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CHAPTER III – MOTOR VEHICLES AND BICYCLES

ARTICLE I – TRAFFIC REGULATIONS

SECTION 3-101: TERMS DEFINED

The words and phrases used in this ordinance pertaining to motor vehicles and traffic regulations shall be construed as defined in Chapter 60, Article 6 of the Revised Statutes of Nebraska, 1943, as now existing or as hereafter amended, unless the context otherwise requires; and, if not so defined, the common meaning of such words and phrases shall prevail.

SECTION 3-102: TRUCK ROUTES

1. For the purpose of this section, a “truck” shall be defined as a motor vehicle that is designated, used or maintained primarily for the transportation of property and having a gross vehicle weight of 20,000 pounds or more.

2. The City Council may, by resolution, designate certain streets in the City that trucks shall travel upon, and it shall be unlawful for the driver of such a truck to travel on streets other than those so designated except to pick up or deliver goods, wares, or merchandise, and in such events, the operator of such vehicle shall return to such truck routes as soon as possible in traveling through or about the City. The City Council shall cause notices to be posted or shall erect signs indicating the streets so designated as restricted routes.

SECTION 3-103: ENGINE BRAKING

It shall be unlawful for any person within the city 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 assisting braking on any semi-tractor; provided, however, it shall be permitted to use engine brakes in an emergency situation. Proper notices shall be posted by the City notifying the public of such prohibition.

SECTION 3-104: TURNING; "U" TURNS

No vehicle shall be turned so as to proceed in the opposite direction except at a street intersection or other designated area. No vehicle shall be turned so as to proceed in the opposite direction at any intersection where a sign is posted indicating that U turns are prohibited.

SECTION 3-105: TURNING; SIGNALS

A signal of intention to turn right or left shall be given continuously during not less than the last 50 feet traveled by any vehicle before turning. The signals herein required shall be given either by means of the hand and arm or by a signal device of a type approved by the Department of Roads.

SECTION 3-106: 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 street 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 the center line of the street 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.

SECTION 3-107: TURNING; CAUTION

The operator of a vehicle shall, before stopping, turning, or changing the course of such vehicle, see that there is sufficient space to make such movement in safety. If any pedestrian might be affected by such movement, the operator shall give a clearly audible signal by sounding the horn, and whenever the operation of any other vehicle may be affected by such movement, he/she shall give some other unmistakable signal to the driver of all other vehicles of the intention to make such movement.

SECTION 3-108: RIGHT OF WAY; GENERALLY

1. 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 law enforcement 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 entering a city street from a private road or drive shall yield the right of way to all vehicles approaching on such streets.

2. 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. 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. 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.

SECTION 3-109: RIGHT OF WAY; EMERGENCY VEHICLES

Upon the approach of any authorized emergency vehicle signaling an emergency by lights and/or siren, all vehicles within one block of the route of such emergency vehicle shall immediately stop unless they are on or crossing a street intersection, in which event such vehicles shall drive clear of the street intersection and then stop. All vehicles 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 has passed.

SECTION 3-110: POSITION OF VEHICLE ON HIGHWAY; GENERALLY

Upon all highways of sufficient width, the driver of a vehicle shall drive the same on the right half of the roadway. In passing or meeting other vehicles, drivers shall give each other at least one-half of the main traveled portion of the roadway.

SECTION 3-111: POSITION OF VEHICLE ON HIGHWAY; PASSING

A vehicle shall not be driven to the left of the center line of the highway in overtaking or passing another vehicle proceeding in the same direction unless such left side is clearly visible and free from oncoming traffic for a sufficient distance to permit such overtaking and passing to be made in safety.

SECTION 3-112: BACKING

Before backing, ample warning shall be given and, while backing, unceasing vigilance must be exercised not to injure those behind. The driver of a parked vehicle about to back shall give moving vehicles the right of way.

SECTION 3-113: DRIVING IN SIDEWALK SPACE

No motor vehicle, including motorcycles or scooters, shall be driven on any sidewalk or within any sidewalk space, except on a permanent or temporary driveway and except for snow removal purposes. (Ref. Neb. Rev. Stat. §60-6,178)

SECTION 3-114: STOPS; MANDATORY

All vehicles, before crossing a sidewalk or emerging from a garage, alley, gas station or other place shall come to a complete stop, and after giving sufficient warning shall pro-

ceed slowly and with extreme caution while crossing such sidewalk or leaving such garage, alley, gas station or other place. The term "slowly" shall be construed to mean such rate of speed as is reasonable and proper under the circumstances and the condition of the street and traffic thereon.

SECTION 3-115: SIGNS, SIGNALS

The City Council may, by resolution, provide for the placing of stop signs, restricted parking or other signs, signals, standards or mechanical devices in any street or alley for the purpose of regulating or prohibiting traffic and parking 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. The placement of any such regulatory sign shall be prima facie evidence of the restricting resolution.

SECTION 3-116: STOP SIGNS

Every person operating any vehicle shall, upon approaching any stop sign erected in accordance with ordinances prescribed heretofore, cause such vehicle to come to a complete stop with the front wheels of said vehicle parallel with said stop sign.

SECTION 3-117: 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 stop is necessary due to emergency, to comply with traffic control devices and regulations, or to yield the right of way to pedestrians or to other vehicles.

SECTION 3-118: SPEED LIMITS

No person shall operate a motor vehicle on any street, alley or other place at a rate of speed greater than 20 miles per hour within the Central Business District as designated on the Official Zoning Map, and 25 miles per hour on any other street within the City; provided, the speed limits on the following streets shall be as follows:

- 10 m.p.h. All streets within the City Park
All non-hard surfaced streets within the City
Gardiner St. west of West St.

- 40 m.p.h. Reichmuth Road west to 288th St.
N. West St. north of Reichmuth Road to 276th St.

- 45 m.p.h. E. Meigs St. east of S. Center to 261st Circle
S. Center south of Gardiner St. to W. Maple Road
W. Maple Road west to 270th St.
264th St. from E. Meigs St. to W. Maple Road

55 m.p.h. Reichmuth Road west of 288th St. to 300th St.
(Am. by Ord. No. 559, 3/11/08)

SECTION 3-119: FUNERAL PROCESSIONS

No vehicle shall be driven through a funeral procession or cortege, except (1) ambulances, police vehicles or Fire Department vehicles when responding to emergency calls; (2) vehicles carrying United States mail; or (3) with the permission of a police officer.

SECTION 3-120: FOLLOWING DISTANCE; GENERALLY

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 amount of traffic and condition of the street.

SECTION 3-121: FOLLOWING DISTANCE; FIRE APPARATUS

No driver of any vehicle shall 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 where said fire apparatus has stopped in answer to a fire alarm. (Ref. Neb. Rev. Stat. §60-6,183 [Reissue 1998])

SECTION 3-122: 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.

SECTION 3-123: 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. (Ref. Neb. Rev. Stat. §60-6,129, 60-6,129.01)

SECTION 3-124: 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.

SECTION 3-125: SPEED; ELECTRONIC DETECTOR

The speed of any motor vehicle within the City 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. The driver of any such motor vehicle may be arrested without a warrant under the authority herein granted if the arresting officer is in uniform or displays his/her badge of authority; provided that such officer shall have observed the recording of the speed of such motor vehicle by the radio microwaves or other electronic device, or had received a radio message from the officer who observed the speed of the motor vehicle recorded by the radio microwaves or other

electronic device. In the event of an arrest based on such a message, such radio message must have been dispatched immediately after the speed of the motor vehicle was recorded and must include a description of the vehicle and the recorded speed. (Ref. Neb. Rev. Stat. §60-6,192)

SECTION 3-126: CARELESS DRIVING

No person shall operate a vehicle on any highway, street or alley within the City in such a manner as to endanger the safety of others, disregard the property of others, and/or cause immoderate wear and damage to any street or alley. Any person so operating a motor vehicle within the city limits shall be deemed guilty of careless driving. It shall be prima facie evidence that a person has operated a motor vehicle in a careless manner if he/she has operated such vehicle in a manner contrary to the duly published rules and regulations of the Nebraska Department of Roads governing the use of state highways.

SECTION 3-127: RECKLESS DRIVING

Any person who drives a motor vehicle in such 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. (Ref. Neb. Rev. Stat. §60-6,213)

SECTION 3-128: RECKLESS DRIVING; WILLFUL

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 and shall be punished as provided by statute. (Ref. Neb. Rev. Stat. §60-6,214 through 6-6,218)

SECTION 3-129: EMERGENCY REGULATIONS

The city police are hereby empowered to make and enforce temporary regulations to cover emergencies.

SECTION 3-130: POLICE; TRAFFIC POWERS

The city police 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, temporarily divert, or exclude the movement of pedestrian, animal and vehicular traffic of every kind in streets, parks and on bridges in the interest of public safety, health and convenience. The driver of any vehicle shall stop upon the signal of any police officer. (Ref. Neb. Rev. Stat. §60-683)

SECTION 3-131: 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 the city police.

SECTION 3-132: POLICE; TRAFFIC OFFICERS

The city 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.

SECTION 3-133: LITTERING

It shall be unlawful for any person in a motor vehicle to drop or cause to be left upon any city highway, street or alley, except at places designated by the City Council, any rubbish, debris or waste, and any person so doing shall be guilty of littering.

SECTION 3-134: 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. (Ref. Neb. Rev. Stat. §60-6,139, 60-6,308)

SECTION 3-135: 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.

SECTION 3-136: CROWDING FRONT SEAT OR OBSTRUCTING DRIVER'S VIEW OR DRIVING MECHANISM; PROHIBITED

No person shall drive a motor vehicle when it is so loaded, or when there is in the front such a number of persons, exceeding three, 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. No passenger in a vehicle shall ride in such a position as to interfere with the driver's control over such vehicle.

SECTION 3-137: MUFFLER

Every motor vehicle operated within this city shall be provided with a muffler in good working order to prevent excessive or unusual noise. 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.

SECTION 3-138: 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 vehicles, a red flag shall be exhibited by day and a red light after sunset on such load.

SECTION 3-139: LOADS; SPILLING

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.

SECTION 3-140: VEHICLE WEIGHT RESTRICTIONS

1. No vehicle weighing in excess of 12,000 pounds shall travel on or over North West Street in the City beginning at the junction of Ida Street and North West Street and ending at the junction of North West Street and State Street.

2. No vehicle weighing in excess of 12,000 pounds shall travel on or over Meigs Streets, beginning at the junction of Meigs Street and Center Street and ending at the western city limits; provided, however, that such restriction shall not apply to vehicles making deliveries of goods or services to persons or businesses within the city limits.

ARTICLE II – ABANDONED VEHICLES

SECTION 3-201: TERMS DEFINED

1. No person, firm, partnership, association, corporation or organization of any kind shall abandon any vehicle, as defined by Neb. Rev. Stat. §60-301(1), within the City. A motor vehicle shall be deemed to be an abandoned vehicle if left unattended:

- A. With no number plates affixed thereto, for more than six hours on any public property;
- B. For more than 24 hours on any public property, except any portion thereof on which parking is legally permitted;
- C. For more than 48 hours, after the parking of such vehicle shall have become illegal if left on a portion of public property on which parking is legally permitted;
- D. For more than seven days on private property if left initially without the permission of the owner, or after permission of the owner shall be terminated.

2. No person in charge or control of any private property, whether as owner, tenant, occupant, lessee or otherwise, shall allow any partially dismantled, non-operating, wrecked, junked or discarded vehicle to remain on such property longer than seven continuous days. Any vehicle described in this paragraph shall be deemed to be an abandoned vehicle for purposes of this article.

3. For purposes of this article, "public property" shall mean (A) any public right of way, street, highway, alley, park or other village-owned property and (B) any privately owned property which is not included within the definition of public property.

4. A vehicle in an enclosed building, appropriate storage pound or depository licensed by the Village, or owned and being restored or repaired with satisfactory progress being shown by the controller of the real property where said vehicle is located, is specifically excluded from this section. This article shall not apply to the premises for which a permit to operate a junkyard has been obtained, nor shall it apply to any premises where a licensed motor vehicle dealer or a farm implement dealer conducts a business. It shall not apply to racing vehicles stored on licensed trailers.

SECTION 3-202: ENFORCEMENT

The city police shall remove or cause to be removed any abandoned vehicle. Such vehicle shall be impounded until lawfully claimed or disposed of as provided in Section 3-204 hereafter; provided, any such abandoned vehicle which is located on private property shall not be removed or impounded until the city police have given written notice of intent to remove said abandoned vehicle ten days prior thereto to the property owner upon whose property said abandoned vehicle is located. The city police may enter upon private property at all reasonable hours for the purpose of inspecting any abandoned vehicle, posting notice thereon and/or removing or impounding such vehicle. It shall be unlawful for any person to prevent the city police from entering on private property for the purpose of carrying out their duties. Neither the City nor the owner, lessee or occupant of the premises from which any abandoned vehicle shall be removed shall be liable for any loss or damage to such abandoned vehicle which occurs during its removal, while in the possession of the City, or as a result of any subsequent disposition.

SECTION 3-203: NOTICE

1. Except for vehicles automatically becoming the property of the City as set forth in Section 3-205 hereunder, the Council shall make an inquiry concerning the last registered owners of such abandoned vehicles as follows:

- A. Abandoned vehicles with numbered plates affixed: to the jurisdiction which issued said plates; or
- B. Abandoned vehicles with no numbered plates affixed: to the Department of Motor Vehicles.

2. The city police shall notify the last registered owner, if any, that the vehicle in question has been recovered as an abandoned vehicle and that, if unclaimed, it will be sold at public auction after five days from the date that such notice was mailed. If the agency described in subsection (A) or (B) of this section also notifies the city police that a lien or mortgage exists, such notice shall also be sent to the lien holder or mortgagee. Any person claiming such vehicle shall be required to pay the cost of its removal and storage. In the event the owner does not appear within the time prescribed herein, or in the event that the owner cannot be determined, such abandoned vehicle shall be disposed of as hereinafter provided.

SECTION 3-204: DISPOSITION

The city police shall sell said abandoned vehicle at public auction to the highest bidder within 60 days from the date that title to such abandoned vehicle is vested in the City as provided in Section 3-205 hereafter. Such sale and the time and place thereof shall be advertised for one week in a newspaper of general circulation in the City. Any proceeds from the sale of an abandoned vehicle, less any expenses incurred by the City, shall be held by the City without interest for the benefit of the owner of such abandoned vehicle for a period of two years. If not claimed within such two-year period, such proceeds shall be paid into the General Fund of the City.

SECTION 3-205: TRANSFER OF TITLE

If an abandoned vehicle at the time of abandonment has no numbered plates of the cur-

rent year affixed and is of a wholesale value of \$250.00 or less, taking into consideration the vehicle's condition as determined by the City Council, title shall immediately vest in the City and the Council is not required to follow Section 3-203 herein. With respect to those abandoned vehicles governed by Section 3-203 herein, title to such vehicles, if unclaimed, shall vest in the City five days from the date the notice referred to therein is mailed or, if the last registered owner cannot be determined, when notice of that fact is received by the Council. Upon the sale of an abandoned vehicle at auction, the City shall furnish the purchaser with the requisite affidavit to provide to the county clerk where the vehicle was last registered as proof that said vehicle was abandoned and became the property of the City prior to the sale.

SECTION 3-206: PENAL PROVISION

Any person who violates any of the prohibitions or provisions of this article shall be deemed guilty of a misdemeanor. Penalties for such violation shall not exceed \$500.00 and/or imprisonment for a time not to exceed three months, in the discretion of the court. (Ref. Neb. Rev. Stat. §60-1901 through 60-1911)

ARTICLE III – PARKING

SECTION 3-301: PARKING; GENERALLY

No person shall park any vehicle or approach the curb with a vehicle except when headed in the direction of the traffic. Where parallel parking is indicated by painted street markings, vehicles shall stand parallel with and adjacent to the curb when parked, having both right wheels within 12 inches of the curb and leaving at least four feet between the vehicle so parked and any other parked vehicle. Where diagonal stalls are designated either on the curb or pavement, vehicles shall be parked within such stalls with the front wheels of the vehicle touching the curb. No vehicle shall be parked upon a roadway when there is a shoulder adjacent to the roadway which is available for parking. No person shall park a vehicle so as to obstruct a private driveway for any period of time. No person shall park a vehicle or permit it to stand within 20 feet in either direction from the entrance of any fire station. (Ref. Neb. Rev. Stat. §60-6,167, 60-680)

SECTION 3-302: PARKING; AREAS

The City Council may, by resolution, set aside and post any street, alley, public way or portion thereof for the parking of any particular kind or class of vehicle; and where the parking of vehicles has been prohibited by resolution, 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 placement of signs indicating no parking or restricted parking shall be prima facie evidence of the restricting resolution. (Ref. Neb. Rev. Stat. §60-680)

SECTION 3-303: OBSTRUCTING ALLEY

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

SECTION 3-304: ALLEYS; LOADING AND UNLOADING

No vehicle shall be parked in any alley except for the purpose of loading or unloading during the time necessary to load or unload, which shall not exceed the maximum limit of one-half hour. 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. (Ref. Neb. Rev. Stat. §60-680)

SECTION 3-305: RESIDENTIAL AND COMMERCIAL DISTRICTS

It shall be unlawful for the operator of any vehicle with a licensed weight of more than four tons to stop or park any such vehicle on a street within the Residential District or the Commercial District, except to load or unload, and then only when loading or unloading in an alley is impossible. Vehicles may stop or stand for a period of time not to exceed what is reasonably necessary to load or unload.

SECTION 3-306: UNLOADING; FREIGHT VEHICLES

Any vehicle of an overall length of less than 20 feet, including load, while discharging freight may back to the curb but shall occupy as little of the street as possible. (Ref. Neb. Rev. Stat. §60-680)

SECTION 3-307: FIRE STATIONS AND HYDRANTS

No vehicle shall be parked within 20 feet of the driveway entrance to any fire station, nor within 15 feet in either direction of any fire hydrant. The curb space within such area of 15 feet in either direction of a fire hydrant shall be painted red or yellow to indicate such prohibition. (Ref. Neb. Rev. Stat. §60-6,166)

SECTION 3-308: SCHOOLS, THEATERS

The City Council may, by resolution, prohibit the parking or stopping of vehicles at the curb on streets directly in front of any entrance to a school house, school building, fire station or theater, and such curbs adjacent to the entrance of said school house, school building, fire station or theater shall be painted red or yellow to indicate such prohibition.

SECTION 3-309: CURB 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, nor where said curb lines are painted yellow or red to indicate such prohibition. (Ref. Neb. Rev. Stat. §60-6,166)

SECTION 3-310: CURBS

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 City Council. 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. (Ref. Neb. Rev. Stat. §60-680)

SECTION 3-311: OBSTRUCTING TRAFFIC

Except in case of an accident or emergency, no vehicle shall stop within any street intersection, alley entrance or any such location as to obstruct any street, crosswalk or alley entrance. (Ref. Neb. Rev. Stat. §60-680)

SECTION 3-312: PARKING OF DETACHED TRUCKS OR TRAILERS

1. It shall be unlawful for the owner or operator of a truck, utility trailer, boat trailer, horse trailer or other trailer designed to be pulled behind a motor vehicle to park such trailer detached from its motor vehicle on the streets in the business or residential district of the City, except when such owner or operator is performing a service for an adjacent or abutting property owner and only then for a period of no longer than eight (8) hours, provided that the detached trailer does not impede the safe flow of traffic. A detached trailer belonging to a contractor with a current building permit may be parked in an area where vehicles can legally park on the street longer than eight (8) hours so long as the contractor is actively working on the property with the building permit and the detached trailer does not impede the safe flow of traffic. A placard issued by the Building Inspection Department showing the address of the permit, issuance date and expiration date shall be attached to the trailer and be visible from the traffic side.

2. The following definitions shall govern as used in this section:

- A. Truck-tractor: Any motor vehicle designed and primarily used for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.
- B. Trailer: Any vehicle, with or without motive power, designed to carry persons or property and to be drawn by a motor vehicle; and so constructed that no part of its weight rests upon the towing vehicle.
- C. Semi-trailer: Any vehicle with or without motive power, designed to carry persons or property and to be drawn by a motor vehicle; and so constructed that some part of its weight rests upon or is carried by another vehicle.
- D. Vehicle: Every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, except devices moved solely by human power or used exclusively upon stationary rails or tracks.

SECTION 3-313: CURBS, PAINTED

It shall be the duty of the City Council to cause the curb spaces to be painted and keep the same painted as provided in this article. 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 City through its proper officers at the direction of the City Council. (Ref. Neb. Rev. Stat. §60-680)

SECTION 3-314: DISPLAY OR REPAIR OF VEHICLES

It shall be unlawful for any person to park any vehicle displayed for sale upon any street, alley or public place within this city. 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. (Ref. Neb. Rev. Stat. §60-680)

SECTION 3-315: TIME LIMIT

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

SECTION 3-316: MAXIMUM TIME LIMIT

1. The parking of a vehicle on a public street for over 48 consecutive hours is unlawful except where a different maximum time limit is posted. In determining the maximum time limit, the following days are excluded from such limitation: Saturday and Sunday of each week and the following legal holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day.

2. "Vehicle" shall mean every device in, upon, or by which a person or property is or may be transported or drawn upon a highway, except devices moved solely by human power or used exclusively upon stationary rails or tracks.
(Ref. Neb. Rev. Stat. §60-680)

SECTION 3-317: SNOW EMERGENCY

1. Whenever, by reason of sleet, freezing rain, or a heavy snowfall a serious public hazard exists impairing transportation and the movement of fire, medical and police protection services, a snow emergency may be declared which shall continue until such time as snow removal, spreading of sand, or salting operations have been declared completed.

2. When the aforesaid conditions exist, the mayor or his/her designee shall have the authority to declare a snow emergency as well as completion of snow emergency operations.

3. Whenever an emergency exists, the mayor or his/her designee shall cause an announcement thereof to be made within one hour by not less than two radio or television stations or other methods of communication whose normal operating range covers the City.

4. When a snow emergency is in effect, no one shall park a motor vehicle on the streets within the City.

SECTION 3-318: SEASONAL LIMITATIONS

1. When a snow emergency is in effect, all vehicles parked on the streets in the City shall be ordered removed as hereinafter provided. All vehicles are to remain off said streets until the snow emergency operations have been completed.

2. Vehicles parked in violation of this section are a nuisance and a danger and interfere with snow emergency operations; the chief of police thus has the authority to order the removal of any vehicle parked in violation of this section. The chief of police may issue such order personally or through one of the regular police officers. The costs of towing and storage of any such vehicle shall be paid by the registered owner.

SECTION 3-319: HANDICAPPED OR DISABLED PERSONS; DESIGNATION OF ONSTREET PARKING SPACES; DISPLAY OF PERMITS

1. The City Council may designate parking spaces for the exclusive use of:
 - A. Handicapped or disabled persons whose motor vehicles display the distinguishing license plates issued to handicapped or disabled persons pursuant to Neb. Rev. Stat. §60-311.14;
 - B. Handicapped or disabled persons whose motor vehicles display a distinguishing license plate issued to a handicapped or disabled person by another state;
 - C. Such other handicapped or disabled persons or temporarily handicapped or disabled persons, as certified by the City, whose vehicles display the permit specified in Neb. Rev. Stat. §18-1739; and
 - D. Such other motor vehicles, as certified by the City, which display such permit.

2. All such permits shall be displayed by attaching the permit to the motor vehicle's rearview mirror so as to be clearly visible through the front windshield. When there is no rearview mirror, the permit shall be displayed on the dashboard.

3. If the City so designates a parking space, it shall be indicated by posting immediately adjacent to and visible from each space a sign which is in conformance with the *Manual on Uniform Traffic Control Devices* issued by the Federal Highway Administration. In addition to such sign, the space may also be indicated by blue paint on the curb or edge of the paved portion of the street adjacent to the space. (Ref. Neb. Rev. Stat. §18-1736, 18-1737)

SECTION 3-320: HANDICAPPED OR DISABLED PERSONS; DESIGNATION OF OFFSTREET PARKING SPACES

1. The City Council and any person in lawful possession of any off-street parking facility may designate stalls or spaces at such facility for the exclusive use of:
 - A. Handicapped or disabled persons whose motor vehicles display the distinguishing license plates issued to such individuals pursuant to Neb. Rev. Stat. §60-311.14;
 - B. Such other handicapped or disabled persons or temporarily handicapped or disabled persons, as certified by the City, whose vehicles display the permit specified in Neb. Rev. Stat. §18-1739; and
 - C. Such other motor vehicles, as certified by the City, which display such permit.

2. Such designation shall be made by posting immediately adjacent to and visible from each stall or space a sign which is in conformance with the *Manual on Uniform Traffic Control Devices*.

(Ref. Neb. Rev. Stat. §18-1737)

SECTION 3-321: HANDICAPPED OR DISABLED PERSONS, HANDICAPPED PARKING INFRACTION; DEFINED

For purposes of this article:

1. "Handicapped or disabled person" shall mean any individual:

A. With a severe visual or physical impairment which limits personal mobility and results in an inability to travel unassisted more than 200 feet without the use of a wheelchair, crutch, walker or prosthetic, orthotic or other assistant device;

B. Any individual whose personal mobility is limited as a result of respiratory problems;

C. Any individual who has a cardiac condition to the extent that his/her functional limitations are classified in severity as being Class III or Class IV according to standards set by the American Heart Association; and

D. Any individual who has permanently lost all or substantially all the use of one or more limbs.

2. "Temporarily handicapped or disabled person" shall mean any handicapped or disabled person whose personal mobility is expected to be limited in such manner for no longer than one year; and

3. "Handicapped parking infraction" shall mean the violation of any section of this article regulating the use of parking spaces designated for use by handicapped or disabled persons.

(Ref. Neb. Rev. Stat. §18-1738, 18-1741.01)

SECTION 3-322: HANDICAPPED OR DISABLED PERSONS; PERMIT ISSUANCE

1. The city clerk shall take an application from a handicapped or disabled or temporarily handicapped or disabled person or his/her parent, legal guardian or foster parent for a permit which will entitle the holder thereof or a person driving a motor vehicle for the purpose of transporting such holder to park in those spaces provided for by this article. A person applying for a permit shall complete such forms as are provided to the city clerk by the Department of Motor Vehicles and shall demonstrate to the satisfaction of the city clerk that he/she is handicapped or disabled. The city clerk may require medical certificates and proof of a handicap or disability.

2. The city clerk shall submit to the Department of Motor Vehicles the name, address and license number of all persons applying for permits pursuant to this section. The DMV, upon receipt of a completed application form and completed medical form from an applicant for a handicapped parking permit under this section from the city clerk, shall

verify that the applicant qualifies for such permit and, if so, shall issue the same by delivering the permit to the applicant in person or by first-class United States mail, postage prepaid, as circumstances permit. Upon issuing such permit, the department shall provide the basic issuing data to the city clerk.

SECTION 3-323: HANDICAPPED OR DISABLED PERSONS; MOTOR VEHICLE PERMIT ISSUANCE

1. The city clerk shall take an application from any person for a motor vehicle permit which will entitle the holder thereof or a person driving the motor vehicle for the purpose of transporting handicapped or disabled persons or temporarily handicapped or disabled persons to park in those spaces provided by this section, if the motor vehicle is used primarily for the transportation of such persons. Such parking permit shall be used only when the motor vehicle for which it was issued is being used for the transportation of handicapped or disabled persons or temporarily handicapped or disabled persons.

2. Persons applying for permits pursuant to this section shall apply for a permit for each motor vehicle used for the transportation of handicapped or disabled persons or temporarily handicapped or disabled persons, shall complete such forms as are provided by the Department of Motor Vehicles, and shall demonstrate to the city clerk that each such motor vehicle is used primarily for the transportation of handicapped or disabled persons or temporarily handicapped or disabled persons.

3. The city clerk shall submit to the Department of Motor Vehicles the name, address and license number of all persons applying for permits pursuant to this section. The Department of Motor Vehicles, upon receipt of a completed application form and completed medical form from an applicant for a handicapped parking permit under this section from the city clerk, shall verify that the applicant qualifies for such permit and, if so, shall issue the same by delivering the permit to the applicant in person or by first-class United States mail, postage prepaid, as circumstances permit. Upon issuing such permit, the department shall provide the basic issuing data to the city clerk.

SECTION 3-324: HANDICAPPED OR DISABLED PERSONS; REMOVAL OF UNAUTHORIZED VEHICLE; PENALTY

1. The owner or person in lawful possession of an off-street parking facility, after notifying the police or sheriff's department and the City, if it provides on-street parking or owns, operates or provides an off-street parking facility, may cause the removal from a stall or space designated exclusively for handicapped or disabled persons or temporarily handicapped or disabled persons or motor vehicles for the transportation of such persons, of any vehicle not displaying the proper permit or the distinguishing license plates specified in this article if there is posted immediately adjacent to and visible from such stall or space a sign which clearly and conspicuously states the area so designated as a tow-away zone.

2. Anyone who parks a vehicle in any on-street parking space which has been designated exclusively for handicapped or disabled persons or temporarily handicapped or disabled persons, or motor vehicles for the transportation of such persons, or in any so exclusively designated parking space in any off-street parking facility, without properly displaying the proper permit or when the handicapped or disabled person to whom or for whom the license plate or permit is issued will not enter or exit the vehicle while it is parked in the designated space, shall be guilty of a handicapped parking infraction as

defined in Section 3-321 and shall be subject to the penalties and procedures set forth in this article. The display on a motor vehicle of a distinguishing license plate or permit issued to a handicapped or disabled person by and under the duly constituted authority of another state shall constitute a full and complete defense in any action for a handicapped parking infraction. If the identity of the person who parked the vehicle in violation of this section cannot be readily determined, the owner or person in whose name the vehicle is registered shall be held prima facie responsible for such violation and shall be guilty and subject to the penalty provided for in this article.

3. In the case of a privately owned off-street parking facility, the owner or person in lawful possession of such facility shall inform the City of a violation of this section prior to taking any action pursuant to this section.

SECTION 3-325: REMOVAL OF ILLEGALLY PARKED VEHICLES

1. 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 individual 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.

2. The owner or other person lawfully entitled to the possession of such vehicle may be charged with the reasonable cost for such removal and storage, payable before such vehicle is released. Any such towing or storage fee shall become a security interest in the vehicle prior to all other claims.

SECTION 3-326: EMERGENCY VEHICLES

The provisions of this article regulating the movement, parking and standing of vehicles shall not apply to any authorized emergency vehicle, as defined in this article, while the driver of such vehicle is operating the same in an emergency in the necessary performance of public duties.

ARTICLE IV – RECREATIONAL AND UTILITY VEHICLES

SECTION 3-401: BICYCLES; OPERATION

1. No person shall ride or propel a bicycle on a street or other public highway of this city with another person on the handlebars or in any position in front of the operator.

2. No bicycle shall be operated faster than is reasonable and proper, but every bicycle shall be operated with reasonable regard to the safety of the operator and any other persons upon the streets and public highways.

3. Persons riding bicycles shall observe all traffic signs and stop at all stop signs.

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

5. 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:

- A. Overtaking and passing another bicycle or vehicle proceeding in the same direction;
- B. Preparing for a left turn onto a private road or driveway or at an intersection;
- C. 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 or animals or surface hazards;
- D. Riding upon a lane of substandard width which is too narrow for a bicycle and vehicle to travel safely by side within the lane; or
- E. 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.

6. 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 right-hand curb or right-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, such person shall clearly signal his or her intention and yield the right of way to all other vehicles.

7. No person shall park a bicycle on any sidewalk unless a bicycle stand is located on said sidewalk.

8. No person shall operate a bicycle on the sidewalks within the business district. (Ref. Neb. Rev. Stat. §60-6,315, 60-6,317, 60-6,318)

SECTION 3-402: BICYCLE; LIGHTS

No bicycle shall be permitted on any street or other public roadway from sunset to sunrise without (1) a headlight firmly attached to such bicycle, visible under normal atmospheric conditions from the front thereof for not less than 500 feet indicating the approach or presence of such bicycle, and operated with said headlight properly lighted, or (2) a yellow or red light reflector attached to and visible under normal atmospheric conditions from distances between 100 feet and 600 feet to the rear when directly in front of lawful lower beams of headlights on a motor vehicle. The said headlight shall emit a clear, white light.

SECTION 3-403: BICYCLE; REGISTRATION

Anyone wishing to operate a bicycle within the corporate limits shall make an application to the city clerk on or before April 1 each year. A registration tag shall then be issued by the city clerk after inspection of the bicycle and upon payment of a fee of \$0.50 to the city clerk. Said registration tag shall then be attached to the frame of the bicycle in a substantial manner. The removal of the tag, except by the proper authorities, shall be unlawful.

SECTION 3-404: CONVEYANCES; CLINGING TO MOTOR VEHICLE

No person riding upon any bicycle, roller skates, coaster, sled, skis or toy vehicle 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 permit any person traveling upon any bicycle, roller skates, coaster, sled, skis or toy vehicle to cling to or attach himself/herself or his/her bicycle, roller skates, coaster, sled, skis or toy vehicle to such vehicle so driven and operated by him/her. (Ref. Neb. Rev. Stat. §60-6,316)

SECTION 3-405: MOTORCYCLE OPERATION

1. 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.

2. Any person who operates a motorcycle shall ride only upon a permanent and 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 and regular seat if designed for two persons, or upon another seat firmly attached to the motorcycle to the rear or side of the operator.

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

4. 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.

5. 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.

6. 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.

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

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

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

10. Subsections 7 and 8 of this section shall not apply to police officers in the performance of their official duties.

(Ref. Neb. Rev. Stat. §60-6,306 through 60-6,308)

SECTION 3-406: MOTORCYCLE; 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 and operated with: (1) at least one and not more than two headlights, plainly visible from the

front; and (2) 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.

SECTION 3-407: SNOWMOBILES; EQUIPMENT

1. Every snowmobile operated within the City 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 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 Department of Motor Vehicles.

2. 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.

(Ref. Neb. Rev. Stat. §60-6,335)

SECTION 3-408: SNOWMOBILES; UNLAWFUL OPERATION

It shall be unlawful for any person to operate a snowmobile upon any street or highway within the corporate limits of the City; provided, snowmobiles may be operated within the City when, due to severe weather conditions, they provide the only practical method of safe vehicular travel. When such conditions do exist, the snowmobile shall be operated only in a manner and at a speed that is reasonable or proper under the surrounding circumstances.

SECTION 3-409: 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:

1. Within the City 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.

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

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

4. Without a lighted headlight and tail light when such would be required by conditions.

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

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

(Ref. Neb. Rev. Stat. §60-6,337)

SECTION 3-410: SNOWMOBILES; ON PUBLIC LANDS

Snowmobiles shall be prohibited upon the public lands owned by the City except where allowed by resolution of the City Council. (Ref. Neb. Rev. Stat. §60-6,338)

SECTION 3-411: SNOWMOBILES; ENFORCEMENT; PENALTY

Any law enforcement officer, including a conservation officer, may enforce the provisions relating to snowmobiles. Any person convicted of violating any rule or regulation dealing with snowmobiles shall be punished by a fine of not more than \$500.00. (Ref. Neb. Rev. Stat. §60-6,343)

SECTION 3-412: ALL-TERRAIN AND UTILITY-TYPE VEHICLES; DEFINED

For purposes of this section:

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

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

3. "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. (Ref. Neb. Rev. Stat. §60-624)
(Am. by Ord. Nos. 614, 2/8/11; 671, 3/10/15)

SECTION 3-413: ALL-TERRAIN AND UTILITY-TYPE VEHICLES; OPERATION; RESTRICTIONS

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

2. 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 as authorized herein, the headlight and taillight of the ATV or UTV shall be 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 said flag shall be triangular in shape with an area of not less than 30 square inches and shall be day-glow in color.

3. Any person operating an ATV or a UTV as authorized in subsection (1) of this section shall have:

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

4. ATVs and UTVs may be operated without complying with subsections (2) and (3) 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.

5. 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 (1) through (3) and (6) 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.

6. Subject to subsection (5) of this section, the crossing of a street or highway shall be permitted by an ATV or a UTV without complying with subsections (2) and (3) of this section only if:

- A. 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;
- B. The vehicle is brought to a complete stop before crossing the shoulder or roadway of the street or highway;
- C. The operator yields the right-of-way to all oncoming traffic that constitutes an immediate potential hazard;
- D. In crossing a divided highway, the crossing is made only at an intersection of such highway with another highway; and
- E. Both the headlight and taillight of the vehicle are on when the crossing is made.

(Ref. Neb. Rev. Stat. §60-6,356)

7. No passengers shall be allowed in the cargo area of an ATV or a UTV.
(Am. by Ord. No. 614, 2/8/11)

SECTION 3-414: ALL-TERRAIN AND UTILITY-TYPE VEHICLES; LIGHTS REQUIRED

Every ATV and UTV shall display a lighted headlight and taillight during the period of time from sunset to sunrise and at any time when visibility is reduced due to insufficient light or unfavorable atmospheric conditions. (Neb. Rev. Stat. §60-6,357) (Am. by Ord. No. 614, 2/8/11)

SECTION 3-415: ALL-TERRAIN AND UTILITY-TYPE VEHICLES; EQUIPMENT REQUIRED

Every ATV and UTV shall be equipped with (1) a brake system maintained in good operating condition; (2) an adequate muffler system in good working condition; and (3) a U.S. Forest Service-qualified spark arrester. (Ref. Neb. Rev. Stat. §60-6,358) (Am. by Ord. No. 614, 2/8/11)

SECTION 3-416: ALL-TERRAIN AND UTILITY-TYPE VEHICLES; MODIFICATION PROHIBITED

No person shall (1) equip the exhaust system of an ATV or a UTV with a cutout, bypass or similar device, (2) operate an ATV or a UTV with an exhaust system so modified or (3) operate an ATV or a UTV with the spark arrester removed or modified except for use in closed-course competition events. (Ref. Neb. Rev. Stat. §60-6,359) (Am. by Ord. No. 614, 2/8/11)

SECTION 3-417: ALL-TERRAIN AND UTILITY-TYPE VEHICLES; COMPETITIVE EVENTS; EXEMPTIONS

ATVs and UTVs participating in competitive events may be exempted from Sections 3-414 to 3-416 at the discretion of the state director of motor vehicles. (Ref. Neb. Rev. Stat. §60-6,360) (Am. by Ord. No. 614, 2/8/11)

SECTION 3-418: ALL-TERRAIN AND UTILITY-TYPE VEHICLES; ACCIDENT; REPORT REQUIRED

If an accident results in the death of any person or in the injury of any person which requires 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. (Ref. Neb. Rev. Stat. §60-6,361) (Am. by Ord. No. 614, 2/8/11)

SECTION 3-419: ALL-TERRAIN AND UTILITY-TYPE VEHICLES; PENALTY

Any violation of Sections 3-413 through 3-418 of this article which is also a violation under Neb. Rev. Stat. Chapter 60 may be punished under the penalty provisions of such chapter. (Ref. Neb. Rev. Stat. §60-6,362) (Am. by Ord. No. 614, 2/8/11)

SECTION 3-420: ALL-TERRAIN AND UTILITY-TYPE VEHICLES; ENFORCEMENT

Any law enforcement 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 3-413 to 3-420 of this article. (Am. by Ord. No. 614, 2/8/11)

SECTION 3-421: MINI-BIKES; UNLAWFUL OPERATION

It is unlawful for any mini-bike or similar two-, three- or four-wheeled miniature vehicle whose visibility, power and equipment are inadequate for mixing with normal vehicular traffic upon the streets and highways to be operated on any such street or highway. For purposes of this article, "mini-bike" shall mean a two-wheeled 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-wheeled motor vehicle primarily designed by the manufacturer for off-

road use only. (Ref. Neb. Rev. Stat. §60-2101.01, 60-2107)

SECTION 3-422: MINI-BIKES; TRAFFIC LAWS INAPPLICABLE

The provisions of Chapter 60, Articles 1, 3, 4, 5 and 17 of the Nebraska statutes shall not be applicable to the owners and operators of any mini-bike.

SECTION 3-423: 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. (Ref. Neb. Rev. Stat. §60-2102)

SECTION 3-424: MINI-BIKES; PUBLIC LANDS

Mini-bikes shall be prohibited upon the public lands owned by the City except where allowed by resolution of the City Council. (Ref. Neb. Rev. Stat. §60-2106)

SECTION 3-425: MOPEDS; OPERATION

1. 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 it is designed by the manufacturer to carry more than one person.

2. 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 and 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.

SECTION 3-426: 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 or motorcycles operated two abreast in a single lane. No person shall operate a moped between lanes of traffic or between adjacent lines or rows of vehicles. Mopeds shall not be operated more than two abreast in a single lane. 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.

SECTION 3-427: 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.

ARTICLE V – PENAL PROVISION

SECTION 3-501: VIOLATION; PENALTY

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