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CHAPTER 3 – VEHICLES AND TRAFFIC

Article 1 – Traffic Regulations

SECTION 3-101: DEFINITIONS

The words and phrases used in this ordinance pertaining to motor vehicles and traffic regulations shall be construed as defined in Neb. Rev. Stat. Chapter 60, 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. (Neb. Rev. Stat. §60-606 through 60-676)

SECTION 3-102: POLICE; EMERGENCY REGULATIONS

Any village police officer is hereby empowered to make and enforce temporary regulations to cover emergencies. (Neb. Rev. Stat. §60-435)

SECTION 3-103: POLICE; ENFORCEMENT

The village police or sheriff's department are 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, parks and on bridges. The driver of any vehicle shall stop upon the signal of any police officer. (Neb. Rev. Stat. §60-435)

SECTION 3-104: 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 3-105: 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. (Neb. Rev. Stat. §60-680, 60-683)

SECTION 3-106: TRUCK ROUTES

The Village Board may by resolution designate certain streets in the Village restricting traffic for vehicles weighing in excess of ten tons, and it shall be unlawful for persons operating such vehicles to travel on other streets than those designated for

such vehicles unless to pick up or deliver goods, wares or merchandise. In that event, the operator of such vehicle shall return to such truck routes as soon as possible in traveling through or about the Village.

SECTION 3-107: TURNING; SIGNALS

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

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 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 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 streets intersecting one another.

SECTION 3-109: 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 or she shall give some other unmistakable signal to the drivers of all other vehicles of his or her intention to make such movement.

SECTION 3-110: 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. (Neb. Rev. Stat. §60-6,160)

SECTION 3-111: 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 law enforcement officer stationed at the in-

tersection. 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.

B. 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.

SECTION 3-112: RIGHT OF WAY; EMERGENCY VEHICLES

Upon the approach of any authorized emergency vehicle which is operated on official business and the driver thereof sounds an audible signal by siren, every vehicle within one block of the route of such emergency vehicle shall immediately stop, except at the time it is on or crossing a street intersection, in which event such vehicle shall drive clear of the street intersection and then stop. Every vehicle along the route of such emergency vehicle shall immediately move to a position as near the right-hand curb as possible and remain there until such authorized emergency vehicle has passed.

SECTION 3-113: POSITION OF VEHICLE ON ROADWAY; GENERALLY

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

SECTION 3-114: BACKING

Before backing, ample warning shall be given and 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. (Neb. Rev. Stat. §60-6,169)

SECTION 3-115: DRIVING IN SIDEWALK SPACE

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

SECTION 3-116: STOPS; MANDATORY

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

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

SECTION 3-117: STOP SIGNS

Every person operating a vehicle shall, upon approaching any stop sign erected in accordance with ordinances prescribed heretofore, cause such vehicle to come to a complete stop with the front wheels of said vehicle parallel with said stop sign. (Neb. Rev. Stat. §60-6,119 through 60-6,121, 60-680)

SECTION 3-118: 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 3-119: SIGNS AND SIGNALS; 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. (Neb. Rev. Stat. §60-6,129, 60-6,130)

SECTION 3-120: SPEED ZONES

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. (Neb. Rev. Stat. §60-6,186, 60-6,190)

SECTION 3-121: SPEED; ELECTRONIC DETECTOR

A. The speed of any motor vehicle within the Village may be determined by the use of radio microwaves or other electronic device. The results of such determinations shall be accepted as prima facie evidence of the speed of such motor vehicle in any court or legal proceedings where the speed of the motor vehicle is at issue.

B. The driver of any such motor vehicle may be arrested without a warrant un-

der the authority herein granted if the arresting officer is in uniform or displays his or her badge of authority; provided, such officer shall have observed the recording of the speed of such motor vehicle by the radio microwaves or other electronic device or received a radio message from the officer who observed the speed of the motor vehicle recorded by the radio microwaves or other electronic device. In the event of an arrest based on such a message, such radio message must have been dispatched immediately after the speed of the motor vehicle was recorded and must include a description of the vehicle and the recorded speed.

(Neb. Rev. Stat. §60-6,192)

SECTION 3-122: QUIET ZONES; UNNECESSARY NOISE

All streets or portions thereof lying within 300 feet of any hospital, nursing home or school which have been declared to be "quiet zones" by the Village Board shall be respected as such by all drivers. No driver of any vehicle shall, within such zones, make any unnecessary noise or sound the horn or other warning device of such vehicle except in an emergency. It shall be unlawful for any person in any part of said village 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 3-123: CARELESS DRIVING

Any person who operates a vehicle in a manner so as to endanger or be likely to endanger any person or property shall be guilty of careless driving. (Neb. Rev. Stat. §60-6,212, 60-4,182)

SECTION 3-124: RECKLESS DRIVING

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

SECTION 3-125: NEGLIGENT DRIVING

Any person who drives any vehicle in such a manner as to indicate the absence of care, prudence and forethought as under the circumstances duty requires should be exercised or who drives any vehicle which is engaged in a race upon a street shall be deemed guilty of negligent driving.

SECTION 3-126: RACING ON STREETS

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

SECTION 3-127: FUNERAL PROCESSIONS

No vehicle, except police vehicles 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 possession or cortege except with the permission of a police officer.

SECTION 3-128: GLASS AND 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. 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 3-129: ENGINE BRAKES

It shall be and hereby is determined unlawful for any person in any part of the Village 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. (Ord. No. 9-14-98, 9/14/98)

Article 2 – Abandoned Vehicles

(Article amended 3/11/13)

SECTION 3-201: DEFINED

A. A motor vehicle is an abandoned vehicle:

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

B. For purposes of this section:

1. “Public property” means any public right of way, street, highway, alley, or park or other state, county, or municipally owned property; and
2. “Private property” means any privately owned property which is not included within the definition of public property.

C. No motor vehicle subject to forfeiture under state statutes shall be an abandoned vehicle under this section.

(Neb. Rev. Stat. §60-1901)

SECTION 3-202: ABANDONMENT OF VEHICLE PROHIBITED

No person shall cause any vehicle to be an abandoned vehicle as described in Section 3-201 (A)(1), (2), (3), or (4). (Neb. Rev. Stat. §60-1907)

SECTION 3-203: TITLE; VEST IN LOCAL AUTHORITY OR STATE AGENCY

If an abandoned vehicle, at the time of abandonment, has no license plates of the current year or valid "In Transit" stickers issued pursuant to state statute affixed and is of a wholesale value, taking into consideration the condition of the vehicle, of \$250.00 or less, title shall immediately vest in the Village Board or state agency having jurisdiction thereof as provided in Section 3-206 (Custody). Any certificate of title issued under this section to the Village Board or state agency shall be issued at no cost to such authority or agency. (Neb. Rev. Stat. §60-1902)

SECTION 3-204: LOCAL AUTHORITIES; POWERS AND DUTIES

A. Except for vehicles governed by Section 3-203, the Village Board having custody of an abandoned vehicle shall make an inquiry concerning the last-registered owner of such vehicle as follows:

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

B. The Village Board 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 Board 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 Board 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 Village Board (1) five days after the date the notice is mailed if the vehicle will be sold or offered at public auction, (2) 30 days after the date the notice is mailed if the board 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 Village Board may retain for use, sell, or auction the abandoned vehicle. If the board has determined that the vehicle should be retained for use, the board shall, at the same time that the notice, if any, is mailed, publish in a newspaper of general circulation in the village an announcement that the Village Board intends to retain the abandoned vehicle for its use and that title will vest in the board 30 days after the publication.

(Neb. Rev. Stat. §60-1903)

SECTION 3-205: LAW ENFORCEMENT AGENCY; POWERS AND DUTIES

A local law enforcement agency which has custody of a motor vehicle for investigatory purposes and has no further need to keep it in custody shall send a certified letter to each of the last-registered owners stating that the vehicle is in the custody of the said law enforcement agency, that the vehicle is no longer needed for law enforcement purposes, and that after 30 days the agency will dispose of the vehicle. This section shall not apply to motor vehicles subject to forfeiture under state statutes. No storage fees shall be assessed against the registered owner of a motor vehicle held in custody for investigatory purposes under this section unless the registered owner or the person in possession of the vehicle when it is taken into custody is charged with a felony or misdemeanor related to the offense for which the law enforcement agency took the vehicle into custody. If a registered owner or the person in possession of the vehicle when it is taken into custody is charged with a felony or misdemeanor but is not convicted, the registered owner shall be entitled to a refund of the storage fees. (Neb. Rev. Stat. §60-1903.01)

SECTION 3-206: CUSTODY; WHO ENTITLED

If a state agency caused an abandoned vehicle described in Section 3-201 (A)(5) to be removed from public property, the state agency shall be entitled to custody of the vehicle. If a state agency caused an abandoned vehicle described in Section 3-201 (A)(1), (2), (3), or (4) to be removed from public property, the state agency shall deliver the vehicle to the Village Board, which shall have custody. The board shall be entitled to custody of an abandoned vehicle if the said vehicle was abandoned in the village. (Neb. Rev. Stat. §60-1904)

SECTION 3-207: PROCEEDS OF SALE; DISPOSITION

Any proceeds from the sale of an abandoned vehicle less any expenses incurred by the Village Board shall be held by the board 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 3-208: LIABILITY FOR REMOVAL

Neither the owner, lessee, nor occupant of the premises from which any abandoned vehicle is removed nor the village 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 3-209: DESTROY, DEFACE, OR REMOVE PARTS; UNLAWFUL; EXCEPTION; VIOLATION; PENALTY

No person other than one authorized by the Village Board 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 3-210: COSTS OF REMOVAL AND STORAGE; LAST REGISTERED OWNER LIABLE

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

Article 3 – Vehicle Operation

SECTION 3-301: 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 3-302: LOADS; PROJECTING

When any vehicle shall be loaded in such a manner that any portion of the load extends more than 4 feet beyond the rear of the bed or the body of such vehicle, a red flag by day and a red light after sunset shall be affixed at the furthest projection of such load.

SECTION 3-303: 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 4 – Parking

SECTION 3-401: 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 4 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. (Neb. Rev. Stat. §60-6,167, 60-680)

SECTION 3-402: UNATTENDED VEHICLES; COASTING

No person having control or charge of a motor vehicle shall allow such vehicle to stand unattended without first effectively setting the brakes thereon and when standing upon any grade without turning the front wheels of such vehicle to the curb or side of the street. The driver of a motor vehicle, when traveling upon a down grade upon any street, shall not coast with the gears of the vehicle in neutral. (Neb. Rev. Stat. §60-6,168)

SECTION 3-403: REGULATION BY VILLAGE BOARD

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, and where the parking of vehicles has been prohibited by resolution, no vehicle prohibited from parking thereon shall stand or be parked adjacent to the curb of said street, alley, public way or portion thereof longer than a period of time necessary to load and unload freight or passengers. The placement of “no parking” or any restricted parking signs shall be prima facie evidence of the restricting resolution.

SECTION 3-404: ALLEYS; OBSTRUCTION

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

SECTION 3-405: ALLEYS; LOADING AND UNLOADING

No vehicle shall be parked in any alley except for the purpose of loading or unloading during the time necessary to load or unload, which shall not exceed the maximum limit of one hour. Every vehicle while loading or unloading in any alley shall be parked in such manner as to cause the least obstruction possible to traffic in such alley.

SECTION 3-406: 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 3-407: FIRE HYDRANTS

No vehicle shall be parked within 15 feet in either direction of any fire hydrant. The curb space within such area of 15 feet in either direction of such fire hydrant shall be painted red to indicate such prohibition. (Neb. Rev. Stat. §60-6,166)

SECTION 3-408: 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 house, school building, fire station or theater, and such curbs adjacent to the entrance of said school house, school building, fire station or theater shall be painted red to indicate such prohibition.

SECTION 3-409: 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. (Neb. Rev. Stat. §60-6,166)

SECTION 3-410: OBSTRUCTING TRAFFIC

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

SECTION 3-411: CURBS; PAINTED; MAINTENANCE

It shall be the duty of the Village Board to cause the curb space to be painted and keep the same painted as in this article provided. 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 Village through its proper officers, at the direction of the Village Board.

SECTION 3-412: 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 it stands on the public streets or alleys of this village, 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.

SECTION 3-413: 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 3-414: REMOVAL OF VEHICLE

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

Article 5 – Bicycles and Motorcycles

SECTION 3-501: BICYCLE OPERATION

A. 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.

B. 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.

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

D. 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.

E. 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.

F. 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 (1) turn only at intersections, (2) signal for all turns, (3) ride at the right-hand side of the street or highway and pass to the left when passing overtaken vehicles and individuals that are slower moving, and (4) pass vehicles to the right when meeting.

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

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

SECTION 3-502: CLINGING TO MOTOR VEHICLE

No person riding upon any bicycle, roller skates, mini-bike, motorcycle, coaster, sled, skis or toy vehicle shall attach the same or himself 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, mini-bike, motorcycle, coaster, sled, skis or toy vehicle to cling to or attach himself or his bicycle, roller skates, mini-bike, motorcycle, coaster, sled, skis or toy vehicle to such vehicle so driven and operated by him or her. (Neb. Rev. Stat. §60-6,316)

SECTION 3-503: MOTORCYCLE OPERATION

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

B. Any person who operates a motorcycle shall ride only upon a permanent 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.

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

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

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

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

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

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

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

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

Article 6 – All-Terrain, Utility-Type and Low-Speed Vehicles

SECTION 3-601: ALL-TERRAIN AND UTILITY-TYPE VEHICLES; DEFINITIONS

A. "All-terrain vehicle" (ATV) means any motorized off-highway vehicle which (1) is 50 inches or less in width, (2) has a dry weight of 900 pounds or less, (3) travels on three or more low-pressure tires, (4) is designed for operator use only with no passengers or is specifically designed by the original manufacturer for the operator and one passenger, (5) has a seat or saddle designed to be straddled by the operator, and (6) has handlebars or any other steering assembly for steering control. (Neb. Rev. Stat. §60-6,355)

B. "Utility-type vehicle" (UTV) means any motorized off-highway vehicle which (1) is not less than 48 inches nor more than 74 inches in width, (2) is not more than 135 inches in length, including the bumper, (3) has a dry weight of not less than 900 pounds nor more than 2,000 pounds, (4) travels on four or more low-pressure tires, and (5) is equipped with a steering wheel and bench or bucket-type seating designed for at least two people to sit side-by-side. "Utility-type vehicle" does not include golf carts or low-speed vehicles. (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)
(Adopted 3/11/13)

SECTION 3-602: ALL-TERRAIN AND UTILITY-TYPE VEHICLES; OPERATION

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

B. An ATV or UTV may be operated only between the hours of sunrise and sunset and shall not be operated at a speed in excess of 30 miles per hour. When operating an ATV or UTV as authorized herein, the headlight and taillight of the vehicle shall be on and it shall be equipped with a bicycle safety flag which extends not less than 5 feet above ground attached to the rear of such vehicle. The bicycle safety flag shall be triangular in shape with an area of not less than 30 square inches and shall be Day-Glo in color.

C. 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 ATV or UTV while being operated on a street or highway. The person operating the vehicle shall provide proof

of such insurance coverage to any peace officer requesting such proof within five days of such a request.

D. 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 of Nebraska or any department, board, commission, or political subdivision of the state.

E. 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.

F. 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) (Adopted 3/11/13)

SECTION 3-603: LOW-SPEED VEHICLES

A. "Low-speed vehicle" means a four-wheeled motor vehicle (1) whose speed attainable in one mile is more than 20 miles per hour and not more than 25 miles per hour on a paved, level surface; (2) whose gross vehicle weight rating is less than 3,000 pounds; and (3) that complies with 49 C.F.R. part 571, as such part existed on January 1, 2011. (Neb. Rev. Stat. §60-119.01, 60-336.01, 60-501, 60-605)

B. A low-speed vehicle may be operated on any highway on which the speed limit is not more than 35 miles per hour and may cross a highway on which the speed limit is more than 35 miles per hour. Nothing in this section shall prevent the village from adopting more stringent ordinances governing low-speed vehicle operation if the Village Board determines that such ordinances are necessary in the interest of public safety. Any person operating a low-speed vehicle as authorized under this section

shall have a valid Class O operator's license and shall have liability insurance coverage for the vehicle. (Neb. Rev. Stat. §60-605(32)) (Adopted 3/11/13)

Article 7 – Penal Provision

SECTION 3-701: 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. Whenever a nuisance exists as defined by this chapter, the Village may proceed in a suit in equity to enjoin, abate and remove the same, temporarily and permanently, in the manner provided by law.

C. Whenever in any action it is established that a nuisance exists, the Court may, together with a fine or penalty, enter an order of abatement of the nuisance as part of the judgment in the case.

(Am. by Ord. No. 1-13-03-4, 1/13/03)