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CHAPTER 4 – VEHICLES AND TRAFFIC

Article 1 – Traffic Regulations

SECTION 4-101: DEFINITIONS

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

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

The Nebraska Rules of the Road, together with all subsequent amendments thereto, as adopted by the State of Nebraska relating to traffic regulations, are incorporated by reference into this section and made a part of this article as though spread at large herein, except those provisions in conflict with this article when the City Council has the authority to alter such regulations. (Neb. Rev. Stat. §18-132)

SECTION 4-103: EMERGENCY REGULATIONS

The county sheriff and deputies or mayor is hereby empowered to make and enforce temporary traffic regulations to cover emergencies.

SECTION 4-104: ENFORCEMENT

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

SECTION 4-105: 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 a law enforcement officer. Any person who knowingly fails to obey any lawful order of such officer shall be guilty of an offense whenever such order is given in furtherance of the apprehension of a person who has violated the Nebraska Rules of the

Road or this article or of a person whom such officer reasonably believes has violated the same. (Neb. Rev. Stat. §§60-680, 60-6,110)

SECTION 4-106: TRAFFIC OFFICERS

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

SECTION 4-107: REGULATION BY CITY COUNCIL

A. The City Council may, by resolution:

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

B. Such resolutions shall describe the portion of the street or alley wherein traffic is to be regulated or prohibited; the regulation or prohibition; the location where such sign, signal, standard or mechanical device shall be placed; and the hours when such regulation or prohibition shall be effective. It shall be unlawful for any person to fail, neglect or refuse to comply with such regulation or prohibition. The placement of such regulatory sign shall be *prima facie* evidence of the restricting resolution.

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

SECTION 4-108: SIGNS, TRAFFIC CONTROL AND SURVEILLANCE DEVICES; DEFACING OR INTERFERING WITH

A. No person shall willfully or maliciously injure, deface, alter or knock down any sign, traffic control device, or traffic surveillance device.

B. Any person who willfully or maliciously shoots upon the public highway and injures, defaces, damages, or destroys any signs, monuments, road markers, traffic control devices, traffic surveillance devices, or other public notices lawfully placed upon such highway shall be guilty of an offense.

C. It shall be unlawful for any person, other than a duly authorized representative of the Department of Roads, the county, or the city to remove any sign, traffic control device, or traffic surveillance device placed along a highway for traffic control, warning, or informational purposes by official action of the department, county, or city. It shall be

unlawful for any person to possess a sign or device which has been removed in violation of this subsection.

D. Any person violating subsection (A) or (C) of this section shall be guilty of an offense and shall be assessed liquidated damages in the amount of the value of the sign, traffic control device, or traffic surveillance device and the cost of replacing it. (Neb. Rev. Stat. §§60-6,129, 60-6,130)

SECTION 4-109: SIGNS; UNAUTHORIZED DISPLAY

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

SECTION 4-110: STOP SIGNS; YIELD SIGNS

A. The City Council may provide for preferential right of way at an intersection and indicate such by stop signs or yield signs erected by such authority. Every person operating any vehicle shall, upon approaching any stop sign, 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.

B. The driver of a vehicle approaching a yield sign shall slow to a speed reasonable under the existing conditions and, if required for safety to stop, shall stop at a clearly marked stop line or, if there is no such line, shall stop before entering the crosswalk on the near side of the intersection or, if no crosswalk is indicated, at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway. After slowing or stopping, such driver shall yield the right of way to any vehicle in the intersection or approaching on another highway so closely as to constitute an immediate hazard if such driver moved across or into such intersection. (Neb. Rev. Stat. §§60-6,119 through 60-6,121, 60-680, 60-6,148)

SECTION 4-111: SIDEWALK SPACE

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

SECTION 4-112: UNNECESSARY STOPPING

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

SECTION 4-113: SPEED LIMITS

A. No person shall operate a motor vehicle within the city limits at a speed greater than is reasonable and proper, without having regard for the traffic, use and condition of the streets, or at such speeds as to endanger the life, limb or property of any person, and under no circumstances in excess of 25 miles per hour, except on 14th Street as herein

provided:

1. The speed limit from the southernmost city limits to Madison Street shall be 35 miles per hour;
2. The speed limit from Madison Street north to Clay Street shall be 25 miles per hour; and
3. The speed limit from Clay Street to the northernmost city limits shall be 35 miles per hour.

B. Every driver of a vehicle on the streets of the city shall at all times have such vehicle under complete control. Such speed limits shall be indicated by appropriate posted signs.

(Neb. Rev. Stat. §§60-6,186, 60-6,190) (Am. Ord. No. 566, 8/21/06)

SECTION 4-114: SPEED; ELECTRONIC DETECTOR

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

1. The said speed measurement device was in proper working order at the time of conducting the measurement;
2. The speed measurement device was being operated in such a manner and under such conditions so as to allow a minimum possibility of distortion or outside interference;
3. The person operating the speed measurement device and interpreting such measurement was qualified by training and experience to properly test and operate the speed measurement device; and
4. The operator conducted external tests of accuracy upon the speed measurement device within a reasonable time both prior to and subsequent to an arrest being made and the device was found to be in proper working order.

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

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

(Neb. Rev. Stat. §60-6,192)

SECTION 4-115: RIGHT OF WAY; GENERALLY

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

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

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

D. The driver of a vehicle emerging from or entering an alley, building, private road, or driveway shall yield the right of way to any pedestrian approaching on any sidewalk and all vehicles approaching on such streets.

(Neb. Rev. Stat. §§60-6,146 through 60-6,154)

SECTION 4-116: RIGHT OF WAY; EMERGENCY VEHICLES

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

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

B. This section shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway.

(Neb. Rev. Stat. §60-6,151)

SECTION 4-117: TURNING; GENERALLY; SIGNAL

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

SECTION 4-118: TURNING; "U" TURNS; 14TH STREET

A. No vehicle shall be turned so as to proceed in the opposite direction, except at a street intersection. No vehicle shall be turned so as to proceed in the opposite direction at any intersection where an automatic signal is in operation or where a sign is posted indicating that "U" turns are prohibited.

B. It shall be unlawful for any operator of a motor vehicle to turn any vehicle on 14th Street between the north city limits and the south city limits so as to proceed in the opposite direction and make a "U" turn or 180° turn along said street. (Neb. Rev. Stat. §60-6,160)

SECTION 4-119: BACKING

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

SECTION 4-120: DRIVING ABREAST

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

SECTION 4-121: FOLLOWING; FIRE APPARATUS

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

SECTION 4-122: FOLLOWING; DISTANCE

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

SECTION 4-123: OVERLOADING

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

SECTION 4-124: RIDING OUTSIDE VEHICLE

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

SECTION 4-125: CONVEYANCES; CLINGING TO MOTOR VEHICLES

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

SECTION 4-126: MUFFLER

Every motor vehicle operated within this city shall be equipped with a muffler in good working order to prevent excessive or unusual noise or smoke. No person shall modify or change the exhaust muffler, the intake muffler, or any other noise-abatement device of a motor vehicle in a manner such that the noise emitted by the motor vehicle is increased above that emitted by the vehicle as originally manufactured. It shall be unlawful to use a "muffler cut-out" on any motor vehicle upon any streets; provided, the provisions of this section shall not apply to authorized emergency vehicles. (Neb. Rev. Stat. §§60-6,286, 60-6,371)

SECTION 4-127: LICENSE PLATES; READABLE

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

SECTION 4-128: REMOVAL OF DEBRIS

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

SECTION 4-129: UNNECESSARY NOISE

No person shall drive, use, operate, park, or stop any motor vehicle in such a manner as to cause unnecessary noise. (Neb. Rev. Stat. §§17-505, 60-6,286, 60-6,371)

SECTION 4-130: RACING

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

SECTION 4-131: EXHIBITION DRIVING

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

SECTION 4-132: NEGLIGENCE DRIVING

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

SECTION 4-133: CARELESS DRIVING

Any person who drives any motor vehicle in the city carelessly or without due caution so as to endanger a person or property shall be guilty of careless driving. (Neb. Rev. Stat. §§60-6,212, 60-4,182)

SECTION 4-134: RECKLESS DRIVING

Any person who drives a motor vehicle in such a manner as to indicate an indifferent or wanton disregard for the safety of persons or property shall be deemed to be guilty of reckless driving. (Neb. Rev. Stat. §§60-6,213, 60-6,215, 60-4,182)

SECTION 4-135: WILLFUL RECKLESS DRIVING

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

SECTION 4-136: SCHOOL ZONES

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

SECTION 4-137: 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 travel to and from their personal residences or pick up or deliver goods, wares, or merchandise; and in that event, the operator of such truck shall return to such truck routes as soon as possible in traveling through or about the 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 4-138: ENGINE BRAKES

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 assisted braking on any motor vehicle; provided, however, it shall be permitted to use engine brakes in an emergency situation.

SECTION 4-139: LOADS; PROJECTING

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

SECTION 4-140: LOADS; CONTENTS; REQUIREMENTS

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

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

C. No person shall drive or move a motor vehicle, trailer, or semitrailer upon any highway unless the cargo or contents carried by the motor vehicle, trailer, or semitrailer are properly distributed and adequately secured to prevent the falling of cargo or contents from the vehicle. The tailgate, doors, tarpaulins, and any other equipment used in the operation of the motor vehicle, trailer, or semitrailer or in the distributing or securing of the cargo or contents carried by the motor vehicle, trailer, or semitrailer shall be secured to prevent cargo or contents falling from the vehicle. The means of securement to the motor vehicle, trailer, or semitrailer must be tiedowns and tiedown assemblies of adequate strength or sides, sideboards, or stakes and a rear endgate, endboard, or stakes strong enough and high enough to assure that cargo or contents will not fall from the vehicle. (Neb. Rev. Stat. §60-6,304)

Article 2 – Parking

SECTION 4-201: DEFINITIONS

Unless context otherwise requires, the meaning of all terms used herein shall be as defined in the Nebraska Rules of the Road, and in addition, the following:

“Angle parking” shall mean parking in the space between painted lines (or as otherwise comparably marked or signed), headed in the general direction of traffic, with the right front wheel of the vehicle to the curb at an angle of approximately 30° and not more than one tier deep.

“Driver” shall mean the person actually driving the vehicle or apparently in charge and control of the same.

“Owner” shall mean the person in whose name the vehicle is registered.

"Parallel parking" shall mean parking parallel with the outside edge of the roadway, headed in the direction of lawful traffic movement, with the wheels of the vehicle on the side next to the edge of such roadway and within 12 inches thereof.

“Police officer” shall mean any officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

“Street” shall mean and include all public streets, alleys, ways, roads, highways and other thoroughfares.
(Ord. No. 536, 6/16/03)

SECTION 4-202: REGULATION BY CITY COUNCIL

A. 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.

B. 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 where parking at an angle may be permitted or required. Angle parking shall not be indicated nor permitted at any place where passing traffic would thereby be caused or required to drive upon the left side of the street.

C. The City Council may by resolution designate certain streets, alleys, or public ways where vehicles, regardless of length, shall be permitted to load or unload freight.

Vehicles so designated shall park upon said streets, alleys, or public ways in such manner that other vehicles may pass.

D. The 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, 60-6,167) (Am. Ord. No. 536, 6/16/03)

SECTION 4-203: GENERALLY

A. Upon those streets which have been signed or marked for angle parking, no person shall park or stand a vehicle other than at the angle to the curb or roadway indicated by such signs or markings.

B. Where stalls are designated either on the curb or pavement, vehicles shall be parked within those stalls.

C. 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.

D. 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, 60-680) (Am. Ord. No. 536, 6/16/03)

SECTION 4-204: CURBS PAINTED

In the event curbs are to be painted as deemed necessary by the City Council, it shall be the duty of the maintenance supervisor to cause the curb space to be painted at places designated by the council and to keep the same painted. No person, firm, or corporation shall paint the curb of any street or in any manner set aside or attempt to prevent the parking of vehicles in any street or part thereof except at such places where the parking of vehicles is prohibited by the provisions of this article. The marking or designating of portions of streets or alleys where the parking of vehicles is prohibited or limited shall be done only by the city through its proper officers at the direction of the City Council. (Neb. Rev. Stat. §60-680)

SECTION 4-205: MAXIMUM TIME LIMIT

The parking of a motor vehicle on a public street for over 48 consecutive hours is unlawful, except where a different maximum time limit is posted. (Neb. Rev. Stat. §60-680)

SECTION 4-206: TRUCKS

A. It shall be unlawful for the operator of any truck with an overall length of more than 20 feet to stop or park any such vehicle on a street which the City Council has designated to be within the Business District, except to load or unload, and then only when 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. It shall be unlawful for the operator of any truck, regardless of length, to park said vehicle within a street intersection, on a crosswalk, in front of a private driveway, or on a sidewalk.

B. The City Council may by resolution provide truck parking areas adjoining or adjacent to the Business District; and when such parking areas are provided, it shall be the duty of all truck operators to use such parking areas for all parking purposes.

C. No truck, including oil tankers, shall park or stop for any period of time within the limits of any street outside the Business District except for the purpose of loading or unloading the cargo thereof in the ordinary course of business, except in the area provided for by the City Council by resolution.
(Neb. Rev. Stat. §60-680)

SECTION 4-207: VEHICLES LESS THAN 20 FEET

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

SECTION 4-208: ALLEYS; OBSTRUCTION; LOADING AND UNLOADING

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

B. No vehicle shall be parked in any alley except for the purpose of loading or unloading during the time necessary to load or unload. Every vehicle while loading or unloading in any alley shall be parked in such manner as will cause the least obstruction possible to traffic in such alley.
(Neb. Rev. Stat. §60-680)

SECTION 4-209: PRIVATE LOTS

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

B. Signs designating a restricted parking lot shall be readily visible and shall state the purpose or purposes for parking on the restricted parking lot, state the hours for restricted parking, and state the person to contact for information regarding a towed vehicle.
(Neb. Rev. Stat. §§60-2401.01, 60-2402)

SECTION 4-210: OBSTRUCTING TRAFFIC

Except in case of an accident or emergency, no person shall stop any vehicle (A) in any location where such stopping will obstruct any street, intersection, or entrance to an alley or public or private drive or (B) alongside or opposite any street excavation or obstruction when stopping, standing, or parking would obstruct traffic. (Neb. Rev. Stat. §§60-680, 60-6,166)

SECTION 4-211: OBSTRUCTING PRIVATE DRIVEWAY

Except as otherwise provided herein, it shall be unlawful for any person to stop or park any vehicle so as to obstruct a private driveway in any manner, which includes stopping or parking any vehicle within 5 feet of the outer portion of a curb cut on a private driveway.
(Neb. Rev. Stat. §60-6,166) (Am. Ord. No. 536, 6/16/03)

SECTION 4-212: OVERHANGING STREET OR ADJACENT PROPERTY

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

SECTION 4-213: SIDEWALK SPACE

It shall be unlawful for any person to park, place, or cause to be parked or placed any motor vehicle or other vehicle upon any part of the sidewalk space or on a crosswalk. (Neb. Rev. Stat. §60-6,166)

SECTION 4-214: EMERGENCY VEHICLES; EXCEPTION

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

SECTION 4-215: FIRE STATION AND HYDRANTS

No vehicle shall be parked (A) within 20 feet in either direction of any fire hydrant; (B) within 20 feet of the driveway entrance to any fire station; nor (C) on the side of the street opposite the entrance to any fire station within 75 feet of such entrance when properly signposted. Any vehicle or material found as an obstruction may be immediately removed by the fire chief or any member of the Fire Department at the risk, cost, and expense of the owner or claimant. The curb space within such area of 15 feet in either direction of such fire hydrant shall be painted to indicate such prohibition. (Neb. Rev. Stat. §60-6,166) (Am. Ord. No. 536, 6/16/03)

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

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

SECTION 4-217: DISPLAY OR REPAIR OF VEHICLE

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

SECTION 4-218: HANDICAPPED AND DISABLED PERSONS

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

SECTION 4-219: NONMOVING VIOLATIONS; OWNER AND DRIVER

If any vehicle is found upon a street or alley or other area designated in accordance with this article to be in violation of any of the provisions herein regulating the stopping, standing or parking of vehicles, its owner as well as its driver shall be held *prima facie* responsible for such violation.

SECTION 4-220: REMOVAL OF ILLEGALLY PARKED VEHICLES

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

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

C. No enforcement or remedial actions which may be taken by the city as authorized under subsections (A) and (B) of this section shall constitute a bar or exonerate either driver or owner from prosecution provided by Section 4-701 (Penal Provision).
(Neb. Rev. Stat. §§60-6,165, 60-680) (Am. Ord. No. 536, 6/16/03)

Article 3 – Bicycles and Mini-Bikes

SECTION 4-301: BICYCLES; PROHIBITED ACTS

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

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

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

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

E. No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped.
(Neb. Rev. Stat. §60-6,315)

SECTION 4-302: BICYCLES; OPERATION

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

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

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

C. No bicycle shall be operated faster than is reasonable and proper. 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. No person shall park a bicycle on any sidewalk unless a bicycle stand is located on said sidewalk.

F. No person shall operate a bicycle on the sidewalks within the Business District of the city.

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

(Neb. Rev. Stat. §60-6,317)

SECTION 4-303: BICYCLES; EQUIPMENT

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

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

(Neb. Rev. Stat. §60-6,318)

SECTION 4-304: MINI-BIKES; UNLAWFUL OPERATION

It shall be unlawful for any person to operate a mini-bike upon any street or highway within the corporate limits of the city. For purposes of this article, "mini-bike" shall mean a two-wheel motor vehicle which has a total wheel and tire diameter of less than 14 inches, an engine-rated capacity of less than 45 cubic centimeters displacement, or a seat height less than 25 inches from the ground, or any other two-wheel motor vehicle primarily designed by the manufacturer for off-road use only. (Neb. Rev. Stat. §§60-6,347, 60-6,352)

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

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

SECTION 4-306: MINI-BIKES; PUBLIC LANDS

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

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

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

Article 4 – Mopeds and Motorcycles

SECTION 4-401: MOPEDS; DEFINED; STATUTORY REGULATION

“Moped” shall mean a device with fully operative pedals for propulsion by human power, an automatic transmission, and a motor with a cylinder capacity not exceeding 50 cubic centimeters, which produces no more than two brake horsepower and is capable of propelling the device at a maximum design speed of no more than 30 miles per hour on level ground. Mopeds, their owners and their operators shall be subject to the Motor Vehicle Operator's License Act but shall be exempt from the requirements of the Motor Vehicle Certificate of Title Act, the Motor Vehicle Registration Act, and the Motor Vehicle Safety Responsibility Act. (Neb. Rev. Stat. §§60-122, 60-6,309)

SECTION 4-402: MOPEDS; OPERATOR'S LICENSE

No person shall operate a moped upon a highway unless such person has a valid operator's license. (Neb. Rev. Stat. §60-6,310)

SECTION 4-403: MOPEDS; TRAFFIC REGULATIONS APPLICABLE

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

B. Regulations applicable to mopeds shall apply whenever a moped is operated upon any highway or upon any path set aside by the Department of Roads or a local authority for the use of mopeds.

(Neb. Rev. Stat. §60-6,311)

SECTION 4-404: MOPEDS; OPERATION; EQUIPMENT

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

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

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

D. No operator shall carry any person nor shall any person ride in a position that interferes with the operation or control of the moped or the view of the operator.

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

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

(Neb. Rev. Stat. §60-6,312)

SECTION 4-405: MOPEDS; USE OF TRAFFIC LANES

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

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

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

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

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

F. Mopeds shall not be operated on sidewalks.

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

(Neb. Rev. Stat. §60-6,313)

SECTION 4-406: MOPEDS; HELMET REQUIRED

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

standards established in the United States Department of Transportation's *Federal Motor Vehicle Safety Standard No. 218*, 49 C.F.R. 571.218, for motorcycle helmets. (Neb. Rev. Stat. §60-6,279)

SECTION 4-407: MOTORCYCLES; OPERATION

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

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

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

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

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

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

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

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

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

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

SECTION 4-408: MOTORCYCLES; LIGHTS

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

SECTION 4-409: MOTORCYCLES; HELMET REQUIRED

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

Article 5 – Recreational and Off-Road Vehicles

SECTION 4-501: SNOWMOBILES; EQUIPMENT

A. Every snowmobile operated within the 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 taillamp, reflector material of a minimum area of 16 square inches mounted on each side forward of the handle bars, and with brakes as prescribed by the state director of motor vehicles. Every snowmobile shall be equipped at all times with a muffler in good working order which blends the exhaust noise into the overall snowmobile noise and is in constant operation to prevent excessive or unusual noise; the exhaust system shall not emit or produce a sharp popping or crackling sound.

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

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

SECTION 4-502: SNOWMOBILES; UNLAWFUL ACTS

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

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

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

C. While under the influence of alcoholic liquor or any drug.

D. By a person (1) under the age of 12 years unless accompanied by a parent, guardian, or other person over 18 years of age or (2) over the age of 12 years and under the age of 16 years unless such person (a) holds a valid snowmobile safety certificate, (b) is accompanied by a person 14 years of age or over who holds a valid snowmobile safety certificate, or (c) is accompanied by a person over the age of 18 years. The operator of a snowmobile shall not be required to hold an operator's license.

E. Without the proper equipment as required in Section 4-501.

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

G. Upon the public lands owned by the city, except where allowed by resolution of the City Council.

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

I. Within the congested area of 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.

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

SECTION 4-503: SNOWMOBILES; ACCIDENT; REQUIREMENTS

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

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

(Neb. Rev. Stat. §60-6,346)

SECTION 4-504: SNOWMOBILES; ENFORCEMENT; PENALTY

Any law enforcement officer, including a conservation officer of the Game and Parks Commission, may enforce the provisions as provided in Sections 4-501 to 4-503. Any person convicted of violating any rule or regulation as provided in said sections shall be punished by a fine of not more than \$500.00. (Neb. Rev. Stat. §§60-678, 60-6,343)

SECTION 4-505: ALL-TERRAIN, UTILITY-TYPE, AND GOLF CAR VEHICLES; DEFINITIONS

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

B. "Golf car vehicle" (GCV) means a vehicle that: has at least four wheels, has a maximum level ground speed of less than 20 miles per hour, has a maximum payload capacity of 1,200 pounds, has a maximum gross vehicle weight of 2,500 pounds, has a maximum passenger capacity of not more than four persons, is designed and manufactured for operation on a golf course for sporting and recreational purposes, and is not being operated within the boundaries of a golf course. (Neb. Rev. Stat. §60-622.01)

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

D. "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)

E. "Controlled-access highway" shall mean every highway or roadway in respect to which owners or occupants of abutting lands and other persons have no legal right of access to or egress from except at such points only and in such manner as may be determined by the public authority having jurisdiction over such highway. (Neb. Rev. Stat. §60-615)

(Am. Ord. Nos. 693, 1/20/14; 707, 11/16/15; 754, 8/19/19)

SECTION 4-506: ALL-TERRAIN, UTILITY-TYPE, AND GOLF CAR VEHICLES; PERMIT

A. In order to obtain a permit to operate an ATV, UTV or GCV within the corporate

limits of the city, an applicant shall complete an annual application at the office of the city clerk, providing the following information:

1. Vehicle manufacturer, model, engine size, and type (ATV, UTV or GCV);
2. Vehicle VIN/serial number, year, and color;
3. Name of insurance company and insurance policy number;
4. Owner's name, address and phone number(s); and
5. Expiration date of permit, permit number, and permit issuance date.

B. A fee may be charged in such amount as set by resolution of the City Council and kept on file at the office of the city clerk.

C. Applications for permits shall be allowed at any time for the calendar year in which the application is submitted. Applications for permits for successive years may be submitted no sooner than 60 days prior to the end of any calendar year. Any permit issued shall be valid only through the remaining period of the calendar year, ending December 31 of the year of issuance.

D. The permit issued and provided by the city shall be clearly displayed on the vehicle.

(Am. Ord. Nos. 693, 1/20/14; 707, 11/16/15; 754, 8/19/19)

SECTION 4-507: ALL-TERRAIN, UTILITY-TYPE, AND GOLF CAR VEHICLES; OPERATION

A. An ATV, UTV or GCV 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.

B. An ATV, UTV or GCV 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, or the posted speed limit, whichever is lower. When in operation as authorized herein, the headlight and taillight of the vehicle shall be on and it shall be equipped with a bicycle safety flag which extends not less than 5 feet above ground attached to the rear of such vehicle. The bicycle safety flag shall be triangular in shape with an area of not less than 30 square inches and shall be day-glow in color.

C. It shall be unlawful for any person to operate, or be in actual physical control of any ATV, UTV or GCV upon the traveled portion of any public roadway within the corporate limits of the city except as specifically authorized and permitted under the terms of this ordinance.

D. Any person operating an ATV, UTV or GCV as authorized herein shall:

1. Have a valid Class O operator's license or a farm permit as provided in Neb. Rev. Stat. §60-4,126 and be 16 years of age or older;
2. Have a permit issued by the city clerk permitting operation within the corporate limits of the city;
3. Wear a helmet approved for operation of a motorcycle except:
 - a. When such vehicle is being used for the purposes of snow removal, or
 - b. When an ATV, UTV or GCV has operational seatbelts, in which case such seatbelts must be used;
4. Be allowed as the only user of an ATV, UTV or GCV when operating the

vehicle for snow removal purposes; and

5. Show proof of liability insurance coverage for the ATV, UTV or GCV while being operated on a street or highway. The person operating the vehicle shall provide proof of such insurance coverage to any peace officer requesting such proof within five days of such a request.

E. Every ATV, UTV or GCV 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 United States Forest Service-qualified spark arrester.

F. ATVs, UTVs or GCVs may be operated without complying with subsections (B) through (D) of this section on streets and highways in parades which have been authorized by the city.

G. Subject to subsection (F) of this section, the crossing of a street or highway shall be permitted by an ATV, UTV or GCV only if:

1. The crossing is made at an angle of approximately 90° to the direction of the street or highway and at a place where no obstruction prevents a quick and safe crossing;
2. The vehicle is brought to a complete stop before crossing the shoulder or roadway of the street or highway;
3. The operator yields the right of way to all oncoming traffic that constitutes an immediate potential hazard; and
4. Both the headlight and taillight of the vehicle are on when the crossing is made.

(Neb. Rev. Stat. §§60-6,356, 60-6,361) (Am. Ord. Nos. 693, 1/20/14; 707, 11/16/15; 754, 8/19/19)

SECTION 4-508: ALL-TERRAIN, UTILITY-TYPE, AND GOLF CAR VEHICLES; TRAFFIC REGULATIONS

A. The operator of an ATV, UTV or GCV within the corporate limits of the city shall comply with and be subject to all traffic regulations of the city and the State of Nebraska including but not limited to those laws, ordinances, or regulations pertaining to the operation or being in actual physical control of a motor vehicle while under the influence of alcoholic liquor or of any drug.

B. When making turns within the roadways and at intersections, the operator shall use the appropriate hand signals as designated by the state Rules of the Road.

(Am. Ord. Nos. 693, 1/20/14; 707, 11/16/15; 754, 8/19/19)

SECTION 4-509: ALL-TERRAIN, UTILITY-TYPE, AND GOLF CAR VEHICLES; VIOLATIONS

Any person who violates the provisions of this article is guilty of a Class III misdemeanor effective from the date of any conviction for violation of the provisions herein. In the event any person found operating the ATV, UTV or GCV is not at least 16 years of age and possesses a valid Class O operator's license or farm permit as provided in Neb. Rev. Stat §60-4,126, the owner's permit shall likewise be revoked for a period of three years, effective from the date of conviction. (Neb. Rev. Stat. §60-6,359) (Am. Ord. Nos. 693, 1/20/14; 707, 11/16/15; 754, 8/19/19)

SECTION 4-510: ALL-TERRAIN AND UTILITY-TYPE VEHICLES; ACCIDENT REPORT

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

Article 6 – Abandoned Vehicles

SECTION 4-601: DEFINITIONS

A. A motor vehicle is an abandoned vehicle:

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

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

1. If left unattended for more than 24 hours on any public property, except a portion thereof on which parking is legally permitted;
2. If left unattended for more than 48 hours after the parking of such vehicle has become illegal, if left on a portion of any public property on which parking is legally permitted;
3. If left unattended for more than seven days on private property if left initially without permission of the owner or after permission of the owner is terminated;
4. If left for more than 30 days in the custody of a law enforcement agency after the agency has sent a letter to the last registered owner under Neb. Rev. Stat. §60-1903.01; or
5. If removed from private property by the city pursuant to a municipal ordinance.

C. A mobile home is an abandoned vehicle if left in place on private property for

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

D. For purposes of this section:

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

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

SECTION 4-602: ABANDONMENT OF VEHICLE PROHIBITED

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

SECTION 4-603: TITLE; VEST IN CITY; WHEN

If an abandoned vehicle, at the time of abandonment, has no license plates of the current year or valid "In Transit" stickers issued pursuant to Neb. Rev. Stat. §60-376 affixed and is of a wholesale value, taking into consideration the condition of the vehicle, of \$250.00 or less, title shall immediately vest in the city as provided in Neb. Rev. Stat. §60-1904. Any certificate of title issued under this section to the city shall be issued at no cost. (Neb. Rev. Stat. §60-1902)

SECTION 4-604: CITY; POWERS AND DUTIES

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

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

B. The city 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 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 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 (1) five days after the date the notice is mailed if the vehicle will be sold or offered at public auction under subdivision (B)(1) of this section, (2) 30 days after the date the notice is mailed if the city 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 may retain for use, sell, or auction the abandoned vehicle. If the city has determined that the vehicle should be retained for use, the city 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 intends to retain the abandoned vehicle for its use and that title will vest in the city 30 days after the publication.

(Neb. Rev. Stat. §60-1903)

SECTION 4-605: CUSTODY; WHO ENTITLED

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

SECTION 4-606: PROCEEDS OF SALE; DISPOSITION

Any proceeds from the sale of an abandoned vehicle less any expenses incurred by the city shall be held by it 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 4-607: LIABILITY FOR REMOVAL

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

SECTION 4-608: DESTROY, DEFACE, OR REMOVE PARTS

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

SECTION 4-609: COSTS OF REMOVAL AND STORAGE

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

Article 7 – Penal Provision

SECTION 4-701: VIOLATION; PENALTY

Any person who shall violate or refuse to comply with the enforcement of any of the provisions of this chapter, set forth at full length herein or incorporated by reference, shall be

deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than \$500.00 for each offense. A new violation shall be deemed to have been committed every 24 hours of such failure to comply.