

## **CHAPTER 3 – VEHICLES AND TRAFFIC**

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### **CHAPTER 3 – VEHICLES AND TRAFFIC**

#### **Article 1 – Traffic Regulations**

##### **SECTION 3-101: DEFINITIONS**

The words and phrases used in this chapter, pertaining to motor vehicles and traffic regulations, shall be construed as defined in Chapter 60, Article 6 of the Revised Statutes of Nebraska, 1943, as now existing or hereafter amended. If not defined in the designated statutes, the word or phrase shall have its common meaning. (Ref. Neb. Rev. Stat. §60-606 through 60-676)

##### **SECTION 3-102: TRUCK ROUTES**

A. The following truck routes are hereby established within the city limits of the City:

1. All of Highway No. 275 as the same enters the east edge of the City of Neligh through and to the west corporate limits of the City.
2. Highway No. 14 from where the same enters the corporate limits on the south edge of the City to and through the northern limits of the City.
3. Wylie Drive from where the same intersects Highway No. 14 east to Highway No. 275.
4. Third Street from Highway No. 275 east to the corporate limits of the City of Neligh.
5. From the intersection of Third Street and "L" Street west and northwest to the intersection of Fourth Street and "P" Street, thence north to the intersection of Fifth Street and "P" Street, thence east to the intersection of "O" Street and Fifth Street, thence south to the intersection of Third Street as extended and "O" Street, thence along Third Street east to the intersection of "L" Street and Third Street.

B. It shall be unlawful for persons operating trucks larger than pickups or passenger size panel trucks to travel on streets other than those designated herein unless to pick up or deliver goods, wares or merchandise or to travel to off-street truck parking facilities. In the event of deliver or pick up, the operator of such truck shall return to such truck routes as soon as possible when traveling through or about the City. The City Council shall cause signs to be posted or cause notice to be posted designating such streets as truck routes.

(Ref. Neb. Rev. Stat. §60-681)

### **SECTION 3-103: ONE-WAY TRAFFIC**

The City Council may, by resolution, provide for one-way travel in any street or alley located in the City and shall provide for appropriate signs and markings when said streets have been so designated by resolution. (Ref. Neb. Rev. Stat. §60-680)

### **SECTION 3-104: TRAFFIC LANES; DESIGNATION**

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

### **SECTION 3-105: ARTERIAL STREETS; DESIGNATION**

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

### **SECTION 3-106: TURNING; HAND SIGNALS**

A signal of intention to turn right or left shall be given continuously during not less than the last 100 feet traveled, and shall be given either by means of a hand and arm or by a signal device of a type approved by the Department of Roads. The hand and arms signals herein required shall be given from the left side of the vehicle in the following manner: Stop or decreased speed, hand and arm extended downward; left turn, hand and arm extended horizontally; right turn, hand and arm extended upward.

### **SECTION 3-107: 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. (Ref. Neb. Rev. Stat. §60-6,160, 60-680)

### **SECTION 3-108: TURNING; GENERALLY**

Vehicles turning to the right into an intersecting street shall approach such intersection in the lane of traffic nearest to the right hand side of the highway and must turn the corner as near the right hand curb as possible to keep between the curb to the right and the center of the intersection of the two streets. The driver of a vehicle intending to turn to the left shall approach such center line of the highway, and in turning shall pass as near as possible to the center of the intersection, passing as closely as practicable to the right thereof before turning such vehicle to the left. For the purposes of this section, the center of the intersection shall mean the meeting point of the medial lines of the highways intersecting one another. (Ref. Neb. Rev. Stat. §60-6,159)

### **SECTION 3-109: TURNING; CAUTIOUS**

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 unmistakable signal to the drivers of all other vehicles of his/her intention to make such movement.

### **SECTION 3-110: 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 policeman 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.

E. The driver of a vehicle entering a city street from a private road or drive shall yield the right-of-way to all vehicles approaching on such streets.

F. The driver of a vehicle upon a street shall yield the right-of-way to authorized emergency vehicles when the latter are operated upon official business and the drivers thereof make proper use of visible or audible signals.

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

### **SECTION 3-111: RIGHT-OF-WAY; EMERGENCY VEHICLES**

Upon the approach of any authorized emergency vehicle, every vehicle within one block of the route of such emergency vehicle shall immediately stop, except at the time they are on or crossing a street intersection, in which event, such vehicle shall drive clear of the street intersection and then stop. Every vehicle along the route of such emergency vehicle shall immediately move to a position as near the right hand curb as possible and remain there until such authorized emergency vehicle or vehicles have passed; provided, said vehicles are operated on official business and the drivers thereof make use of proper visual or audible signals. (Ref. Neb. Rev. Stat. §60-6,151)

### **SECTION 3-112: POSITION OF VEHICLE ON HIGHWAY; GENERALLY**

Upon all highways of sufficient width, one-way streets excepted, the driver of a vehicle shall drive the same on the right half of the roadway. In passing or meeting other vehicles, drivers shall give each other at least one-half of the main traveled portion of the roadway. (Ref. Neb. Rev. Stat. §60-6,131)

### **SECTION 3-113: POSITION OF VEHICLE ON HIGHWAY; PASSING**

A vehicle shall not be driven to the left of the center line of the highway in overtaking or passing another vehicle proceeding in the same direction, unless such left side is clearly visible and free from oncoming traffic for a sufficient distance to permit such overtaking and passing to be made in safety. (Ref. Neb. Rev. Stat. §60-6,136)

### **SECTION 3-114: FUNERAL PROCESSIONS**

No vehicle, except police vehicles, Fire Department vehicles when responding to emergency calls or orders in their several departments, ambulances responding to emergency calls, or vehicles carrying U.S. mail shall be driven through a funeral procession or cortege except with the permission of a police officer.

### **SECTION 3-115: CROSSWALKS**

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

### **SECTION 3 -116: SIGNS, SIGNALS**

The City Council may, by resolution, provide for the placing of stop signs or other signs, signals, standards or mechanical devices in any street or alley under the City's jurisdiction for the purpose of regulating or prohibiting traffic thereon. Such resolution shall describe the portion of the street or alley wherein traffic is to be regulated or prohibited; the regulation or prohibition; the location where such sign, signal, standard or mechanical device shall be placed; and the hours when such regulation or prohibition shall be effective. It shall be unlawful for any person to fail, neglect or refuse to comply with such regulation or prohibition. (Ref. Neb. Rev. Stat. §60-6,119 through 60-6,121, 60-680)

### **SECTION 3-117: STOP SIGNS**

Every person operating any vehicle shall, upon approaching any stop sign erected in accordance with the resolution prescribed heretofore, cause such vehicle to come to a complete stop before entering or crossing any street, highway or railroad crossing. The vehicle operator shall stop at a marked stop line, or, if there is no stop line, before entering the crosswalk; but if neither is indicated, then as near the right-of-way line of the intersecting roadway as possible. (Ref. Neb. Rev. Stat. §60-6,119 through 60-6,121, 60-680)

### **SECTION 3-118: SIGNS, TRAFFIC CONTROL DEVICES, TRAFFIC SURVEILLANCE DEVICES; DEFACING OR INTERFERING WITH**

It shall be unlawful for any person to willfully or maliciously deface, injure, remove, obstruct, knock down or interfere with any official traffic sign or signal, traffic control device, or traffic control surveillance device. (Ref. Neb. Rev. Stat. §60-6,129, 60-6,129.01)

### **SECTION 3-119: LITTERING**

It shall be unlawful for any person to drop, or cause to be left, upon any city highway, street or alley, except at places designated by the City Council, any rubbish, debris or waste, and any person so doing shall be guilty of littering. (Ref. Neb. Rev. Stat. §39-311)

### **SECTION 3-120: QUIET ZONES; UNNECESSARY NOISE**

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

### **SECTION 3-121: SPEED LIMITS**

No person shall operate a motor vehicle on any street, alley or other place at a rate of speed greater than 25 miles per hour within the 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. Where a different maximum speed is set by ordinance, appropriate signs shall be posted. (Ref. Neb. Rev. Stat. §60-6,186, 60-6,190)

### **SECTION 3-122: HIGHWAY SPEED LIMITS**

A. Speed limits on U.S. Highway No. 275 as the same traverses through the City's corporate limits:

1. 45 mph from 300 feet west of "V" Street to "T" Street;
2. 35 mph from "T" Street to 7<sup>th</sup> Street;
3. 30 mph from 7<sup>th</sup> Street to "K" Street;
4. 40 mph from "K" Street to 200 feet east of the Belmar Creek Bridge.

B. Speed limit on U.S. Highway No. N-14/N-70 as the same traverses through the corporate limits of the City:

35 mph from 6<sup>th</sup> Street extending to 700 feet north of 11<sup>th</sup> Street.

### **SECTION 3-123: SPEED NEAR HOSPITAL**

The appearance of "Slow" signs at an intersection or elsewhere on the streets or alleys requires the driver of a motor vehicle to reduce his/her speed to not more than 15 miles per hour and maintain such reduced speed until the intersection or other obstruction is passed, nor in any event, at a rate of speed greater than 15 miles per hour when passing the premises on which Antelope Memorial Hospital is located, specifically beginning at U.S. Highway No. 275 where it intersects with "N" Street, running south on "N" Street to the intersection of "N" Street and Ninth Street with U.S. Highway No. 275. The foregoing speed limit shall be clearly indicated with appropriate signs.

### **SECTION 3-124: SPEED NEAR SCHOOLS**

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 at a rate of speed in excess of 15 miles per hour past such premises and such driver shall stop at all stop signs located at or near such school premises.

### **SECTION 3-125: SPEED; ELECTRONIC DETECTION**

A. Determinations made regarding the speed of any motor vehicle based upon the visual observation of any law enforcement officer may be corroborated by the use of radio microwaves or other electronic device. The results of such radio microwave or other electronic speed measurement 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 radio microwave or other electronic speed measurement for the purpose of establishing the speed of any motor vehicle, the City shall prove the following:

1. The measuring device was in proper working order at the time of conducting the measurement;
2. The measuring 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 such device and interpreting such measurement was qualified by training and experience to properly test and operate the device; and
4. The operator conducted external tests of accuracy upon the measuring device, within a reasonable time both prior to and subsequent to an arrest being made, and the measuring device was found to be in proper working order.

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



based on such a message, such radio message must have been dispatched immediately after the speed of the motor vehicle had been recorded, and must include a description of the vehicle and the recorded speed.

(Ref. Neb. Rev. Stat. §60-6,192)

### **SECTION 3-126: NEGLIGENT DRIVING**

Any person who operates a motor vehicle in such a manner as to indicate a want of ordinary care and caution that a person of ordinary prudence would use under like circumstances shall be deemed guilty of negligent driving. (Ref. Neb. Rev. Stat. §60-4,182)

### **SECTION 3-127: CARELESS DRIVING**

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

### **SECTION 3-128: 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 and in no case shall the distance of the backing exceed one and one-half lengths of the vehicle.

### **SECTION 3-129: UNNECESSARY STOPPING**

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

### **SECTION 3-130: PASSING; INTERSECTIONS**

The driver of a vehicle shall not overtake and pass another vehicle proceeding in the same direction while traversing a street intersection, if such passing requires such overtaking vehicle to drive to the left of the center of the street. (Ref. Neb. Rev. Stat. §60-6,136)

### **SECTION 3-131: PASSING; HINDRANCE**

The driver of a vehicle about to be overtaken and passed by another vehicle shall not increase the speed of his/her vehicle until completely passed by the overtaking vehicle. (Ref. Neb. Rev. Stat. §60-6,133)

### **SECTION 3-132: DRIVING ABREAST**

Two or more vehicles shall not be driven abreast except when passing or when traversing a multilane or one-way street; provided, motorcycles may be driven no more than two abreast in a single lane. (Ref. Neb. Rev. Stat. §60-6,139, 60-6,308)

### **SECTION 3-133: 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, the traffic and condition of the street. (Ref. Neb. Rev. Stat. §60-6,140)

### **SECTION 3-134: DRIVING IN SIDEWALK SPACE**

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

### **SECTION 3-135: VEHICLE; MUFFLER**

Every motor vehicle operated within this city shall be provided with a muffler in good working order to prevent excessive or unusual noise or smoke. 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. (Ref. Neb. Rev. Stat. §60-6,371)

### **SECTION 3-136: EMERGENCY REGULATIONS**

The chief of police is hereby empowered to make and enforce temporary traffic regulations to cover emergencies. (Ref. Neb. Rev. Stat. §80-2005)

### **SECTION 3-137: POLICE; ENFORCEMENT**

The city police are hereby authorized, empowered and ordered to exercise all powers and duties with relation to the management of street traffic and to direct, control, stop, restrict, regulate, 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. (Ref. Neb. Rev. Stat. §60-683)

### **SECTION 3-138: 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. (Ref. Neb. Rev. Stat. §60-680)

### **SECTION 3-139: POLICE; TRAFFIC OFFICERS**

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

### **SECTION 3-140: 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 shall be carried by day and a red light after sunset at the extreme rear end of such load. (Ref. Neb. Rev. Stat. §60-6,243)

### **SECTION 3-141: LOADS; SPILLING**

All vehicles used for carrying coal, earth, cinders, 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. (Ref. Neb. Rev. Stat. §60-6,304)

### **SECTION 3-142: SPILLING OF LIVESTOCK WASTE**

It is deemed unlawful for any person to permit the spilling of animal wastes and manure from any livestock trailer or truck on any street or highway within the corporate limits of the City.

### **SECTION 3-143: SEMI-TRACTORS; ENGINE BRAKING**

It is unlawful for any person in any part of the City to make or cause to be made loud or disturbing noises with any mechanical device operated by compressed air and used for purposes of assisting braking on any semi-tractor, commonly referred to as "Jake braking" or "engine braking." Proper notices shall be posted by the City notifying the public of such prohibition. Any person convicted of having violated this section shall be guilty of a misdemeanor and fined in a sum not exceeding that permitted by Nebraska law for violation of a misdemeanor. (Ord. No. 283, 10/14/97)

### **SECTION 3-144: RIDING OUTSIDE VEHICLE**

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

### **SECTION 3-145: RIDING IN PICKUP BED**

A. No person shall permit any other person to be transported in the bed of a moving, uncovered pickup truck unless such individual is sitting on the bed of such pickup. It is hereby determined that sitting on either of the wheel wells of said pickup is not sitting on the pickup bed and is prohibited.

B. The driver of any moving, uncovered pickup truck who shall permit passengers to ride in the bed of such pickup in a standing position or in a position other than sitting on the bed of such pickup is hereby determined to be guilty of a misdemeanor.

### **SECTION 3-146: SKATEBOARDS**

A. *Definitions.* Words and phrases defined for the purposes of this ordinance shall have the meanings set forth in this section, unless normal construction in context shall clearly indicate the contrary:

1. "Skateboard" has its ordinary meaning and shall include a board of any material with wheels affixed to the underside, designed to be ridden by a person. For the purposes of this ordinance, the term "skateboard" shall include the terms "scooter" and "coaster."
2. "Riding a skateboard" and "skateboarding" shall mean to stand with one or both feet touching the skateboard, to crouch, sit or lie upon the skateboard while it is in motion, and/or to propel a skateboard.
3. "Negligent maneuver" shall mean any maneuver that may or cause injury to a person, including the rider, and/or damage to property, and/or any maneuver that threatens such injury or damage.

B. *Skateboarding Regulated.* It shall be unlawful for any person to ride a skateboard in any area of the City designated as an area where skateboarding is prohibited and/or to ride in a negligent manner as provided herein.

C. *Areas where Skateboarding is Prohibited.* Skateboarding shall be prohibited in the City:

1. On M Street between Second Street and Fifth Street;
2. On Second Street between N Street and L Street;
3. On Third Street between N Street and L Street;
4. On Fourth Street between N Street and L Street;
5. On Fifth Street between N Street and L Street.

D. *Negligent Skateboarding.* It shall be a violation of this ordinance for any person to ride a skateboard in a negligent manner within the City.

E. *Compliance with Traffic Regulations.* In areas of the City where skateboarding is not prohibited, it shall be a violation of this ordinance for any person to ride a skateboard in a manner contrary to traffic and/or pedestrian regulations.

F. *Uncontrolled Skateboard Prohibited.* It shall be a violation of this ordinance for any skateboard to be out of the direct physical control of the owner or user while it is in motion anywhere within the City. Any skateboard in violation of this provision is subject to seizure and forfeiture as provided herein.

G. *Seizure and Forfeiture.* Whenever a law enforcement officer has probable cause to believe that a skateboard was used or is intended to be used in violation of this ordinance, such skateboard is subject to seizure and forfeiture. In the event of seizure pursuant to this ordinance, forfeiture shall be deemed complete unless the owner requests a hearing before the mayor. At such hearing the forfeiture shall be ordered upon the officer's showing of probable cause as provided herein.

H. *Penalties.* Upon the admission or determination of responsibility for a violation of this ordinance, the responsible person shall be assessed the following civil fines:

1. First violation: Warning and notice to parents if a minor is involved.
2. Second violation: Citation and \$25.00 fine.
3. Third or subsequent violation: Citation and \$50.00 fine.

In addition, the responsible person shall pay all costs incurred by the City in enforcement and prosecution, including actual attorney fees, and any violator shall be responsible for reimbursement/restitution for damage caused by the violation.

(Ord. No. 549, 11/13/12)

### **SECTION 3-147: BUREAU OF VIOLATIONS**

A Bureau of Violations is hereby created, to be administered by the Neligh city clerk for collection of penalties imposed by city ordinances for non-moving motor vehicle violations. The Neligh police officers shall issue citations for non-moving motor vehicle offenses and such citations shall be payable at the city clerk's office. If the citation is paid within five days, the penalty shall be \$5.00. If not paid within five days of the offense but within ten days of the offense, the penalty shall be \$10.00. If not paid within ten days of the offense, the citation shall be referred to the city attorney for prosecution in county

## **Article 2 – Abandoned Vehicles**

(Am. by Ord. No. 2/10/15)

### **SECTION 3-201: 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.

### **SECTION 3-202: 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.

### **SECTION 3-203: 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.

### **SECTION 3-204: 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 de-scribed 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.

### **SECTION 3-205: CUSTODY; WHO ENTITLED**

The City shall be entitled to custody of an abandoned vehicle found within the City.

### **SECTION 3-206: 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.

### **SECTION 3-207: 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.

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

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.

### **SECTION 3-209: 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.

## **Article 3 – 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 or edge of the roadway in such manner as to have both right wheels within 12 inches of the curb or edge of the roadway and so as to leave at least four feet between the vehicle so parked and any other parked vehicle, except where the City Council designates that vehicles shall be parked at an angle so as to have the front right wheel at the curb or edge of the roadway. Where stalls are designated either on the curb or pavement, vehicles shall be parked within such stalls. No vehicle shall be parked upon a roadway when there is a shoulder adjacent to the roadway which is available for parking. (Ref. Neb. Rev. Stat. §60-680, 60-6,167)

### **SECTION 3-302: DESIGNATION**

The City Council may, by resolution, designate any street or portion thereof where vehicles shall be parked parallel with and adjacent to the curb or at an angle so as to have the right front wheel at the curb. (Ref. Neb. Rev. Stat. §60-6,167, 60-680)

### **SECTION 3-303: AREAS**

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

### **SECTION 3-304: OBSTRUCTING ALLEY**

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

### **SECTION 3-305: ALLEYS**

A. Parking is prohibited in the following alleys of the City of Neligh:

1. On the west side of the north/south alley located in Block 4;
2. On the west side of the north/south alley located in Block 3;
3. On the east side of the north/south alley located in Block 19;
4. On the east side of the north/south alley located in Block 20.

B. Parking in the alleys as above prescribed shall be for the sole purpose of loading or unloading. Said vehicles' motors shall remain in operation while said vehicles are parked in the above described alleys and in any event, parking shall be limited to not more than one hour by any motor vehicle in said alleys. Anyone violating the provisions of this section shall be guilty of a Class III misdemeanor. (Ref. Neb. Rev. Stat. §60-680)

### **SECTION 3-306: 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 City Council has designated on the Official Zoning Map 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, but only after the operator of said truck has obtained permission from the city police to do so. 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 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. (Ref. Neb. Rev. Stat. §60-680)

### **SECTION 3-307: FIRE HYDRANTS AND STATIONS**

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. (Ref. Neb. Rev. Stat. §60-6,166)

### **SECTION 3-308: CHURCHES, SCHOOLS, THEATERS**

The City Council may, by resolution, prohibit the parking or stopping except for unloading of passengers or freight, of vehicles at the curb on streets directly in front of any entrance to a church, church building, schoolhouse, school building, or theater. (Ref. Neb. Rev. Stat. §60-680)

### **SECTION 3-309: PARKING AT CURB**

No vehicle shall park on any street with its left side to the curb, unless said street has been designated to be a "one-way" street by the City Council. Vehicles must not be parked at any curb in such a position as to prevent another vehicle already parked at the curb from moving away. (Ref. Neb. Rev. Stat. §60-6,167)

### **SECTION 3-310: CURBS; PAINTED**

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

### **SECTION 3-311: DISPLAY OR REPAIR OF VEHICLES**

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

### **SECTION 3-312: TIME LIMIT**

The City Council may, by resolution, entirely prohibit or fix a time limit for the parking and stopping of vehicles on any street, 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. (Ref. Neb. Rev. Stat. §60-680)

### **SECTION 3-313: MAXIMUM TIME LIMIT**

The parking of a motor vehicle on a public street for over 24 consecutive hours is unlawful, except where a different maximum time limit is posted. (Ref. Neb. Rev. Stat. §60-680)

### **SECTION 3-314: EMERGENCY SNOW ROUTE**

By virtue of the public necessity, the following streets are designated emergency snow routes within the City:

A. "N" Street from its intersection with Highway No. 275 south to the intersections of 2<sup>nd</sup> Street;

B. 8<sup>th</sup> Street from its intersection with Highway No. 275 west to the intersection of Highway No. 14;

C. 3<sup>rd</sup> Street from its intersection with "N" Street east to the intersection of "D" Street;

D. Main Street from its intersection with 2<sup>nd</sup> Street north to the intersection of 6<sup>th</sup> Street.

### **SECTION 3-315: SNOW EMERGENCY PARKING REGULATIONS**

It is hereby determined unlawful for the owner of any motor vehicle or wheeled trailer to park such motor vehicle or wheeled trailer during a snow emergency on any public street within the City. It is hereby determined that a snow emergency shall exist whenever three inches or more of new snow shall accumulate. Said snow emergency shall continue until the city street crews have completed the street cleaning operations over the entire city. (Am. by Ord. No. 451, 1/10/06)

### **SECTION 3-316: EMERGENCY VEHICLES**

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

### **SECTION 3-317: TRUCK TRACTOR; DEFINED, PARKING PROHIBITED**

A. "Truck tractor" shall be defined as those vehicles separately licensed and used for the pulling of commercial trailers used in the transportation of goods over the public highways of the state. "Truck tractor trailer" is hereby defined as being a commercial trailer hauling goods and properties over the highways of the state, requiring a separate title, but not including small utility trailers, fifth wheel trailers normally hauled behind a pickup or horse and livestock trailers normally hauled behind a pickup.

B. It shall be unlawful for the operator of any truck or truck tractor, other than a dump truck, pickup or passenger size panel truck or farm equipment, to park such vehicle on any street or any public property within the corporate limits of the City, except where the City Council, by resolution, designates otherwise. Provided, however, such prohibited

vehicles may park for the purposes of loading, in which event vehicles may stop or stand for a period of time not to exceed what is necessary and reasonable to load or unload, but in no case longer than one hour unless the operator of such truck has obtained permission from the city police to do so for a longer period of time. 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 drive or on the sidewalk. The City Council may, by resolution, provide truck parking areas adjoining or adjacent to the business district and when such parking areas are designated, it shall be the duty of all truck operators to use such parking areas for parking purposes.

### **SECTION 3-318: TRUCK PARKING IN MARKED STALLS PROHIBITED**

It is unlawful to park or leave unattended any truck or trailer in any marked parking stall within the City for a period of three continuous hours or longer. Pickup trucks are excluded from this provision.

### **SECTION 3-319: 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 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.

B. 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.

(Ref. Neb. Rev. Stat. §60-6,165, 60-680)

### **SECTION 3-320: HANDICAPPED OR DISABLED PERSONS; DESIGNATION OF ON-STREET PARKING SPACES; DISPLAY OF PERMITS**

A. The City Council may designate parking spaces for the exclusive use of:

1. Handicapped or disabled persons whose motor vehicles display the distinguishing license plates issued to handicapped or disabled persons pursuant to Section 60-311.14 RS Neb.,
2. Handicapped or disabled persons whose motor vehicles display a distinguishing license plate issued to a handicapped or disabled person of another state,
3. Such other handicapped or disabled persons or temporarily handicapped or disabled persons, as certified by the City, whose motor vehicles display the permit specified in Section 18-1739, and
4. Such other motor vehicles, as certified by the City, which display such permit. All such permits shall be displayed by hanging the permit from the motor vehicle's rearview mirror so as to be clearly visible through the front windshield. The permit shall be displayed on the dashboard only when there is no rearview mirror.

B. If the City Council so designates a parking space, it shall be indicated by posting aboveground and immediately adjacent to and visible from each space a sign which is in conformance with the *Manual on Uniform Traffic Control Devices*. In addition to such sign, the space may also be indicated by blue paint on the curb or edge of the street adjacent to the space.

(Ref. Neb. Rev. Stat. §18-1736, 18-1737)

### **SECTION 3-321: HANDICAPPED OR DISABLED PERSONS; DESIGNATION OF OFF-STREET PARKING STALLS OR SPACES**

The City Council and any person in lawful possession of any off-street parking facility may designate stalls or spaces in such facility for the exclusive use of:

A. Handicapped or disabled persons whose motor vehicles display the distinguishing license plates issued to handicapped or disabled persons pursuant to Section 60-311.14 RS Neb.,

B. Such other handicapped or disabled persons or temporarily handicapped or disabled persons, as certified by the City, whose motor vehicles display the permit specified in Section 18-1739, and

C. Such other motor vehicles, as certified by the City, which display such permit. Such designation shall be made by posting aboveground and immediately adjacent to and visible from each stall or space a sign which is in conformance with the *Manual on Uniform Traffic Control Devices*.

(Ref. Neb. Rev. Stat. §18-1737)

### **SECTION 3-322: HANDICAPPED OR DISABLED PERSONS; DEFINITIONS**

For purposes of this article:

“Handicapped or disabled person” shall mean any individual with a severe visual or physical impairment which limits personal mobility and results in an inability to travel unassisted more than 200 feet without the use of a wheelchair, crutch, walker, or prosthetic, orthotic, or other assistant device, any individual whose personal mobility is limited as a result of respiratory problems, any individual who has a cardiac condition to the extent that his or her functional limitations are classified in severity as being Class III or Class IV, according to standards set by the American Heart Association, and any individual who has permanently lost all or substantially all the use of one or more limbs;

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

“Handicapped parking infraction” shall mean the violation of any section of this article regulating:

A. The use of parking spaces designated for use by handicapped or disabled persons or

B. The obstruction of any wheelchair ramps constructed or created in accordance and in conformity with the federal Americans with Disabilities Act of 1990.

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

### **SECTION 3-323: HANDICAPPED OR DISABLED PERSONS; PERMIT ISSUANCE**

A. The city clerk shall take an application from a handicapped or disabled person or temporarily handicapped or disabled person or his or her parent, legal guardian, or foster parent for a permit which will entitle the holder thereof or a person driving a motor vehicle for the purpose of transporting such a holder to park in those spaces provided for by this article when the holder of the permit will enter or exit the motor vehicle while it is parked in such spaces. For purposes of this section, the handicapped or disabled person or temporarily handicapped or disabled person shall be considered the holder of the permit.

B. The city clerk shall not accept the application for a permit of any person making application contrary to the provisions of Section 18-1738.02 RS Neb.

C. A person applying for a permit or for the renewal of a permit shall complete an application, provide proof of identity, and submit a completed medical form signed by a physician, a physician assistant or nurse practitioner, who shall indicate the estimated date of recovery or that the temporary handicap or disability will continue for a period of six months, whichever is less.

D. A person may hold only one permit under this section and may hold either a permit under this section or a permit under Section 3-324, but not both.

E. The city clerk shall submit to the Department of Motor Vehicles the name, address, and license number of all persons applying for a permit pursuant to this section. (Ref. Neb. Rev. Stat. §18-1738, 18-1738.02)

### **SECTION 3-324: HANDICAPPED OR DISABLED PERSONS; MOTOR VEHICLE PERMIT ISSUANCE**

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

B. The city clerk shall not accept the application for a permit of any person making application contrary to the provisions of Section 18-1738.02 RS Neb.

C. A person applying for a permit or for the renewal of a permit pursuant to this section shall apply for a permit for each motor vehicle which is used for the transportation of handicapped or disabled persons or temporarily handicapped or disabled persons, complete such forms as are provided to the city clerk by the Department of Motor Vehicles and demonstrate to the city clerk that each such motor vehicle is used primarily for the transportation of handicapped or disabled persons or temporarily handicapped or disabled persons. A copy of the completed application form shall be given to each applicant.

D. No more than one such permit shall be issued for each motor vehicle. A person may hold either a permit under this section or a permit under Section 3-323, but not both.

E. The city clerk shall submit to the Department of Motor Vehicles the name, address, and license number of all persons applying for a permit pursuant to this section. (Ref. Neb. Rev. Stat. §18-1738, 18-1738.02)

**SECTION 3-325: HANDICAPPED OR DISABLED PERSONS; PERMIT CONTENTS; PROHIBITED ISSUANCE; DUPLICATE PERMITS**

A. The permit issued for handicapped or disabled parking shall be constructed of a durable plastic designed to resist normal wear or fading for the term of the permit's issuance and printed so as to minimize the possibility of alteration following issuance. The permit shall be of a design, size, configuration, color, and construction and contain such information as specified in the rules and regulations adopted and promulgated by the United States Department of Transportation in the Uniform Systems for Handicapped Parking, 23 C.F.R. part 1235.

B. In addition to the requirements of subsection (A) of this section, the permit shall show such identifying information with regard to the handicapped or disabled person or temporarily handicapped or disabled person to whom it is issued as is necessary to the enforcement of this article.

C. No permit shall be issued to any person or for any motor vehicle if any parking permit has been issued to such person or for such motor vehicle and such permit has been suspended pursuant to Section 3-327. At the expiration of such suspension, a permit may be renewed.

D. A duplicate permit may be provided without cost if the original permit is destroyed, lost or stolen. Such duplicate permit shall be issued in the same manner as the original permit, except that a newly complete medical form need not be provided if a completed medical form submitted at the time of the most recent application for a permit or its renewal is on file with the city clerk. A duplicate permit shall be valid for the remainder of the period for which the original permit was issued.

(Ref. Neb. Rev. Stat. §18-1739)

**SECTION 3-326: HANDICAPPED OR DISABLED PERSONS; PERMITS; PERIOD VALID; RENEWAL**

All permanently issued permits authorized by this article shall be issued for a period ending September 30 of the third year following the date of issuance and shall expire on that date, except that an application for the renewal of a permit filed with the city clerk within 30 days of the date after its expiration shall be deemed to have been filed prior to the date of its expiration and shall serve as a full and complete defense in any action for a handicapped parking infraction resulting from the absence of a handicapped parking permit arising during that thirty-day period. (Ref. Neb. Rev. Stat. §18-1740)

**SECTION 3-327: HANDICAPPED OR DISABLED PERSONS; PERMITS NOT TRANSFERABLE; VIOLATIONS; SUSPENSION**

Permits issued under this article shall not be transferable and shall be used only by the party to whom issued or for the motor vehicle for which issued and only for the purpose for which it is issued. No person shall knowingly hold more than one permit or knowingly provide false information on an application for a permit. Any violation of this section shall be cause for suspension of such permit for a period of six months. At the expiration of such period, a suspended permit may be renewed. (Ref. Neb. Rev. Stat. §18-1741)

### **SECTION 3-328: HANDICAPPED OR DISABLED PERSONS; ISSUANCE OF CITATION; TRIAL; DISMISSAL**

A. For any offense classified as a handicapped parking infraction, a handicapped parking citation may be issued by any peace officer or by any person designated by ordinance by the City Council to exercise the authority to issue a citation for any handicapped parking infraction.

B. When a handicapped parking citation is issued for a handicapped parking infraction, the person issuing the handicapped parking citation shall enter thereon all required information, including the name and address of the cited person or, if not known, the license number and description of the offending motor vehicles, the offense charged, and the time and place the person is cited to appear in court. Unless the person cited requests an earlier date, the time of appearance shall be at least three days after the issuance of the handicapped parking citation. One copy of the handicapped parking citation shall be delivered to the person cited or attached to the offending motor vehicle.

C. At least 24 hours before the time to set for the appearance of the cited person, either the city attorney or other person authorized by law to issue a complaint for the particular offense shall issue and file a complaint charging such person with a handicapped parking infraction or such person shall be released from the obligation to appear as specified.

D. The trial of any person for a handicapped parking infraction shall be by the court without a jury. A person cited for a handicapped parking violation may waive his or her right to trial.

E. For any handicapped parking citation issued for a handicapped parking infraction by reason of the failure to display a handicapped parking permit issued pursuant to Section 18-1738 or 18-1738.01 RS Neb., the complaint shall be dismissed if, within seven business days after the date of the issuance of the citation the person cited files with the court the affidavit included on the citation, signed by a peace officer certifying that the recipient is the lawful possessor in his or her own right of a handicapped parking permit issued under Section 18-1738 or 18-1738.01 RS Neb. and that the peace officer has personally viewed the permit.

(Ref. Neb. Rev. Stat. §18-1741.01, 18-1741.04, 18-1741.06)

### **SECTION 3-329: HANDICAPPED OR DISABLED PERSONS; REMOVAL OF UNAUTHORIZED VEHICLE; PENALTY**

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

B. Anyone who parks a vehicle in any on-street parking space which has been designated exclusively for handicapped or disabled persons or temporarily handicapped or disabled persons or motor vehicles for the transportation of such persons or in any so

exclusively designated parking space in any off-street parking facility without properly displaying the proper permit or when the handicapped or disabled person to whom or for whom the license plate or permit is issued will not enter or exit the vehicle where it is parked in the designated space shall be guilty of a handicapped parking infraction as defined in Section 3-322 and shall be subject to the procedures set forth in Section 3-328 and the penalty provided for in this chapter. The display on a motor vehicle of a distinguishing license plate or permit issued to a handicapped or disabled person by and under the duly constituted authority of another state shall constitute a full and complete defense in any action for a handicapped parking infraction. If the identity of the person who parked the vehicle in violation of this section cannot be readily determined, the owner or person in whose name the vehicle is registered shall be held prima facie responsible for such violation and shall be guilty and subject to the penalty provided for in this chapter.

C. In the case of a privately owned off-street parking facility, the owner or person in lawful possession of such facility shall not be required to inform the City of a violation of this section prior to the City issuing the violator a handicapped parking infraction citation.

### **SECTION 3-330: CITATION; OWNER, OPERATOR**

For any violation of this article, the citation or complaint may be issued to or against either the owner or operator of the vehicle. It shall be unlawful for either to violate or allow a vehicle owned by him/her to violate any provision of this article.

### **SECTION 3-331: CITY PARKS**

The City Council may by resolution, entirely prohibit, fix time limits and designate specific areas for parking of vehicles within any park of the City and parking other than as so designated by resolution shall be a violation of this article.

### **SECTION 3-332: HIGHWAY 275 PARKING PROHIBITED; EXCEPTIONS**

A. All parking is prohibited on either side of Highway No. 275 at any place within the corporate limits of the City where said highway travels, save and except at those designated places set forth herein.

B. Parallel parking shall be permitted along the west side of Highway No. 275 adjacent to Lots 6 through 12 in Block 4 and adjacent to Lots 1 through 6 in Block 3; provided, however, said parallel parking shall be restricted so that no part of a motor vehicle shall project into any part of the traveled portion of Highway No. 275.

### **SECTION 3-333: DIESEL MOTOR VEHICLES, RUNNING**

No diesel-operated motor vehicle is to be parked any place in the City, on public or private property, with its motor operating for any period exceeding one hour. Any owner or operator of a diesel-propelled motor vehicle who shall allow his/her diesel motor to operate in a parked position for more than one hour shall be deemed guilty of a Class IV misdemeanor.

### **SECTION 3-334: TRAILERS AND MOTOR HOMES PROHIBITED**

It is unlawful to park any commercial or agricultural trailer, camping trailer or motor home on the public streets of the City except when the same is being used for temporary loading or unloading purposes, and in that case not to exceed four hours. (Ord. No. 516, 7/13/10)



## Article 4 – Recreational and Off-Road Vehicles

### SECTION 3-401: BICYCLE; OPERATION

A. No person shall operate a bicycle on a street or highway within the City with another person on the handlebars or in any position in front of the operator.

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

C. Persons operating bicycles shall observe all traffic signs and stop at all stop signs.

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

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

F. Any person who operates a bicycle upon a roadway at less than the normal speed of traffic at the time and place and under conditions then existing shall ride as near to the 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 at an intersection;
3. Reasonably necessary to avoid conditions that make it unsafe to continue along the right-hand curb or right-hand edge of the roadway, including fixed or moving objects, stopped or moving vehicles, bicycles, pedestrians, animals or surface hazards;
4. Riding upon a lane of substandard width which is too narrow for a bicycle and a vehicle to travel safely side by side within the lane, or
5. Lawfully operating a bicycle on the paved shoulders of a highway included in the state highway system as provided in Section 60-6,142 R.S. Neb.

G. Any person who operates a bicycle upon a roadway with a posted speed limit of 35 miles per hour or less on which traffic is restricted to one direction of movement and which has two or more marked traffic lanes may ride as near to the left-hand curb or left-hand edge of the roadway as practicable. Whenever a person operating a bicycle leaves the roadway to ride on the paved shoulder or leaves the paved shoulder to enter the roadway, the person shall clearly signal his/her intention and yield the right-of-way to all other vehicles.

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

on said sidewalk.

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

### **SECTION 3-402: CONVEYANCES; CLINGING TO MOTOR VEHICLE**

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

### **SECTION 3-403: 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 or an engine rated capacity of less than 45 cubic centimeters displacement or any other two-wheel motor vehicle primarily designed by the manufacturer for off-road use only. (Ref. Neb. Rev. Stat. §60-6,353)

### **SECTION 3-404: 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, education or community service organization.

### **SECTION 3-405: 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.

### **SECTION 3-406: MINI-BIKES; TRAFFIC LAWS INAPPLICABLE**

The provisions of Neb. Rev. Stat. Chapter 60, Articles 1, 2, 3, 4, 5 and 17 shall not be applicable to the owners and operators of any mini-bike.

### **SECTION 3-407: SNOWMOBILES; EQUIPMENT**

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

### **SECTION 3-408: SNOWMOBILES; UNLAWFUL ACTS**

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

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

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

circumstances.

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

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

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

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

(Ref. Neb. Rev. Stat. §60-6,337)

### **SECTION 3-409: SNOWMOBILES; STREETS**

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

### **SECTION 3-410: 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.

### **SECTION 3-411: 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 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 state statutes.

### **SECTION 3-412: MOTORCYCLES; RIDING TANDEM**

No person operating a motorcycle shall carry another person in front of the operator. Motorcycles shall not be operated more than two abreast in a single lane.

### **SECTION 3-413: ALL-TERRAIN AND UTILITY-TYPE VEHICLES; DEFINED**

A. “All-terrain vehicle” means any motorized off-highway vehicle which (1) is 50 inches or less in width, (2) has a dry weight of 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)

B. "Utility-type vehicle" 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 a golf cart or a low-speed vehicle. (Neb. Rev. Stat. 60-6,355)

C. "Street" or "highway" means the entire width between the boundary limits of any street, road, avenue, boulevard, or way which is publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel. (Neb. Rev. Stat. §60-624)  
(Am. by Ord. Nos. 524, 11/9/10; 573, 2/10/15)

### **SECTION 3-414: ALL-TERRAIN AND UTILITY-TYPE VEHICLES; OPERATION**

A. An all-terrain vehicle (ATV) and a utility-type vehicle (UTV) may be operated on streets and highways within the corporate limits of the city only if the operator and the vehicle comply with the provisions of this section.

B. Prior to operation of an ATV or a UTV on any public property within the City, the owner of such vehicle shall make application with the city clerk for a permit to operate it. The City Council shall, from time to time, by resolution, set the amount of fee to be charged and it shall be kept on file at the city clerk's office, available for public inspection during normal business hours. The fee shall be on an annual basis from January through December and shall not be prorated if an applicant makes application during the year. Upon payment of the permit fee, the city clerk shall issue a permit, along with a sticker to be affixed to such vehicle, which permit and sticker shall be valid until the next January 1. The said sticker shall be affixed to the vehicle's windshield on the lower left front of the driver's side or, if no windshield is present, on the left front fender of the driver's side of the vehicle so the sticker is clearly visible to law enforcement personnel. No inspection of such vehicle shall be required prior to issuance of such permit.

C. Every ATV and UTV shall be equipped with operating headlights and taillights and a bicycle safety flag which extends not less than 5 feet above ground attached to the rear of such vehicle. Such flag shall be triangular in shape with an area of not less than 30 square inches and shall be Day-Glo in color. Other required equipment shall be as provided in Section 3-415 herein. ATVs and UTVs may be operated only between the hours of sunrise and sunset and shall not be operated at a speed in excess of 30 miles per hour. When an ATV or UTV is in operation, the headlight and taillight of the vehicle shall be on.

D. Any person operating an ATV or UTV as authorized herein shall have (1) a valid Class O operator's license or a farm permit as provided in Neb. Rev. Stat. §60-4,126; and (2) liability insurance coverage for the all-terrain vehicle or utility-type vehicle while operating the all-terrain vehicle or utility-type vehicle on a street or highway. The person operating the all-terrain vehicle or utility-type vehicle shall provide proof of such insurance coverage to any peace officer requesting such proof within five days of such a request.

E. ATVs and UTVs may be operated without complying with subsections (B) and (C) of this section on streets and highways in parades which have been authorized by the state or any of its departments, boards, commissions, or political subdivisions.

F. An ATV or a UTV shall not be operated on any controlled-access highway with more than two marked traffic lanes, and the crossing of any controlled-access highway with more than two marked traffic lanes shall not be permitted. Subsections (A) through

(C) and (F) of this section authorize and apply to operation of an ATV or UTV only on a street or highway other than a controlled-access highway with more than two marked traffic lanes.

G. Subject to subsection (E) of this section, the crossing of a street or highway shall be permitted by an ATV or a UTV without complying with subsections (B) and (C) of this section only if:

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

(Neb. Rev. Stat. 60-6,356) (Am. by Ord. Nos. 472, 10/9/07; 524, 11/9/10; 609, 1/9/18; 614, 9/11/18)

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

Every ATV and UTV shall be equipped with (A) a brake system maintained in good operating condition; (B) an adequate muffler system in good working condition; and (C) a United States Forest Service-qualified spark arrester. (Ref. Neb. Rev. Stat. §60-6,358) (Am. by Ord. No. 577, 4/14/15)

### **SECTION 3-416: ALL-TERRAIN AND UTILITY-TYPE VEHICLES; PROHIBITIONS**

No person shall (A) equip the exhaust system of an ATV or a UTV with a cutout, bypass or similar device; (B) operate an ATV or a UTV with an exhaust system so modified; or (C) operate an ATV or a UTV with the spark arrester removed or modified except for use in closed-course competition events. (Ref. Neb. Rev. Stat. §60-6,359) (Am. by Ord. No. 577, 4/14/15)

### **SECTION 3-417: ALL-TERRAIN AND UTILITY-TYPE VEHICLES; COMPETITION**

ATVs and UTVs participating in competitive events may be exempted from Sections 3-503 and 3-504 of this article at the discretion of the Director of Motor Vehicles. (Ref. Neb. Rev. Stat. §60-6,360) (Am. by Ord. No. 577, 4/14/15)

### **SECTION 3-418: 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. (Ref. Neb. Rev. Stat. §60-6,361) (Am. by Ord. No. 577, 4/14/15)

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

Any violation of Sections 3-414 to 3-418 of this article which is also a violation under Neb. Rev. Stat. Chapter 60 may be punished under the penalty provisions of such chapter. (Ref. Neb. Rev. Stat. §60-2808)

### **SECTION 3-420: ALL-TERRAIN AND UTILITY-TYPE VEHICLES; 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 Sections 3-414 to 3-418 of this article.

### **SECTION 3-421: GOLF CAR VEHICLES; DEFINITIONS**

A. "Golf car vehicle" 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)

B. "Road" means a public way for the purposes of vehicular travel, including the entire area within the right of way. (Neb. Rev. Stat. §60-6,381)

C. "Street" means a public way for the purposes of vehicular travel in the city and includes the entire area within the right of way. (Neb. Rev. Stat. §60-6,381)  
(Ord. No. 608, 9/12/17)

### **SECTION 3-422: GOLF CAR VEHICLES; OPERATION**

A. Prior to operation of a golf car vehicle on any public property of the City, the owner of such vehicle shall make application with the city clerk for a permit to operate it. The City Council shall, from time to time, by resolution, set the amount of fee to be charged and it shall be kept on file at the city clerk's office, available for public inspection during normal business hours. The fee shall be on an annual basis from January through December and shall not be prorated if an applicant makes application during the year. Upon payment of the permit fee, the city clerk shall issue a permit, along with a sticker to be affixed to such golf car vehicle, which permit and sticker shall be valid until the next January 1. The said sticker shall be affixed to the vehicle's windshield on the lower left front of the driver's side or, if no windshield is present, on the left front fender of the driver's side of the vehicle so the sticker is clearly visible to law enforcement personnel. No inspection of such vehicle shall be required prior to issuance of such permit.

B. Every golf car vehicle shall be equipped with operating headlights and taillights and a bicycle safety flag which extends not less than 5 feet above ground attached to the rear of such vehicle. Such flag shall be triangular in shape with an area of not less than 30 square inches and shall be Day-Glo in color. Other required equipment shall be as provided in Section 3-415 herein.

C. Golf car vehicles may be operated on streets within the corporate limits of the city if the operation is (1) between sunrise and sunset and (2) on streets with a posted speed limit of 35 miles per hour or less. When operating a golf car vehicle as authorized under this subsection, the operator shall not operate such vehicle at a speed in excess of

20 miles per hour. A golf car vehicle shall not be operated at any time on any state or federal highway but may be operated upon such a highway in order to cross a portion of the highway system which intersects a street as directed in subsection (E) of this section.

D. Any person operating a golf car vehicle as authorized herein shall have a valid Class O operator's license and the owner of the golf car vehicle shall have liability insurance coverage for the vehicle. The person operating the vehicle shall provide proof of such insurance coverage to any peace officer requesting such proof within five days after such a request. The liability insurance coverage shall be subject to limits, exclusive of interest and costs, as follows: \$25,000.00 because of bodily injury to or death of one person in any one accident and, subject to such limit for one person, \$50,000.00 because of bodily injury to or death of two or more persons in any one accident, and \$25,000.00 because of injury to or destruction of property of others in any one accident.

E. The crossing of a highway shall be permitted by a golf car vehicle only if:

1. The crossing is made at an angle of approximately 90° to the direction of the highway and at a place where no obstruction prevents a quick and safe crossing;
2. The golf car vehicle is brought to a complete stop before crossing the shoulder or roadway of the highway;
3. The operator yields the right of way to all oncoming traffic that constitutes an immediate potential hazard; and
4. In crossing a divided highway, the crossing is made only at an intersection of such highway with a street or road, as applicable.

(Neb. Rev. Stat. §60-6,381) (Ord. Nos. 608, 9/12/17; 609, 1/9/18; 614, 9/11/18)

### **SECTION 3-423: GOLF CAR VEHICLES; ACCIDENT REPORT**

If an accident results in the death of any person or in the injury of any person requiring treatment by a physician, the operator of such golf car 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) (Ord. No. 608, 9/12/17)

## **Article 5 – Penal Provision**

### **SECTION 3-501: VIOLATION; PENALTY**

A. Any person who shall violate or refuse to comply with the enforcement of any of the provisions of this chapter set forth at full length herein or incorporated by reference shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined 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.

B. For all first-time violations, the fine shall be \$25.00 and, in the judgment of the arresting officer, a court appearance may be waived conditioned upon payment of the fine and any applicable court costs.

(Am. by Ord. No. 520, 9/14/10)