Avenue and Zurich Street; North and South sides of Templin Avenue and Yolande Street; East Depot Street and Zurich Street; North and South sides of Plevna Avenue and Commercial Street.

(Ord. No. 209, 10/05/05)

SECTION 4-112: UNNECESSARY STOPPING

It shall be unlawful for any person to stop any vehicle on any public street or 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. §60-149)

SECTION 4-113: SIGNS; DEFACING OR INTERFERING WITH

It shall be unlawful for any person to willfully deface, injure, remove, obstruct or interfere with any official traffic sign or signal. (Neb. Rev. Stat. §60-6,129 to 60-6,139)

SECTION 4-114: 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 an 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 4-115: SPEED; ELECTRONIC DETECTOR

The speed of any motor vehicle within the Village may be determined by the use of radio microwaves or other electronic device. The results of such determinations shall be accepted as prima facie evidence of the speed of such motor vehicle in any court or legal proceedings where the speed of the motor vehicle is at issue. (Neb. Rev. Stat. 60-6,192)

SECTION 4-116: RACING

No person shall engage in any race or speed contest on the streets or highways of the Village.

SECTION 4-117: CARELESS, RECKLESS, WILLFUL RECKLESS DRIVING

A. Any person who shall operate a motor vehicle in such a manner as to endanger the safety of himself/herself or others or property shall be deemed to be driving carelessly and be guilty of a misdemeanor. (Neb. Rev. Stat. §60-6,212)

B. 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.

C. 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. §60-6,212, 60-6,213, 60-6,214)

SECTION 4-118: RIGHT-OF-WAY; GENERALLY

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. 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. 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. The driver of a vehicle entering a village street from a private road or drive shall yield the right-of-way to all vehicles approaching on such streets. The driver of a vehicle upon a street shall yield the right-of-way to authorized emergency vehicles when the latter are operated upon official business and the drivers thereof make proper use of visual or audible signals. (Neb. Rev. Stat. §60-6,146 through 60-6,154)

SECTION 4-119: RIGHT-OF-WAY; OVERTAKING VEHICLES

The driver of a vehicle about to be overtaken and passed by another vehicle approaching from the rear shall give way to the right in favor of the overtaking vehicle. (Neb. Rev. Stat. §60-6,133)

SECTION 4-120: RIGHT-OF-WAY; SLOW-MOVING VEHICLES

Vehicles moving slowly shall keep as close as possible to the curb on the right, allowing more swiftly moving vehicles free passage to their left. Vehicles in motion shall be kept between the curb at the right and the center of the street. (Neb. Rev. Stat. §60-6,132)

SECTION 4-121: RIGHT-OF-WAY; EMERGENCY VEHICLES

Upon the approach of an authorized emergency vehicle, every vehicle within one block of the route of such emergency vehicle shall immediately stop except at the time they are on or crossing a street intersection, in which event such vehicle shall drive clear of the street intersection and then stop. Every vehicle along the route of such emergency vehicle shall immediately move to a position as near the right-hand curb as possible and remain there until such authorized emergency vehicle or vehicles have passed; provided, said vehicles are operated on official business and the drivers thereof make use of proper visual or audible signals. (Neb. Rev. Stat. §60-151)

SECTION 4-122: TURNING; “U” TURNS

No vehicle shall be turned so as to proceed in the opposite direction except at a street intersection. 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 4-123: TURNING; SIGNAL

A signal of intention to turn or move right or left shall be given continuously during not less than the last 100 feet traveled by the vehicle before turning. (Neb. Rev. Stat. §60-6,161)

SECTION 4-124: TURNING; GENERALLY

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. (Neb. Rev. Stat. §60-6,159)

SECTION 4-125: ENGINE BRAKING

It shall be unlawful for any person in any part of the Village to make or cause to be made loud or disturbing noises with any mechanical device operated by compressed

air and used for the purpose of assisting braking on any semi-tractor, commonly referred to as “Jake braking” or “engine braking.” (Ord. No. 172, 05/03/00)

SECTION 4-126: BACKING

The driver of a vehicle shall not back such vehicle on any roadway unless such movement can be made with safety and without interfering with other traffic. The driver of a vehicle shall not back such vehicle upon any roadway or shoulder of any freeway. (Neb. Rev. Stat. §60-6,169)

SECTION 4-127: PASSING; INTERSECTIONS

The driver of a vehicle shall not overtake and pass another vehicle proceeding in the same direction while traversing a street intersection, if such passing requires such overtaking vehicle to drive to the left of the center of the street.

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, 60-6,308)

SECTION 4-129: 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 4-130: OVERLOADING

No person shall drive a motor vehicle when (A) 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 the driving mechanism of such vehicle or (B) there are more than three persons in the front seat. (Neb. Rev. Stat. §60-6,179)

SECTION 4-131: 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. §60-6,179, 60-680)

SECTION 4-132: 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 4-133: MUFFLER

Every motor vehicle operated within this Village shall be provided with a muffler in good working order to prevent excessive or unusual noise or smoke. No person shall modify or change the exhaust muffler, intake muffler or any other noise abatement device of a motor vehicle in a manner such that the noise emitted by the motor vehicle is increased above that emitted by the vehicle as originally manufactured. 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 4-134: LITTERING

It shall be unlawful for any person to drop or cause to be left upon any Village highway, street, or alley, except at places designated by the Village Board, any rubbish, debris, or waste; and any person so doing shall be guilty of littering. (Neb. Rev. Stat. §28-523)

SECTION 4-135: GLASS; POINTED OBJECTS

No person shall throw, cast, lay, or place upon any street any thorns, nails, tacks, glass, bottles, window glass, or other articles made of or containing, glass and in case of an accident causing the breaking of any glass upon any street, the owner or person in charge of such glass or the person responsible for such breakage shall at once remove or cause the same to be removed from the street. (Neb. Rev. Stat. §39-311)

SECTION 4-136: LOADS; PROJECTING

When any vehicle shall be loaded in such a manner that any portion of the load extends more than four 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 4-137: LOADS; SPILLING OR SIFTING

All vehicles used for carrying coal, earth, sand, gravel, rock, asphalt, tar or any similar substance shall be so constructed as to prevent the sifting or spilling of any of the contents. (Neb. Rev. Stat. §60-6,301)

SECTION 4-138: GARAGE OR REPAIR SHOP; DAMAGED VEHICLE

It shall be the duty of any person in charge of any garage or repair shop to report to the chief of police or County Sheriff's Department any vehicle which is brought to said garage or repair shop and which shows evidence of having been recently involved in any accident of any kind. The person in charge shall furnish the police chief with the

engine number, manufacturer's serial number, registration plate number and the name and address of the owner of any such vehicle.

Article 2 – Parking

SECTION 4-201: GENERALLY

A. 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 four feet between the vehicle so parked and any other parked vehicles, except when the Village Board designates that vehicles shall be parked at an angle so as to have the front right wheel at the curb edge of the roadway. When stalls are designated either on the curb or pavement, vehicles shall be parked within such stalls. (Neb. Rev. Stat. §60-680, 60-6,167)

B. 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 4-202: AREAS MAY BE SET BY VILLAGE BOARD

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. The Village Board may by resolution also set aside any public area or land as a village parking lot and designate the time limit and method for parking on said lots.

SECTION 4-203: BUSINESS DISTRICT; DIAGONAL PARKING

Vehicles on Commercial Street in the business section shall be parked diagonally along the curbs thereof except where the Village Board may determine otherwise by resolution. Areas deviating from the provisions herein by resolution shall be properly posted by sign or other device.

SECTION 4-204: TIME LIMIT

It shall be unlawful for any person to park any vehicle on Commercial Street for a continuous period in excess of 24 hours. It shall be unlawful for any person to park any vehicle on any other street or alley within the corporate limits for a period in excess of three continuous days. (Neb. Rev. Stat. §60-680)

SECTION 4-205: PAINTING OF CURBS

It shall be the duty of the Street Commissioner to cause the curb space to be painted and keep the same painted as directed by the Board of Trustees. 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 4-206: VEHICLES; UNATTENDED

No person having control or charge of a motor vehicle shall allow such vehicle to stand unattended without first effectively setting the brakes thereon and, when standing upon any grade, without turning the front wheels of such vehicle to the curb or side of the street.

SECTION 4-207: OBSTRUCTING ALLEY

No vehicle while parked shall have any portion thereof projecting into any alley entrance. (Neb. Rev. Stat. §60-680)

SECTION 4-208: OBSTRUCTING TRAFFIC

No person shall stop any vehicle, except in case of an accident or emergency, 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)

SECTION 4-209: FIRE HYDRANTS AND STATIONS

No vehicle shall be parked within 15 feet in either direction of any fire hydrant nor within 20 feet of the driveway entrance to any fire station. (Neb. Rev. Stat. §60-6,166)

SECTION 4-210: DISPLAY OR REPAIR OF VEHICLES

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 it is standing on the public streets or alleys except in case of breakdown or other emergency requiring same. 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 4-211: 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 of curb lines or if none, then within 15 feet of the intersection of property lines. (Neb. Rev. Stat. §60-6,166)

SECTION 4-212: SNOW REMOVAL AND MAINTENANCE

The village police, the Village Board or the public works director may order any street or alley or portion thereof vacated for weather emergencies or street maintenance. Notice shall be given by personally notifying the owner or operator of a vehicle parked on such street or alley or by posting appropriate signs along such streets or alleys, which shall be posted not less than four hours prior to the time that the vacation order is to be effective. Any vehicle in violation of this section may be removed and parked under the supervision of the village police or County Sheriff's Department at a suitable nearby location without further notice to the owner or operator of such vehicle. The owner thereof shall be deemed to be guilty of a misdemeanor. (Neb. Rev. Stat. §17-557)

SECTION 4-213: 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 is operating the same in an emergency in the necessary performance of public duties.

SECTION 4-214: TICKETS

All tickets issued for violations of non-moving traffic regulations contained in this chapter shall, in addition to information normally stated on such tickets, carry the following information:

- A. The amount of the fine if paid within 30 days;
- B. The amount of the fine if not paid within 30 days;
- C. The location where payment may be made; and
- D. The fact that a complaint will be filed after 30 days if the fine is not paid in

that time.

(Neb. Rev. Stat. §18-1729)

SECTION 4-215: SUMMONS; DESTRUCTION UNLAWFUL

It shall be unlawful for any person to tear up or destroy a parking tag placed upon any vehicle by the village police or to disregard the summons contained on such tag and fail to appear in court as directed by said tag.

Article 3 – Bicycles, Mini-Bikes, Mopeds and Motorcycles

SECTION 4-301: 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 state highway as provided in Neb. Rev. Stat. §60-6,142.

B. 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/her intention and yield the right-of-way to all other vehicles.

C. 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.

D. 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.

E. 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)

SECTION 4-302: BICYCLES AND SKATES; CLINGING TO MOTOR VEHICLES

No person riding upon any bicycle or roller skates shall attach the same or himself/herself to any moving vehicle upon any roadway and it shall be unlawful for the driver of any vehicle to suffer or permit any person traveling upon any bicycle or roller skates to cling to or attach himself/herself or his/her bicycle or roller skates to such vehicle so driven and operated by him/her. (Neb. Rev. Stat. §60-6,316)

SECTION 4-303: 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 or 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. §60-2101.01, 60-2107)

SECTION 4-304: 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 recognized charitable, social, educational or community service organizations. (Neb. Rev. Stat. §60-2102)

SECTION 4-305: 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. §60-2106)

SECTION 4-306: MOPEDS; DEFINED

For the purposes of this article, "moped" shall mean 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 miles per hour on level ground. Mopeds, their owners and their operators shall be subject to Neb. Rev. Stat. Chapter 60, Article 4 but shall be exempt from Neb. Rev. Stat. Chapter 60, Articles 1, 3, and 5. (Neb. Rev. Stat. §60-6,309)

SECTION 4-307: MOPEDS; OPERATION

A. Any person who operates a moped 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 moped unless such moped is designed by the manufacturer to carry more than one person.

B. Any person shall ride a moped only while sitting astride the seat, facing forward. Further, no person shall operate a moped while carrying any package, bundle or other article which prevents him/her from keeping both hands on the handlebars. No operator shall carry any person nor shall any person ride in a position that will interfere with the operation or control of the moped or the view of the operator. No person who rides upon a moped shall attach himself/herself or the moped to any other vehicle on a roadway.
(Neb. Rev. Stat. §60-6,312)

SECTION 4-308: MOPEDS; OPERATOR'S LICENSE REQUIRED

No person shall operate a moped upon the streets, alleys or public highways of the Village unless such person has a valid motor vehicle operator's license or a valid school or learner's permit. (Neb. Rev. Stat. §60-6,310)

SECTION 4-309: MOPEDS; TRAFFIC REGULATIONS APPLICABLE

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 this chapter and Neb. Rev. Stat. §39-601 to §39-6,122 and amendments thereto, except for those provisions of such sections which by their nature can have no application. Such regulations applicable to mopeds shall apply whenever a moped shall be operated upon any street, alley or public highway within the Village or upon any path set aside by the Department of Roads or local authority for the use of mopeds. Notwithstanding any established maximum speed limits in excess of 25 miles per hour, no person shall operate any moped at a speed in excess of 30 miles per hour. (Neb. Rev. Stat. §60-6,311)

SECTION 4-310: MOPEDS; USE OF TRAFFIC LANES

A moped shall be entitled to full use of a traffic lane of any street or 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. This section shall not apply to mopeds operated two abreast in a single lane and mopeds shall not be operated more than two abreast in a single lane. No person shall operate a moped between lanes of traffic or between adjacent lines or rows of vehicles. 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. (Neb. Rev. Stat. §60-6,313)

SECTION 4-311: MOPEDS; EQUIPMENT

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

SECTION 4-312: MOPEDS; HELMET

A person shall not operate or be a passenger on a moped 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/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)

SECTION 4-313: 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/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 4-314: MOTORCYCLES; LIGHTS

No person shall ride a motorcycle upon the streets, alleys or highways from sunset to 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 lamps shall comply with the requirements and limitations of state statutes. (Neb. Rev. Stat. §60-6,219)

SECTION 4-315: MOTORCYCLES; HELMET

A person shall not operate or be a passenger on a motorcycle on any highway, as defined in state statutes, unless such person is wearing a protective helmet as provided in Section 4-312.

Article 4 – Snowmobiles, All-Terrain Vehicles and Utility-Type Vehicles

SECTION 4-401: SNOWMOBILES; EQUIPMENT

A. Every snowmobile operated within the Village shall be registered with the State 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 tail lamp, 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 Director of Motor Vehicles.

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. §60-2002, 60-2013)

SECTION 4-402: SNOWMOBILES; STREETS

The operation of snowmobiles on any village street or other public property owned by the Village, except in times of a snow emergency as defined herein, is prohibited. A “snow emergency” is defined to be that time during and immediately following snowfall within the Village when two-wheel-drive vehicular travel is not possible and the Village’s snow removal crew has not commenced removal of snow from village streets and alleys.

SECTION 4-403: SNOWMOBILES; UNLAWFUL ACTS

It shall be deemed a misdemeanor for any person to allow a snowmobile, either owned or operated by him/her, to be operated:

A. Within the business 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.

B. At a rate of speed greater than reasonable or proper under the surrounding circumstances.

C. In a careless, reckless or negligent manner so as to endanger person or property.

D. Without a lighted headlight and taillight when such would be required by conditions.

E. In any tree nursery or planting in a manner which damages or destroys growing stock.

F. Upon any private lands without first having obtained permission of the owner, lessee or operator of such lands.

(Neb. Rev. Stat. §60-2013, 60-2015)

SECTION 4-404: ALL-TERRAIN AND UTILITY-TYPE VEHICLES; DEFINITIONS

A. "All-terrain vehicle" means any motorized off-highway vehicle which (1) is 50 inches or less in width, (2) has a dry weight of 900 pounds or less, (3) travels on three or more low-pressure tires, (4) is designed for operator use only with no passengers or is specifically designed by the original manufacturer for the operator and one passenger, (5) has a seat or saddle designed to be straddled by the operator, and (6) has handlebars or any other steering assembly for steering control. (Neb. Rev. Stat. §60-6,355)

B. "Utility-type vehicle" means 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 135 inches in length, including the bumper, (3) has a dry weight of not less than 900 pounds nor more than 2,000 pounds, (4) travels on four or more low-pressure tires, and (5) is equipped with a steering wheel and bench or bucket-type seating designed for at least two people to sit side-by-side. "Utility-type vehicle" does not include golf carts 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)

SECTION 4-405: ALL-TERRAIN AND UTILITY-TYPE VEHICLES; OPERATION

A. An all-terrain vehicle ("ATV") and a utility-type vehicle ("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 a 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, an ATV or a UTV as authorized herein shall have the headlight and tail-light on and the vehicle shall be equipped with a bicycle safety flag which extends not less than five 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 a 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 vehicle while operating it on a street

or highway. The person operating the ATV or UTV 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 State of Nebraska or any department, board, commission, or political subdivision of the state.

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 a 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) (Ord. No. 235, 4/6/11)

Article 5 – Abandoned Vehicles

SECTION 4-501: DEFINED

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. For purposes of this section:

1. “Public property” means any public right-of-way, street, highway, alley, or park or other state, county, or municipally owned property; and
2. “Private property” means any privately owned property which is not included within the definition of public property.

C. No motor vehicle subject to forfeiture under state statutes shall be an abandoned vehicle under this section.

(Neb. Rev. Stat. §60-1901)

SECTION 4-502: ABANDONMENT OF VEHICLE PROHIBITED

No person shall cause any vehicle to be an abandoned vehicle as described in Section 4-501 (A)(1), (2), (3), or (4). (Neb. Rev. Stat. §60-1907)

SECTION 4-503: TITLE; VEST IN LOCAL AUTHORITY OR STATE AGENCY

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 state statute 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 Board or state agency having jurisdiction thereof as provided in Section 4-506 (Custody). Any certificate of title

issued under this section to the Village Board or state agency shall be issued at no cost to such authority or agency. (Neb. Rev. Stat. §60-1902)

SECTION 4-504: LOCAL AUTHORITIES; POWERS AND DUTIES

A. Except for vehicles governed by Section 4-503, the Village Board having custody of an abandoned vehicle shall make an inquiry concerning the last registered owner of such vehicle as follows:

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

B. The Village Board 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 Board 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 Board 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 Board (1) five days after the date the notice is mailed if the vehicle will be sold or offered at public auction, (2) 30 days after the date the notice is mailed if the Village Board 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 Board may retain for use, sell, or auction the abandoned vehicle. If the board has determined that the vehicle should be retained for use, the board shall, at the same time that the notice, if any, is mailed, publish in a newspaper of general circulation in the Village an announcement that the Village Board intends to retain the abandoned vehicle for its use and that title will vest in the Village Board 30 days after the publication.

(Neb. Rev. Stat. §60-1903)

SECTION 4-505: LAW ENFORCEMENT AGENCY; POWERS AND DUTIES

A local law enforcement agency which has custody of a motor vehicle for investigatory purposes and has no further need to keep it in custody shall send a certified letter to each of the last registered owners stating that the vehicle is in the custody of the said law enforcement agency, that the vehicle is no longer needed for law enforcement purposes, and that after 30 days the agency will dispose of the vehicle. This section shall not apply to motor vehicles subject to forfeiture under state statutes. No storage fees shall be assessed against the registered owner of a motor vehicle held in custody for investigatory purposes under this section unless the registered owner

or the person in possession of the vehicle when it is taken into custody is charged with a felony or misdemeanor related to the offense for which the law enforcement agency took the vehicle into custody. If a registered owner or the person in possession of the vehicle when it is taken into custody is charged with a felony or misdemeanor but is not convicted, the registered owner shall be entitled to a refund of the storage fees. (Neb. Rev. Stat. §60-1903.01)

SECTION 4-506: CUSTODY; WHO ENTITLED

If a state agency caused an abandoned vehicle described in Section 4-501 (A)(5) to be removed from public property, the state agency shall be entitled to custody of the vehicle. If a state agency caused an abandoned vehicle described in Section 4-501 (A)(1), (2), (3), or (4) to be removed from public property, the state agency shall deliver the vehicle to the Village Board, which shall have custody. The Village Board shall be entitled to custody of an abandoned vehicle if the said vehicle was abandoned in the Village. (Neb. Rev. Stat. §60-1904)

SECTION 4-507: PROCEEDS OF SALE; DISPOSITION

Any proceeds from the sale of an abandoned vehicle less any expenses incurred by the Village Board shall be held by the board without interest for the benefit of the owner or lienholders 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 4-508: LIABILITY FOR REMOVAL

Neither the owner, lessee, nor occupant of the premises from which any abandoned vehicle is removed nor the Village 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 4-509: DESTROY, DEFACE, OR REMOVE PARTS; UNLAWFUL; EXCEPTION; VIOLATION; PENALTY

No person other than one authorized by the Village Board 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 4-510: COSTS OF REMOVAL AND STORAGE; LAST REGISTERED OWNER LIABLE

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

Article 6 – Penal Provision

SECTION 4-601: VIOLATION; PENALTY

Any person, firm, association or corporation violating any of the provisions of the chapter herein for which no other penalty is imposed shall, upon conviction, be deemed guilty of a misdemeanor and fined in an amount of not more than \$500.00. Each day's maintenance of a misdemeanor shall constitute a separate offense.