

CHAPTER III

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CHAPTER III

MOTOR VEHICLES AND BICYCLES

ARTICLE I - TRAFFIC REGULATIONS

SECTION 3-101: TERMS DEFINED

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

SECTION 3-102: TRUCK ROUTES

The Village Board may, by resolution, designate certain streets in the Village as truck routes, restricting traffic for vehicles weighing in excess of ten tons. It shall be unlawful for persons operating such vehicles to travel on streets other than those designated for such vehicles unless to pick up or deliver goods, wares or merchandise, and in that event, the operator of such vehicle shall return to said truck routes as soon as possible in traveling through or about the Village. The Village Board shall cause notices to be posted or shall erect signs indicating the streets so designated as restricted routes.

SECTION 3-103: TURNING; HAND SIGNALS

A signal of intention to turn right or left shall be given continuously during not less than the 100 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.

SECTION 3-104: TURNING, GENERALLY

Vehicles turning to the right into an intersecting street shall approach such intersection in the lane of traffic nearest to the right-hand side of the street and must turn the corner as near the right-hand curb as possible to keep between the curb to the right and the center of the intersection of the two streets. The driver of a vehicle intending to turn to the left shall approach such center line of the street, and in turning shall pass as near as possible to the center of the intersection, passing as closely as practicable to the right thereof before turning 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 streets intersecting one another.

Source: Neb. Rev. Stat. §60-6,159

SECTION 3-105: 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 drivers of all other vehicles of his/her intention to make such movement.

SECTION 3-106: TURNING; "U" TURNS

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

SECTION 3-107: RIGHT OF WAY; GENERALLY

When two vehicles approach or enter an intersection at approximately the same time, the driver of the vehicle on the left shall yield the right of way to the vehicle on the right when the paths of such vehicles intersect and there is danger of a collision, unless otherwise directed by a law enforcement officer stationed at the intersection. The driver of a vehicle intending to turn to the left within an intersection, or into an alley, private road or driveway shall yield the right of way to any vehicle approaching from the opposite direction which is within the intersection or so close thereto as to constitute an immediate hazard. The driver of a vehicle entering a village street from a private road or drive shall yield the right of way to all vehicles approaching on such streets.

The driver of a vehicle 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.

Source: Neb. Rev. Stat. §60-6,146 through 60-6,154

SECTION 3-108: RIGHT OF WAY; EMERGENCY VEHICLES

Upon the approach of any authorized emergency vehicles which are operated on official business and the drivers thereof sound an audible signal by bell, siren or whistle, every vehicle within one block of the route of such emergency vehicle shall immediately stop except at the time they are on or crossing a street intersection, in which event such vehicle shall drive clear of the street intersection and then stop. Every vehicle along the route of such emergency vehicle shall imme-

diately move to a position as near the right-hand curb as possible and remain there until such authorized emergency vehicle or vehicles have passed.

SECTION 3-109: POSITION OF VEHICLE ON ROADWAY; GENERALLY

Upon all streets and highways of sufficient width, the driver of a vehicle shall drive 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.

Source: Neb. Rev. Stat. §60-6,131

SECTION 3-110: BACKING

While backing, unceasing vigilance must be exercised so as not to injure those behind. The driver of a parked vehicle about to back shall give moving vehicles the right of way.

Source: Neb. Rev. Stat. §60-6,169

SECTION 3-111: DRIVING IN SIDEWALK SPACE

No motor vehicle, including motorcycles or scooters, shall be driven on any sidewalk or within any sidewalk space, except on a permanent or temporary driveway.

Source: Neb. Rev. Stat. §60-6,178

SECTION 3-112: STOPS; MANDATORY

All vehicles, before crossing a sidewalk or emerging from a garage, alley 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 or other place. The term "slowly" shall be construed to mean such rate of speed as is reasonable and proper under the circumstances and the condition of the street and traffic thereon.

SECTION 3-113: STOP SIGNS

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

Source: Neb. Rev. Stat. §60-6,123

SECTION 3-114: SIGNS, SIGNALS

The Village Board may, by resolution, provide for the placing of stop signs, restricted parking or other signs, signals, standards or mechanical devices in any

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

SECTION 3-115: SPEED LIMITS

1. No person shall operate a motor vehicle on any village streets, alleys or other places within the village limits at a speed greater than 25 miles per hour within the residential district and 20 miles per hour within the business district, unless a different rate of speed is specifically permitted by ordinance. In no instance shall a person drive a vehicle on a highway at a speed greater than is reasonable and prudent under the conditions.

2. No person shall operate a vehicle on:

- A. Said Street between Syria Street and Nile Street or
- B. Syria Street between Suez Street and Said Street at a speed of greater than is reasonable and proper and, in no event, in excess of 15 miles per hour. The speed limit shall be plainly indicated by appropriate signs.

3. No person shall operate a vehicle on Nebraska Highway N-11, High Street, at a speed of greater than is reasonable and proper and, in no event, in excess of 25 miles per hour between Nebraska Highway N-2 and the south corporate limits of the Village. The speed limit shall be plainly indicated by appropriate signs.

SECTION 3-116: CARELESS DRIVING

Any person who drives any motor vehicle in the Village carelessly or without due caution so as to endanger a person or property shall be guilty of careless driving.

Source: Neb. Rev. Stat. §60-6,212

SECTION 3-117: FUNERAL PROCESSIONS

No vehicle, except police or fire department vehicles when responding to emergency calls or orders, ambulances responding to emergency calls, or vehicles carrying United States mail, shall be driven through a funeral procession or cortege except with the permission of a police officer.

SECTION 3-118: GLASS; POINTED OBJECTS

No person shall throw, cast, lay or place upon any street any thorns, nails, tacks,

glass, bottles, window glass or other articles made of or containing glass, and in case of an accident causing the breaking of any glass upon any street, the owner or person in charge of such glass or the person responsible for such breakage shall at once remove or cause the same to be removed from the street.

SECTION 3-119: SIGNS; DEFACING OR INTERFERING WITH

It shall be unlawful for any person to willfully deface, injure, remove, obstruct or interfere with any official traffic sign or signal.

Source: Neb. Rev. Stat. §60-6,129 to 60-6,139

SECTION 3-120: SIGNS; UNAUTHORIZED DISPLAY

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

SECTION 3-121: EMERGENCY; REGULATIONS

The village police officer is hereby empowered to make and enforce temporary regulations to cover emergencies.

Source: Neb. Rev. Stat. §81-2005

SECTION 3-122: POLICE; ENFORCEMENT

The village police or sheriff's department is hereby authorized, empowered and ordered to exercise all powers and duties with relation to the management of street traffic and, in the interest of public safety, health and convenience, to direct, control, stop, restrict, regulate, temporarily divert, or exclude the movement of pedestrian, animal and vehicular traffic of every kind in streets and parks and on bridges. The driver of any vehicle shall stop upon the signal of any police officer.

Source: Neb. Rev. Stat. §60-683

SECTION 3-123: POLICE; REFUSAL TO OBEY

It shall be unlawful for any person to refuse or fail to comply with any lawful order, signal or direction of a police officer.

SECTION 3-124: POLICE; TRAFFIC OFFICERS

The Village Board or the village police may at any time detail officers, to be

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

SECTION 3-125: OVERLOADING FRONT SEAT OR OBSTRUCTING DRIVER'S VIEW OR DRIVING MECHANISM

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

SECTION 3-126: RIDING OUTSIDE VEHICLE

No person shall permit any other person to ride on the running board, hood, top, fenders, or outside step of any motor vehicle; nor shall any person ride on the running board, hood, top, fenders or outside of any motor vehicle.

SECTION 3-127: DRIVING ABREAST

Two or more vehicles shall not be driven abreast except when passing.

SECTION 3-128: 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 such vehicles, traffic conditions and the condition of the street.

SECTION 3-129: ENGINE BRAKING

It shall be and hereby is determined unlawful for any person to make or cause to be made loud or disturbing noises with any mechanical device operated by compressed air and used for the purposes of assisting braking on any semi-tractor. Any person, firm, association or corporation deemed guilty shall upon conviction be fined accordingly: (1) for the first offense, \$250.00; and for the second and every subsequent offense, \$500.00. (Am. Ord. No. 457, 9/12/17)

SECTION 3-130: MUFFLER

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

use a "muffler cut-out" on any motor vehicle upon any street; provided, the provisions of this section shall not apply to authorized emergency vehicles.

SECTION 3-131: LOADS; PROJECTING

When any vehicle shall be loaded in such a manner that any portion of the load extends more than four feet beyond the rear of the bed or the body of such vehicle, a red flag by day and a red light after sunset shall be affixed at the furthest projection of such load.

SECTION 3-132: 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.

ARTICLE II - ABANDONED VEHICLES

(Am. by Ord. No. 457, 9/12/17)

SECTION 3-201: DEFINITIONS

1. A motor vehicle is an abandoned vehicle:

- A. 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;
- B. If left unattended for more than 24 hours on any public property, except a portion thereof on which parking is legally permitted;
- C. 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;
- D. 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;
- E. 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
- F. If removed from private property by the village pursuant to a municipal ordinance.

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

- A. If left unattended for more than 24 hours on any public property, except a portion thereof on which parking is legally permitted;
- B. 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;
- C. 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;
- D. 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

E. If removed from private property by the village pursuant to a municipal ordinance.

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

4. For purposes of this section:

A. "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.

B. "Public property" means any public right of way, street, highway, alley, or park or other state, county, or municipally owned property.

C. "Private property" means any privately owned property which is not included within the definition of public property.

5. 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 3-202: ABANDONMENT OF VEHICLE PROHIBITED

No person shall cause any vehicle to be an abandoned vehicle as described in subdivision (1)(a), (b), (c), or (d) or (2)(a), (b), or (c) of Neb. Rev. Stat. §60-1901.
(Neb. Rev. Stat. §60-1907)

SECTION 3-203: TITLE; VEST IN VILLAGE; WHEN

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

tion to the village shall be issued at no cost. (Neb. Rev. Stat. §60-1902)

SECTION 3-204: VILLAGE; POWERS AND DUTIES

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

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

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

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

4. After title to the abandoned vehicle vests pursuant to subsection (C) of this section, the village may retain for use, sell, or auction the abandoned vehicle. If the village has determined that the vehicle should be retained for use, the village shall, at the same time that the notice, if any, is mailed, publish in a newspaper of general circulation in the jurisdiction an announcement that the village intends to retain the abandoned vehicle for its use and that title will vest in the village 30 days after the publication.
(Neb. Rev. Stat. §60-1903)

SECTION 3-205: CUSTODY; WHO ENTITLED

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

SECTION 3-206: PROCEEDS OF SALE; DISPOSITION

Any proceeds from the sale of an abandoned vehicle less any expenses incurred

by the village shall be held by it without interest for the benefit of the owner or lienholders of such vehicle for a period of two years. If not claimed within such two-year period, the proceeds shall be paid into the general fund of the village. (Neb. Rev. Stat. §60-1905)

SECTION 3-207: LIABILITY FOR REMOVAL

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

SECTION 3-208: DESTROY, DEFACE, OR REMOVE PARTS; UNLAWFUL; EXCEPTION; VIOLATION

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

SECTION 3-209: COSTS OF REMOVAL AND STORAGE

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

ARTICLE III - PARKING

SECTION 3-301: PARKING; GENERALLY

No person shall park any vehicle or approach the curb with a vehicle except when headed in the direction of the traffic. Vehicles, when parked, shall stand parallel with and adjacent to the curb in such manner as to have both right wheels within 12 inches of the curb and so as to leave at least four feet between the vehicle so parked and any other parked vehicle. Where stalls are designated either on the curb or pavement, vehicles shall be parked within such stalls. No vehicle shall be parked upon a roadway when there is a shoulder adjacent to the roadway which is available for parking. No person shall park a vehicle so as to obstruct a private driveway or drive for any period of time. No person shall park a vehicle, or permit it to stand, within 15 feet in either direction from the entrance of any fire station.

Source: Neb. Rev. Stat. §60-680, 60-6,167

SECTION 3-302: PARKING; AREAS

The Village Board may, by resolution, set aside and post any street, alley, public way or portion thereof for the parking of any particular kind or class of vehicle. Where the parking of vehicles has been prohibited by resolution, no vehicle prohibited from parking thereon shall stand or be parked adjacent to the curb of said street, alley, public way or portion thereof longer than a period of time necessary to load and unload freight or passengers. The placement of "no parking" or restricted parking signs shall be prima facie evidence of the restricting resolution.

SECTION 3-303: OBSTRUCTING ALLEY

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

SECTION 3-304: BUSINESS DISTRICT UNLOADING

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 Village Board has designated to be within the "business district," except to load or unload, and then only when loading or unloading in an alley is impossible. Vehicles may stop or stand for a period of time not to exceed what is reasonably necessary to load or unload. 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. The Village Board 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.

SECTION 3-305: UNLOADING; FREIGHT VEHICLES

Vehicles of an overall length of less than 20 feet, including load, while discharging freight may back to the curb, but shall occupy as little of the street as possible.

SECTION 3-306: FIRE HYDRANTS AND STATION

No vehicle shall be parked within 15 feet in either direction of any fire hydrant or within 20 feet of the driveway entrance to any fire station. The curb space within such area of 15 feet in either direction of such fire hydrant shall be painted red to indicate such prohibition.

Source: Neb. Rev. Stat. §60-6,166

SECTION 3-307: SCHOOLS, THEATERS

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

SECTION 3-308: CURB INTERSECTIONS

No vehicle shall be parked or left standing for any purpose near the intersection of curb lines where said curb lines are painted red to indicate such prohibition. In no case shall any vehicle be parked within 25 feet of the intersection of the curb lines, whether painted red or not. In the absence of curbs, parking shall be prohibited within 15 feet of the intersection of property lines which establish the street right of way.

SECTION 3-309: OBSTRUCTING TRAFFIC

No vehicle shall, except in case of an accident or emergency, stop within any street intersection or alley entrance or any such location as to obstruct any street, crosswalk or alley entrance.

Source: Neb. Rev. Stat. §60-680

SECTION 3-310: DISPLAY OR REPAIR OF VEHICLES

It shall be unlawful for any person to park upon any street, alley or public place within this village 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 village, excepting 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.

SECTION 3-311: EMERGENCY VEHICLES

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

SECTION 3-312: TIME LIMIT

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

SECTION 3-313: SNOW EMERGENCY

1. To facilitate the removal of snow from the streets of the Village, it shall be unlawful for any person to leave any motor vehicle standing or parked on the streets named in this section between the hours of 8:00 A.M. and 12:00 Noon from October 15 through April 15 of the following year when a snow emergency is in effect:

Egypt Street between the westerly village limits and Suez Street;
Medina Street between the westerly village limits and Thebe Street;
Nile Street between the westerly village limits and Sycamore Street;
Mecca Street between the westerly village limits and Sycamore Street;
Syria Street between the westerly village limits and Sycamore Street;
Oasis Street between the westerly village limits and Sycamore Street;
~~And~~ Oasis Place;
Harb Road between Highway 2 and Egypt Street;
Ingalls Road between Highway 2 and Egypt Street;
Turner Lane between Highway 2 and Egypt Street;
Said Street between Highway 2 and Syria Street;
Berber Street between Highway 2 and Syria Street;
Suez Street between Highway 2 and Syria Street;
Alexandria Street between Highway 2 and Oasis Street;
Thebe Street between Highway 2 and Oasis Street;
Nubia Street between Highway 2 and Oasis Street;
Sycamore Street between Highway 2 and Oasis Street.

2. For purposes of this section, a snow emergency shall be determined in effect for the period from 8:00 A.M. to 12:00 Noon when the National Weather Service

at Grand Island, Nebraska, has, at any time during the preceding day, issued a predicted snowfall accumulation of two inches or more. Notice of the predicted snowfall shall be deemed given when publicly announced by broadcast or telecast from broadcasting stations within a normal operating range covering the Village.

SECTION 3-314: REMOVAL OF ILLEGALLY PARKED VEHICLES

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

The owner or other person lawfully entitled to the possession of any vehicle towed or stored shall be charged with the reasonable cost of towing and storage fees. Any such towing or storage fee 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.

SECTION 3-315: TRUCK AND TRAILER PARKING

1. Definitions as used in this section, unless the context otherwise requires:

"Commercial trailer" shall mean a trailer having a gross weight, including load thereupon, of more than 9,000 pounds, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by the towing vehicle.

"Farm trailer" shall include any trailer or semitrailer used wholly and exclusively to carry a farmer's or rancher's own supplies, farm equipment, livestock, or agricultural products and attached to or drawn by a motor vehicle licensed as a farm vehicle.

"Motor vehicle" shall include all vehicles propelled by any power other than muscular power, except mopeds, farm tractors designed and used primarily for tilling the soil and harvesting crops, and excluding vehicles which run only on rails or tracts, off-road designed vehicles, including but not limited to golf carts, go-carts, riding lawn mowers, garden tractors, all-terrain vehicles, snowmobiles and mini-bikes.

"Recreational vehicle" shall mean a folding camper trailer, rigid travel trailer, boat trailer or self-propelled motor home designed as temporary living quarters designed for travel, camping, recreation and vacation use, and eligible to be licensed and registered for highway use.

"Residential street or alley" shall mean any street, alley, public right-of-way or public property lying adjacent to property classified by ordinances of the Village for residential purposes.

"Semitrailer" shall mean every vehicle without motive power designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by the towing vehicle.

"Truck" shall mean a motor vehicle having a rated gross vehicle weight of 20,000 pounds or more, equipped or used for the transportation of property.

"Truck-tractor" shall mean every motor vehicle designed and used primarily for drawing other vehicles and no so constructed as to carry a load other than a part of the weight of the vehicle and load being drawn.

"Trailer" shall include every vehicle without motor power carrying persons or property and being pulled by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle.

"Utility trailer" shall mean a trailer having a gross weight, including load thereon, of 9,000 pounds or less, attached to a motor vehicle designed for carrying persons or property and so constructed that some part of its weight and that of its load rests upon or is carried by the towing vehicle.

"Loading and unloading" shall mean the act of delivering or collecting goods, wares, merchandise or materials for a period of time no longer than is necessary for the expeditious delivery or collecting of goods, wares, merchandise or materials.

2. It shall be unlawful for any person to park or leave standing upon the residential street or alleys of the Village any truck, trailer, truck-tractor, semi-trailer, farm trailer, utility trailer, or commercial trailer, except for the purposes of loading or unloading. The provisions of this subsection shall not apply to trucks or trailers being used in connection with building, repair, service or moving operations.

3. It shall be unlawful for any person to park or leave standing upon the residential streets or alleys of the Village any recreational vehicle, except for the purposes of loading or unloading.

SECTION 3-316: DISABLED TRUCKS DECLARED NUISANCE

Disabled truck tractors and truck trailers parked within the Village are hereby determined to be a nuisance. "Disabled" shall be defined as any truck tractor or

trailer not being capable of immediate operation without the investment of labor, parts and materials in such truck tractor or trailer in a sum of \$500.00 or more.

SECTION 3-317: HANDICAPPED PARKING PERMITS; EXPIRATION

All permanently issued permits for handicapped or disabled parking issued on or after August 1, 2005, shall be valid for a period ending on the last day of the month of the applicant's birthday in the third year after issuance and shall expire on that day. All permits issued thereafter shall expire on the last day of the month of the applicant's birthday and every three years thereafter.

(Added January 10, 2006, Ord. No. 371)

ARTICLE IV - BICYCLES, MOTORCYCLES, MINIBIKES, MOPEDS,
SNOWMOBILES AND ALL-TERRAIN VEHICLES

SECTION 3-401: BICYCLE OPERATION

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

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

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

4. No bicycle shall be permitted on any street or other public highway from one-half hour after sunset to one-half hour before sunrise without a headlight, visible under normal atmospheric conditions from the front thereof for not less than 500 feet, firmly attached to such bicycle and properly lighted, nor without a yellow or red light reflector attached to and visible 500 feet from the rear thereof. The said headlight shall emit a clear, white light.

5. No person shall ride or propel a bicycle upon any street or other public highway abreast of more than one other person riding or propelling a bicycle.

6. Every person riding or propelling a bicycle upon any street or other public highway shall observe all traffic rules and regulations applicable thereto, and shall turn only at intersections, signal for all turns, ride at the right hand side of the street or highway and pass to the left when passing vehicles and individuals that are slower moving, and shall pass vehicles to the right when meeting.

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

Source: Neb. Rev. Stat. §60-6,315, 60-6,317, 60-6,318

SECTION 3-402: CLINGING TO MOTOR VEHICLE

No person riding upon any bicycle, roller skates, minibike, motorcycle, coaster, sled, skis or toy vehicle shall attach the same or himself/herself to any moving vehicle upon any roadway, and it shall be unlawful for the driver of any vehicle to suffer or permit any person traveling upon any bicycle, roller skates, minibike, motorcycle, coaster, sled, skis or toy vehicle to cling to or attach himself/herself or his/her bicycle, roller skates, minibike, motorcycle, coaster, sled, skis or toy vehicle to such vehicle so driven and operated by him/her.

Source: Neb. Rev. Stat. §60-6,316

SECTION 3-403: MOTORCYCLE OPERATION

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

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

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

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

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

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

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

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

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

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

Source: Neb. Rev. Stat. §60-6,307, 60-6,308

SECTION 3-404: MOTORCYCLE; LIGHTS

No person shall ride a motorcycle upon the streets, alleys or highways from one

half hour after sunset to one half hour before sunrise, unless the same shall be equipped with at least one and not more than two headlights, plainly visible from the front and with a light on the rear exhibiting a red light visible under normal atmospheric conditions from a distance of at least 500 feet to the rear thereof; provided, said lamps shall comply with the requirements and limitations of the statutes of the State of Nebraska.

SECTION 3-405: MINIBIKES; UNLAWFUL OPERATION

It shall be unlawful for any person to operate a minibike upon any street or highway within the corporate limits of the Village. For purposes of this article, "minibike" shall mean a two-wheeled motor vehicle which has a total wheel and tire diameter of less than 14 inches or an engine rated capacity of less than 45 cubic centimeters displacement or any other two-wheeled motor vehicle primarily designed by the manufacturer for off-road use only.

Source: Neb. Rev. Stat. §60-6,353

SECTION 3-406: MINIBIKES; EMERGENCIES AND PARADES

Minibikes 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.

Source: Neb. Rev. Stat. §60-6,348

SECTION 3-407: MINIBIKES; PUBLIC LANDS

Minibikes shall be prohibited upon the public lands owned by the Village, except where allowed by resolution of the Village Board.

Source: Neb. Rev. Stat. §60-6,352

SECTION 3-408: MINIBIKES; TRAFFIC LAWS INAPPLICABLE

The provisions of Chapter 60, Articles 1, 3, 4, and 5 of the Nebraska Revised Statutes shall not be applicable to the owners and operators of any minibike.

Source: Neb. Rev. Stat. §60-6,347

SECTION 3-409: MOPEDS; DEFINED

For the purposes of this article, "moped" shall mean a bicycle with fully operative pedals for propulsion by human power, an automatic transmission, and a motor with a cylinder capacity not exceeding 50 cubic centimeters, which produces no more than two brake horsepower and is capable of propelling the bicycle at a maximum design speed of no more than 30 miles per hour on level ground. Mopeds, their owners and their operators shall be subject to Chapter 60, Article 4, Nebraska Revised Statutes and amendments thereto, but shall be exempt from

the requirements of Chapter 60, Articles 1, 3, and 5, Nebraska Revised Statutes and amendments thereto.

Source: Neb. Rev. Stat. §60-6,309

SECTION 3-410: MOPEDS; OPERATOR'S LICENSE REQUIRED

No person shall operate a moped upon the streets, alleys or public highways of the Village unless such person has a valid motor vehicle operator's license or a valid school or learner's permit.

Source: Neb. Rev. Stat. §60-6,310

SECTION 3-411: MOPEDS; TRAFFIC REGULATIONS APPLICABLE

Any person who rides a moped upon a roadway shall have all of the rights and shall be subject to all of the duties applicable to the driver of a motor vehicle under Chapter III of this code and Sections 39-601 to 39-6,122, Nebraska Revised Statutes and amendments thereto, except for those provisions of such sections which by their nature can have no application. Such regulations applicable to mopeds shall apply whenever a moped shall be operated upon any street, alley or public highway within the Village or upon any path set aside by the Department of Roads or local authority for the use of mopeds. Notwithstanding any established maximum speed limits in excess of 25 miles per hour, no person shall operate any moped at a speed in excess of 30 miles per hour.

Source: Neb. Rev. Stat. §60-6,311

SECTION 3-412: MOPEDS; OPERATION

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

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

Source: Neb. Rev. Stat. §60-6,312

SECTION 3-413: MOPEDS; USE OF TRAFFIC LANES

A moped shall be entitled to full use of a traffic lane of any street or highway with an authorized speed limit of 45 miles per hour or less and no vehicle shall be operated in such a manner as to deprive any moped of the full use of such lane.

This section shall not apply to mopeds or motorcycles operated two abreast in a single lane. No person shall operate a moped between lanes of traffic or between adjacent lines or rows of vehicles. Mopeds shall not be operated more than two abreast in a single lane. Any person who operates a moped on a roadway with an authorized speed limit of more than 45 miles per hour shall ride as near to the right side of the roadway as practicable and shall not ride more than single file.

Source: Neb. Rev. Stat. §60-6,313

SECTION 3-414: MOPEDS; EQUIPMENT

Any moped which carries a passenger shall be equipped with footrests for such passenger. No person shall operate any moped with handlebars more than 15 inches above the mounting point of the handlebars.

Source: Neb. Rev. Stat. §60-6,312

SECTION 3-415: SNOWMOBILES; EQUIPMENT

Every snowmobile operated within the Village shall be registered with the State of Nebraska as required by law and shall be equipped as required by state statutes.

SECTION 3-416: SNOWMOBILES; UNLAWFUL ACTS

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

1. Within the Village unless weather conditions are such that it provides the only practicable method of safe vehicular travel, or said snowmobile is engaged in responding to an emergency.

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

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

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

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

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

Source: Neb. Rev. Stat. §60-6,337

SECTION 3-417: SNOWMOBILES; STREETS

1. The operation of snowmobiles on any village street or other public property owned by the Village, except in times of a snow emergency as defined below, is prohibited.

2. A "snow emergency" is defined to be that time during and immediately following snowfall within the Village when two-wheel-drive vehicular travel is not possible and the Village's snow removal crew has not commenced removal of snow from village streets and alleys.

SECTION 3-418: SNOWMOBILES; REGISTRATION

All snowmobiles used for transportation purposes during times of snow emergency shall be registered with the State of Nebraska as required by law and shall be equipped with at least one headlight, one taillight, reflective material of a minimum area of 16 square inches mounted on each side forward of the handlebars, and with brakes as prescribed by the Director of Motor Vehicles. In addition, all laws applicable 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.

ARTICLE V – ALL-TERRAIN VEHICLES

SECTION 3-501: DEFINITIONS

For purposes of this section:

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

“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 use of the public for purposes of vehicular travel. (Neb. Rev. Stat. §60-624)

SECTION 3-502: COMPLIANCE WITH ORDINANCE

An ATV may be operated on the streets and highways within the corporate limits of Village only if the operator and vehicle comply with the provisions of this ordinance.

SECTION 3-503: EQUIPMENT

An ATV may be operated on the streets and highways within the corporate limits of the Village only if such vehicle is equipped with the following:

1. At least one working headlight and taillight;
2. A working brake light.
3. A federally approved 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 shape with an area of not less than 30 square inches and shall be day-glow in color.
4. A muffler system in good working condition properly attached to the all-terrain vehicle.

(Neb. Rev. Stat. §60-6,358)

SECTION 3-504: OPERATION

1. Any person operating an ATV as authorized in Section 3-502 shall have:

A. A valid class O operator's license or a farm permit as provided in Neb. Rev. Stat. §60-4,126.

B. Liability insurance coverage for the ATV while operating it on a street or highway. The person operating the vehicle shall provide proof of such insurance coverage to any police officer requesting such proof immediately of such a request.

C. A permit issued by the village clerk permitting operation within the corporate limits of the Village.

2. Any operator of an ATV within the village limits shall, in addition to the other requirements in this ordinance, obey all municipal traffic ordinances and regulations, including but not limited to posted speed limits and stop signs.

3. ATVs may be operated without complying with Section 3-503 and subsection (1) 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.

4. ATVs 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.

5. The crossing of a street or highway shall be permitted by an ATV without complying with Section 3-503 and subsection (1) of this section only if:

A. The crossing is made at an angle approximately 90° to the direction of the street or highway and at a place where no obstruction prevents a quick and safe crossing;

B. The vehicle is brought to a complete stop before crossing the shoulder or roadway of the street or highway;

C. The operator yields the right of way to all oncoming traffic that constitutes an immediate potential hazard;

D. In crossing a divided highway, the crossing is made only at the intersection of such highway with another highway; and

E. Both the headlight and taillight of the vehicle are on at the time the crossing is made.

6. An ATV may be operated on a street, road or highway when such operation occurs only between the hours of sunrise and sunset unless equipped with operable snow plow blade and apparatus. When in operation, the headlight and taillight of the vehicle shall be on.

7. An ATV shall not be operated at a speed in excess of the posted speed limit and in no event in excess of 30 mph.

8. ATVs may be operated within the corporate limits of the Village by village personnel and water/sewer personnel within the course of their employment and in accordance with the operation requirements, with the exception that the operation of such vehicle need not be limited to the hours between sunrise and sunset, including village-wide events such as the Cairo CornStalk Festival and Junk Jaunt.

9. Underage operators shall comply with the provisions of Section 3-508.
(Neb. Rev. Stat. §60-6,356)

SECTION 3-505: MODIFICATIONS PROHIBITED; EXCEPTION

No person shall:

1. Equip the exhaust system of an ATV with a cutout, bypass, or similar device;

2. Operate an ATV with an exhaust system so modified; or

3. Operate an ATV with the spark arrester removed or modified except for use in closed-course competition events.
(Neb. Rev. Stat. §60-6,359)

SECTION 3-506: REGISTRATION

1. In order to be authorized for operation on the streets and highways of the Village, an ATV must be registered in the office of the village clerk. A registration sticker will be issued upon submission of the following:

- A. A certificate from the office of the village clerk indicating that the ATV has been inspected and complies, in full, with the equipment requirements identified in Section 3-503.
- B. Proof of liability insurance coverage for the ATV while in operation on a street or highway.
- C. A \$15.00 annual fee for registration of the vehicle. A \$25.00 annual fee shall be required of dealers of ATVs within the Village. All such fees shall be credited to the street department fund of the Village. The registration sticker will entitle the ATV to be operated on the streets and highways of the Village from January 1 in any year to December 31 of the same year and shall be renewable annually. The annual fee shall not be pro-rated.
- D. A valid operator's license issued by the State of Nebraska.

2. Upon compliance with the registration requirements identified herein, the village clerk shall issue a registration sticker for the ATV being registered. Said registration sticker must be prominently displayed upon said vehicle at all times while such vehicle is in operation on the streets and highways of the Village. The sticker shall be displayed on the left lower corner of the windshield of such vehicle or, if the vehicle is not equipped with a windshield, at the left front of such vehicle.

SECTION 3-507: OPERATOR

Any person operating an ATV as authorized by this ordinance shall be at least 18 years old and shall possess a valid driver's license issued by the State of Nebraska or another state. The individual operating the ATV shall provide proof of insurance coverage as required in Section 3-506(B) to any police officer requesting such proof immediately when the request is being made. No person shall operate an ATV on the streets or highways of the Village in violation of the Nebraska Rules of the Road as established by the Nebraska Revised Statutes.

SECTION 3-508: WORK PERMIT; UNDERAGE OPERATORS

1. The Village may issue a work permit to an operator who otherwise complies with all the terms of this ordinance with the exception of age. A work permit shall be issued by the village clerk upon receipt of the following:

- A. An application signed by the applicant, who is at least 16 years of age as of the date thereof, and his or her parent or legal guardian;
- B. Acknowledgment by applicant that he or she received a copy of this ordinance; and
- C. Certification of the applicant and parent/guardian that the applicant will fully comply with all provisions thereof.

2. Upon issuance of a work permit, the holder thereof may operate an ATV for legitimate employment purposes (snow removal, lawn care or agricultural use), and in addition, holder may operate an ATV to or from the site where the operator is engaged in such employment and the residence of the operator, over the most direct and accessible route through the streets of the Village.

3. The holder of the work permit shall not use any type of interactive wireless communication device while operating an ATV on the streets of the Village.

4. Any operator who is 18 years or younger must wear a D.O.T.-certified motorcycle helmet at all times.

SECTION 3-509: VIOLATION; PENALTY

1. It shall be unlawful for any person to operate or be in actual physical

control of any ATV upon the traveled portion of any public roadway within the corporate limits of the Village except as specifically authorized and permitted under the terms of this ordinance. A person who is found to be in violation of this ordinance shall be guilty of a misdemeanor punishable by a minimum fine of \$100.00 and up to a maximum fine of \$300.00 for each separate offense.

2. In addition, any person receiving three or more citations within a 12-month period shall, upon conviction of the third or subsequent offense, have his or her permit to operate an ATV within the village limits revoked for a period of one year from the date of conviction. Upon completion of the revocation period, said person must reapply for a permit in order to operate an ATV within the Village.

SECTION 3-510: COMPETITION

ATVs participating in competitive events may be exempted from Sections 3-503 and 3-505 of this article at the discretion of the Director of Motor Vehicles.
(Neb. Rev. Stat. §60-6,360)

SECTION 3-511: 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 involved in the accident shall give notice of the accident in the same manner as provided in Neb. Rev. Stat. §60-699.
(Neb. Rev. Stat. §60-6,361)

SECTION 3-512: VIOLATION; STATE STATUTES

Any violation of this article which is also a violation under Chapter 60 of Nebraska Revised Statutes may be punished under the penalty provisions of such chapter.
(Neb. Rev. Stat. §60-6,362)

SECTION 3-513: ENFORCEMENT

Any peace officer of the State or of any political subdivision, including conservation officers of the Game and Parks Commission, shall be charged with the enforcement of the provisions of this article.

ARTICLE VI - PENAL PROVISION

SECTION 3-601: VIOLATION; PENALTY

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

