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CHAPTER 4 – VEHICLES AND TRAFFIC

Article 1 – Traffic Regulations

SECTION 4-101: DEFINITIONS

A. The words and phrases used in this chapter pertaining to motor vehicles and traffic regulations shall be construed as defined in Neb. Rev. Stat. Chapter 60. If not defined in the designated statute, the word or phrase shall have its common meaning. (Neb. Rev. Stat. §60-606 through 60-676)

B. "Business district" shall include that portion of the City embraced within the area of public streets enumerated as follows:

1. Locust Street from First Street to Third Street;
2. Second Street from Walnut Street to Main Street;
3. Main Street from Second Street to Third Street;
4. First Street from Locust Street to Walnut Street.

C. "Residential district" shall include all parts of the City not included in the business district.

SECTION 4-102: LAW ENFORCEMENT OFFICERS; TRAFFIC POWERS

The city law enforcement officers 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 and 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 officer. (Neb. Rev. Stat. §60-683)

SECTION 4-103: LAW ENFORCEMENT OFFICERS; REFUSAL TO OBEY

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

SECTION 4-104: LAW ENFORCEMENT OFFICERS; EMERGENCY REGULATIONS

The city law enforcement officers are hereby empowered to make and enforce temporary regulations to cover emergencies. (Neb. Rev. Stat. §81-2005)

SECTION 4-105: LAW ENFORCEMENT OFFICERS; TRAFFIC OFFICERS

The city law enforcement officers 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: TRUCK ROUTES

The City Council may, by resolution, designate certain streets in the City 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 City. The City Council shall cause notices to be posted or shall erect signs indicating the streets so designated as truck routes. (Neb. Rev. Stat. §60-681)

SECTION 4-107: TRAFFIC LANES; DESIGNATION

The City Council may, by resolution, mark lanes for traffic on street pavements at such places as it may deem advisable. (Neb. Rev. Stat. §60-680)

SECTION 4-108: ARTERIAL STREETS; DESIGNATION

The City Council may, by resolution, designate any street or portion thereof as an arterial street and shall provide for appropriate signs or markings when such street has been so designated. (Neb. Rev. Stat. §60-680)

SECTION 4-109: SPEED LIMITS

No person shall operate a motor vehicle on any street, alley, or other place at a rate of speed greater than 25 miles per hour within the City, provided that the following speed limits shall apply in the following locations unless a different rate of speed is specifically permitted by ordinance:

City park	20 miles per hour
On all of Chestnut and Seventh Streets	35 miles per hour
On Wagon Train Road between the city limits and 68 th Street	40 miles per hour

In no instance shall a person drive a vehicle on a highway at a speed greater than is reasonable and prudent under the conditions. Where a different maximum speed is set by ordinance, appropriate signs shall be posted. (Am. by Ord. No. 93-13, 12/12/95)
(Neb. Rev. Stat. §60-6,185, 60-6,186, 60-6,190)

SECTION 4-110: SIGNS, SIGNALS

The City Council may, by resolution, provide for the placing of stop signs or other signs, signals, standards, or mechanical devices in any street or alley under the City's jurisdiction 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 4-111: STOP SIGNS

Every person operating any vehicle shall, upon approaching any stop sign erected in accordance with the resolution prescribed herein, 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 4-112: TRAFFIC SIGNS, CONTROL DEVICES, SURVEILLANCE DEVICES; DEFACING OR INTERFERING WITH

It shall be unlawful for any person to willfully or maliciously deface, injure, remove, obstruct, knock down or interfere with any official traffic sign or signal, traffic control device, or traffic control surveillance device. (Neb. Rev. Stat. §60-6,129 to 60-6,139) (Ord. No. 90-3, 1/11/90)

SECTION 4-113: SIGNS; UNAUTHORIZED DISPLAY; NUISANCE

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 law enforcement officer is hereby empowered to remove the same or cause it to be removed without notice. (Neb. Rev. Stat. §60-6,127)

SECTION 4-114: CERTAIN 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 proceed 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. (Neb. Rev. Stat. §60-149)

SECTION 4-115: 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 4-116: CROSSWALKS

The City Council may, by resolution, establish and maintain crosswalks, by appropriate devices, markers, or lines upon the street, at intersections where there is particular danger to pedestrians crossing the street and at such other places as may be deemed necessary. (Neb. Rev. Stat. §60-680)

SECTION 4-117: DRIVING IN SIDEWALK SPACE

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

SECTION 4-118: 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 4-119: 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 his/her intention to make such movement. (Neb. Rev. Stat. §60-163)

SECTION 4-120: 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. (Neb. Rev. Stat. §60-6,160)

SECTION 4-121: 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 the 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. (Neb. Rev. Stat. §60-6,161)

SECTION 4-122: RIGHT OF WAY

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 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 city street from a private road, or drive shall yield the right of way to all vehicles approaching on such streets. (Neb. Rev. Stat. §60-6,146 through 60-6,154)

SECTION 4-123: RIGHT OF WAY; EMERGENCY VEHICLES

Upon the approach of any authorized emergency vehicles, any vehicle within one block of the route of such emergency vehicle shall immediately stop unless it is 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 that said vehicles are operated on official business and the drivers thereof sound audible signal by bell, siren or whistle. (Neb. Rev. Stat. §60-151)

SECTION 4-124: POSITION OF VEHICLE ON HIGHWAY; GENERALLY

Upon all highways of sufficient width, one-way streets excepted, 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. (Neb. Rev. Stat. §60-6,131)

SECTION 4-125: 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. (Neb. Rev. Stat. §60-6,169)

SECTION 4-126: 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. (Neb. Rev. Stat. §60-6,140)

SECTION 4-127: FOLLOWING DISTANCE; FIRE APPARATUS

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

SECTION 4-128: UNNECESSARY NOISE

A. All streets or portions thereof lying within 300 feet of any hospital, nursing home or school and which have been declared to be "quiet zones" by the City Council shall be respected as such by all drivers, and no driver of any vehicle shall, within such zones, make any unnecessary noise or sound the horn or other warning device of such vehicle except in an emergency. It shall be unlawful for any person to make or cause to be made any unnecessary noise with any signal device or to use the same except as a road signal.

B. No person shall make or cause to be made any unnecessary noise with any vehicle.

SECTION 4-129: SOUND APPARATUS

No person shall operate or permit to be operated any sound-producing or sound-amplifying apparatus except those for amplifying music and the human voice within the limits of any street or public place in the City or in or upon any vehicle while parked or stopped therein.

SECTION 4-130: ENGINE BRAKING

It shall be unlawful for the operator of a motor vehicle to utilize compression or engine brakes upon said motor vehicle within the corporate limits of the City or within one mile thereof, unless the motor vehicle upon which said engine braking is being performed has an adequate muffler system to muffle the noise emitted from the motor vehicle when the operator thereof is engine braking. (Ord. No. 05-11, 3/22/05)

SECTION 4-131: MUFFLER

Every motor vehicle operated within this City 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. §60-371)

SECTION 4-132: 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 4-133: RIDING OUTSIDE VEHICLE; EXCEPTIONS

A. 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.

B. It shall be unlawful for any person to ride, or for the driver to permit the same to be done, on or in any vehicle upon any portion thereof not designed or intended for the use of passengers. This provision shall not apply to employees engaged in the necessary discharge of duties or employees within truck bodies in space intended for merchandise. (Neb. Rev. Stat §60-680)

SECTION 4-134: OVERLOADING FRONT SEAT OR OBSTRUCTING DRIVER'S VIEW OR DRIVING MECHANISM

No person shall drive a motor vehicle when there are more than three persons in the front or it is loaded so as to obstruct the view of the driver to the front or sides of the ve-

hicle 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. (Neb. Rev. Stat. §60-6,179)

SECTION 4-135: 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. (Neb. Rev. Stat. §60-6,301)

SECTION 4-136: LOADS; PROJECTING

Whenever the load on any vehicle extends more than four feet beyond the rear of the bed or body thereof, there shall be displayed at the end of such load in such position as to be clearly visible at all times from the rear of such load a red flag not less than 12 inches both in length and width, except that between sunset and sunrise, there shall be displayed at the end of any such load a red light plainly visible under normal atmospheric conditions at least 200 feet from the rear of such vehicle. (Neb. Rev. Stat. §60-243)

SECTION 4-137: ADVERTISING ON VEHICLES

No motor vehicle shall have any poster, sign, picture or advertising material on the windshield or glass of the rear window thereof; and no person shall, by himself/herself or through his/her agent, place or post any poster, sign, picture or advertising material on the windshield or rear glass of either his/her own motor vehicle or that of any other person. (Neb. Rev. Stat. §60-6,127)

SECTION 4-138: NEWLY LAID PAVEMENT

No person shall drive any vehicle or ride any animal over or across any pavement or hard surfacing newly laid or repaired, across or around which there has been placed a barrier, or at or near which there is an officer, person or sign warning persons against driving or riding over the same.

SECTION 4-139: LITTERING

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

SECTION 4-140: FUNERAL PROCESSIONS

No vehicle, except law enforcement or Fire Department vehicles when responding to emergency calls or orders, ambulances responding to emergency calls, or vehicles carrying United States mails shall be driven through a funeral procession or cortege except with the permission of a law enforcement officer. (Neb. Rev. Stat. §60-119)

SECTION 4-141: MOTORIZED VEHICLES PROHIBITED ON PUBLIC LANDS

The operation of motorized vehicles of all description, other than maintenance vehicles owned by the City, be and hereby are prohibited upon designated bike paths, walking trails or other public lands owned by the City except where allowed by permission of the

Article 2 – Parking

SECTION 4-201: PARKING; GENERALLY

No person shall park any vehicle or approach the curb with a vehicle except when headed in the direction of the traffic. Vehicles when parked shall stand parallel with and adjacent to the curb or edge of the roadway in such manner as to have both right wheels within 12 inches of the curb or edge of the roadway and so as to leave at least four feet between the vehicle so parked and any other parked vehicles, except where the City Council designates that vehicles shall be parked at an angle so as to have the front right wheel at the curb or edge of the roadway. Where stalls are designated either on the curb or pavement, vehicles shall be parked within such stalls. (Neb. Rev. Stat. §60-680, 60-6,167)

SECTION 4-202: PARALLEL AND ANGLE PARKING

The City Council may, by resolution, designate any street or portion thereof where vehicles shall be parked parallel with and adjacent to the curb or at an angle so as to have the right front wheel at the curb. (Neb. Rev. Stat. §60-6,167)

SECTION 4-203: PROHIBITED PARKING AREAS

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

SECTION 4-204: CURBS, PAINTED

It shall be the duty of the facilities and maintenance director to cause the curb space 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. (Neb. Rev. Stat. §60-680)

SECTION 4-205: OBSTRUCTING ALLEY, ADJACENT PROPERTY, OR SIDEWALK SPACE

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

A. Any motor vehicle or other vehicle, that while parked shall have any portion thereof projecting into any alley entrance.

B. Any motor vehicle or other vehicle on any private property in such manner

that the vehicle overhangs the street, including that space between the curb line and the lot line, or in such a manner that the vehicle overhangs adjacent property; or

C. Any motor vehicle or other vehicle upon any part of the sidewalk space or that space between the curb line and the lot line, unless the owner or occupant of the real estate abutting such space shall have obtained a permit from the City to do so. (Neb. Rev. Stat. §60-680) (Am. by Ord. No. 96-2, 2/13/96)

SECTION 4-206: OBSTRUCTING STREET INTERSECTIONS; RED CURB LINES

Except in compliance with traffic control devices, no vehicle shall be parked or left standing for any purpose, except momentarily to load or discharge passengers, within 25 feet of the intersection or curb lines, or if none, then within 15 feet of the intersection of property lines, nor where said curb lines are painted red to indicate such prohibition. (Neb. Rev. Stat. §60-680)

SECTION 4-207: OBSTRUCTING TRAFFIC

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

SECTION 4-208: CURB PARKING

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. (Neb. Rev. Stat. §60-6,167)

SECTION 4-209: DISPLAY OR REPAIR OF VEHICLE

It shall be unlawful for any person to park upon any street, alley, or public place within this City any vehicle displayed for sale. No person shall adjust or repair any automobile or motorcycle, or race the motor of same, while standing on the public streets or alleys of this city 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 4-210: CONGESTED DISTRICT; UNLOADING

A. *No Truck Parking Area.* It shall be unlawful for the operator of any truck, truck-tractor or semi-trailer or for the operator of any automobile with attached trailer of a capacity of 12 tons or more to stop or park any such vehicle on any street within a residential area for over one hour.

B. *Carriers, Night Parking; Livestock Trucks.* No motor carrier, common carrier or contract carrier of property, as defined in Neb. Rev. Stat. §75-302 as now existing or as hereafter amended, shall stop or park in any street or alley within the residential district of the City; and no such carrier shall use or employ any portion of the parking space in said residence district for any commercial purpose. No livestock truck, loaded with livestock or otherwise, shall stand or park for any period of time in any street or alley in

the City.

C. *Trucks Carrying Oil, Gasoline, Flammable Materials or Toxic Chemicals.* No oil tanker, gasoline transport or truck transporting flammable materials or toxic chemicals, loaded or empty, shall park or stop for any period of time within the limits of any street or alley of the City except to load or unload its cargo in a safe and expeditious manner; provided, in case of breakdown or stalling on account of exhaustion of its motor fuel on any of said streets, the stopping of the disabled vehicle for the reasonable time necessary to remove the same to the next point where repairs can be made or to meet the emergency shall not be a violation of this section. No oil tanker, gasoline transport or truck transporting flammable materials or toxic chemicals shall park or stop for any period of time on any private premises within the corporate limits of the City, save and except for purposes of loading, unloading or breakdowns, unless said private premises be used and employed exclusively for the conduct of the wholesale or retail business with ample facilities for parking oil tankers, gasoline transports or truck transporting flammable materials.

D. *Trucks Carrying Explosives.* No truck or other vehicle carrying or transporting explosives shall park or be left standing for any time or at any place within the city limits.

SECTION 4-211: TIME LIMIT

It shall be unlawful to park any trailer, self-propelled mobile home, bus, tractor-trailer, semi-trailer, or any vehicle which exceeds 20 feet in length or seven feet in width on any street in the City for over two hours. "Trailer" shall mean any vehicle, with or without motive power, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle. The City Council may by resolution entirely prohibit or fix a time limit for the parking and stopping of vehicles on any street, streets, or district designated by such resolution, and the parking or stopping of any vehicle in any such street, streets, or district for a period of time longer than fixed in such resolution shall constitute a violation of this article. (Neb. Rev. Stat. §60-680) (Am. by Ord. No. 2008-07, 7/08/07; 2009-27, 12/8/09)

SECTION 4-212: SNOW REMOVAL AND MAINTENANCE

A. It shall be unlawful to park or stand any vehicle on any street or alley in the City after the mayor has declared a snow emergency until the snow has been removed. Notice of a snow emergency shall be given by personal notification or broadcast on any Lincoln radio station.

B. The facilities and maintenance 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. Such signs shall be posted not less than four hours prior to the time that the vacation order is to be effective. Any person parking a vehicle in violation of this section shall be subject to the penalties provided in this chapter, and such vehicle may be removed and parked, under the supervision of the city officials, to a suitable nearby location without further notice to the owner or operator of such vehicle. (Neb. Rev. Stat. §17-557)

SECTION 4-213: BUREAU OF VIOLATIONS

A Bureau of Violations has been created within the powers and duties of the office of the city clerk. A copy of each citation issued for nonmoving traffic violations shall be deposited with the clerk, whose duty it shall be to collect all fines and to maintain appropriate and accurate records of all such fines paid to him or her. Parking fees shall be set by ordinance of the City Council, on file at the office of the city clerk and available for public inspection during office hours. In addition, all fees not paid within 30 days after issuance shall be forwarded to the city attorney for filing in the appropriate court. A portion taken from each fine collected by the clerk's office pursuant to this section shall be forwarded to the school district in which the City is located; such amount shall be set by ordinance of the City Council, on file at the office of the city clerk and available for public inspection during office hours. (Neb. Rev. Stat. §18-1729) (Am. by Ord. No. 00-2, 1/26/00)

SECTION 4-214: TICKETS

All tickets issued for violations of nonmoving 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 two days;
- B. The amount of the fine if paid within seven days;
- C. The amount of the fine if paid within 30 days;
- D. The location where payment may be made; and
- E. The fact that a complaint will be filed after 30 days if the fine is not paid within that time.

(Neb. Rev. Stat. §18-1729)

SECTION 4-215: IMPOUNDING VEHICLES; FEE FOR RELEASE

A. The mayor is hereby empowered and directed to designate a location which may be contracted for by the City for placement of impounded vehicles where and as may seem appropriate for said purpose and as may be necessary to accommodate the vehicles impounded. The mayor may change such location designated for the placement of impounded vehicles as may seem appropriate for said purpose and as may be necessary to accommodate the vehicles impounded. The City may enter into a contract with private persons, firms, and corporations for the towing of such impounded vehicles and any other vehicles found to be in violation of city ordinances.

B. Whenever any vehicle is found by a law enforcement officer parked or left standing in the streets, alleys, public ways, or parking facilities or other public places of the City or in violation of any ordinances of the City, the law enforcement officer may remove and convey the vehicle by means of towing it or otherwise or may order said vehicle to be towed to the location contracted for by the City for the placement of impounded vehicles; and thereupon the vehicle shall not be discharged or removed from such location except upon payment by the owner, driver, or operator of such vehicle of towing and storage fees as established by resolution of the City Council or by the contract between the City and such person, firm, or corporation operating such facility for the impoundment of vehicles. When the owner, driver, or operator of the vehicle so impounded claims such vehicle, it shall be the duty of the person in charge to inform the owner, driver, or operator of the nature and circumstances of the violation for which the vehicle was impounded. If such person is found not guilty by the court upon such

charges, the City shall refund to such person the fees paid by such person.

C. Nothing in this chapter shall be construed as superseding any other provision of this title concerning the proper parking or operation of vehicles, and the collection of a fee therefor under this chapter shall not prevent or preclude prosecution for violation of any of the provisions of this title concerning the parking or operation of vehicles in the City.

(Ord. No. 93-8, 6/10/93)

Article 3 – Non-motorized Vehicles

SECTION 4-301: BICYCLES

A. It shall be unlawful for any person to ride a bicycle upon the sidewalks along Locust Street from First Street to Third Street, along Second Street from Walnut Street to Main Street, and along Third Street from Walnut Street to Main Street.

B. 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.

C. 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.

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

E. 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.

F. 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 righthand curb or righthand 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 righthand curb or righthand 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 vehicle to travel safely by side within the lane; or
5. Lawfully operating a bicycle on the paved shoulders of a highway included in the state highway system as provided in Neb. Rev. Stat. §60-6,142.

G. 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 lefthand curb or

lefthand 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.

H. Any person riding a bicycle upon a sidewalk or within the sidewalk space shall do so at his own risk and shall yield the right of way to any and all pedestrians.

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

J. No bicycle shall be operated on any street or highway from sunset to sunrise without a headlight visible from the front thereof for not less than 500 feet on a clear night and a red reflector on the rear of a type which shall be visible on a clear night from all distances between 100 feet and 600 feet to the rear when directly in front of lawful lower beams of headlights on a motor vehicle. A red light visible from a distance of 500 feet to the rear may be used in addition to such red reflector.

K. The City Council may, from time to time by resolution, prescribe such further regulations for the use and operation of bicycles within the City as may be deemed proper.

(Neb. Rev. Stat. §60-6,315, 60-6,317, 60-6,318)

SECTION 4-302: SKATES, SKATEBOARDS AND OTHER CONVEYANCES

A. It is unlawful for any person to use or permit the use of any skates, skateboard, coaster, toy vehicle, or similar conveyance upon the streets or public ways of the City, except while crossing a street at a crosswalk.

B. It is unlawful for any person to use skates, skateboards, coasters, toy vehicles or similar conveyances upon the sidewalks and crosswalks adjacent to the following streets: Locust Street from First Street to Third Street, Second Street from Walnut Street to Main Street, and Third Street from Walnut Street to Main Street.

C. Any person operating skates, skateboards, coasters, toy vehicles or similar conveyances upon the sidewalk, or within the sidewalk space, where not otherwise prohibited, shall do so at his/her own risk and shall yield the right-of-way to any and all pedestrians.

D. The City Council may, from time to time by resolution, prescribe such further regulations for the use and operation of skates, skateboards, coasters, and toy vehicles within the City as may be deemed proper.

(Neb. Rev. Stat. §17-139) (Ord. No. 91-1, 3/14/91)

SECTION 4-303: CONVEYANCES; CLINGING TO MOTOR VEHICLE

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

SECTION 4-304: CONVEYANCES; PEDESTRIANS' RIGHT OF WAY

Any person operating a bicycle, skates or a skateboard upon a public sidewalk or other public way shall yield the right of way to pedestrians.

Article 4 – Sport and Utility Vehicles

SECTION 4-401: SNOWMOBILES; EQUIPMENT

A. 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 headlight, one taillight, 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.

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

(Neb. Rev. Stat. §60-6,335)

SECTION 4-402: SNOWMOBILES; UNLAWFUL OPERATION; EXCEPTION

It shall be unlawful for any person to operate a snowmobile upon any street or highway within the corporate limits of the City on streets not designated in Section 2-307 herein; provided, snowmobiles may be operated in other areas of 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 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 congested area of the City unless 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 persons 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.

SECTION 4-404: SNOWMOBILES; ENFORCEMENT

Any law enforcement officer, including a conservation officer, may enforce the provisions relating to snowmobiles. (Neb. Rev. Stat. §60-6,343)

SECTION 4-405: ALL-TERRAIN VEHICLES, UTILITY-TRANSPORT VEHICLES AND MINI-PICKUPS

A. For purposes of this section:

1. "All-terrain vehicle," "utility-transport vehicle" and "mini-pickup" means any motorized off-highway vehicle which (a) is fifty inches or less in width, (b) has a dry weight of 1,800 pounds or less, (c) travels on three or more tires, (d) is designed for operator use only with no passengers or is specifically designed by the original manufacturer for the operator and one or two passengers, (e) has a seat or saddle designed to be straddled by the operator, and (f) has handlebars or any other steering assembly for steering control and (g) is equipped with an operational brake light. (Neb. Rev. Stat. §60-6,355)
2. "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)

B. An all-terrain vehicle, utility-transport vehicle and mini-pickup 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.

C. An all-terrain vehicle, utility-transport vehicle and mini-pickup may be operated only between the hours of sunrise and sunset, unless equipped with operable snow plow blade and apparatus, and shall not be operated at a speed in excess of the posted speed limit and in no event in excess of 30 miles per hour. An all-terrain vehicle, utility-transport vehicle or mini-pickup as authorized in subsection (B) of this section shall comply with the following requirements when in operation:

1. The headlight and taillight of the vehicle shall be fully operable and visible; and
2. The vehicle shall be equipped with an electric strobe/flashing beacon mounted on the top of the vehicle or 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-glow in color; and
3. The vehicle shall have a visible, operational brake light system.

D. Any person operating an all-terrain vehicle, utility-transport vehicle, or mini-pickup as authorized in subsection (B) of this section shall:

1. Have a valid Class O operator's license or a farm permit as provided in Neb. Rev. Stat. §60-4,126; and
2. Wear a helmet or hard hat. This provision shall also apply to all passengers in vehicles specifically designed by the original manufacturer for the operator and one or two passengers; and
3. Have liability insurance coverage for the all-terrain vehicle, utility-transport vehicle or mini-pickup while operating 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.

E. All-terrain vehicles, utility-transport vehicles, or mini-pickups may be operated without complying with subsections (C) and (D) 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.

F. An all-terrain vehicle, utility-transport vehicle, or mini-pickup 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. For purposes of these regulations, turn lanes are deemed to be auxiliary lanes and not traffic lanes. The crossing of a highway shall be permitted by an all-terrain vehicle without complying with subsections (C) and (D) only if:

1. The crossing is made at an angle of approximately ninety degrees 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. 2008-12, 8/26/08)

SECTION 4-406: MINI-BIKES; UNLAWFUL OPERATION

It is unlawful for any mini-bike or similar two-, three- or four-wheeled miniature vehicles 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, and 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. (Neb. Rev. Stat. §60-2101.01, 60-2107)

SECTION 4-407: 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 4-408: MINI-BIKES; EMERGENCIES AND PARADES

Mini-bikes shall be exempt from the provisions of this article during any public emergency or while being used in parades by regularly organized units of any recognized charitable, social, educational or community service organization. (Neb. Rev. Stat. §60-2102)

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 City pursuant to a municipal ordinance.

(Am. by Ord. No. 2009-26, 11/24/09)

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; WHEN

If an abandoned vehicle, at the time of abandonment, has no license plates of the current year or valid In Transit stickers issued pursuant to 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 City Council or state agency having jurisdiction thereof as provided in Section 4-506 (Custody). Any certificate of title issued under this section to the City Council 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 City Council, 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 City Council 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 City Council 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 City Council 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 City Council (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 City Council 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 City Council may retain for use, sell, or auction the abandoned vehicle. If the Council has determined that the vehicle should be retained for use, that body shall, at the same time that the notice, if any, is mailed, publish in a newspaper of general circulation in the jurisdiction an announcement that the City Council intends to retain the abandoned vehicle for its use and that title will vest in the Council 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 pur-

poses, 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 City Council, which shall have custody. The City Council shall be entitled to custody of an abandoned vehicle if the said vehicle was abandoned in the City. (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 City Council shall be held by the Council 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 City. (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 City shall be liable for any loss or damage to such vehicle which occurs during its removal or while in the possession of the City 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 City Council 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 City Council for the costs of removal and storage of such vehicle. (Neb. Rev. Stat. §60-1909)

Article 6 – Penal Provision

SECTION 4-601: VIOLATION; PENALTY

A. Any person who shall violate or refuse to comply with the enforcement of any of the provisions of this chapter, set forth at full length herein or incorporated by reference, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined a minimum of \$25.00 but not more than \$500.00 for each offense. A new offense shall be deemed committed each 24-hour period of such failure to comply.

B. For a first offense, an appearance in court may be waived by agreeing to pay the minimum fine and court costs. For a second offense within a 12-month period, an appearance in court may be waived by agreeing to pay a minimum fine of \$50.00 and court costs. For any third and subsequent offense within a 12-month period, no waiver shall be allowed.

(Am. by Ord. No. 2010-08, 4/27/10)