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CHAPTER 4 – VEHICLES AND TRAFFIC

Article 1 – Traffic Regulations

SECTION 4-101: DEFINITIONS

A. The words and phrases used in this chapter pertaining to motor vehicles and traffic regulations shall be construed as defined in Neb. Rev. Stat. Chapter 60, as now existing or hereafter amended. If not defined in the designated statutes, the word or phrase shall have its common meaning. (Neb. Rev. Stat. §§60-606 through 60-676) (Am. Ord. No. 1348, 9/14/94)

B. “Business District” shall mean Main Street from Fourth Street to First Street, Walnut Street from Fourth Street to First Street, and Woodward Street from Fourth Street to First Street.

C. “Chief of police” and “city police” shall mean the county sheriff and deputies.

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

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

SECTION 4-103: EMERGENCY REGULATIONS

The chief of police or the mayor is hereby empowered to make and enforce temporary traffic regulations to cover emergencies.

SECTION 4-104: 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. (Neb. Rev. Stat. §60-683)

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

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

SECTION 4-106: POLICE; TRAFFIC OFFICERS

The City Council or the chief of 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 4-107: REGULATION BY CITY COUNCIL

A. The City Council may, by resolution:

1. Mark lanes for traffic on street pavements at such places as it may deem advisable, designate any street or portion thereof as a snow route, and establish and maintain crosswalks.
2. Provide for the placing of stop signs or other signs, signals, standards, or mechanical devices in any street or alley under the City's jurisdiction for the purpose of regulating or prohibiting traffic thereon.
3. Designate any street or portion thereof as an arterial street and shall provide for appropriate signs or markings when such street has been so designated.
4. 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.
5. Mark left-turn lanes for traffic on street pavements. Where such lanes have been marked, no vehicles shall be turned to the left except from a position in the center lane so marked and no vehicle shall be operated in such center lane other than for the purpose of making an immediate left turn. For purposes of this section, the term "immediate" shall be defined as within a distance of one block along the route of such vehicle.

B. Such resolutions shall describe the portion of the street or alley wherein traffic is to be regulated or prohibited; the regulation or prohibition; the location where such sign, signal, standard or mechanical device shall be placed; and the hours when such regulation or prohibition shall be effective.

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

SECTION 4-108: ARTERIAL STREETS; DESIGNATION

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

SECTION 4-109: SIGNS, SIGNALS; COMPLIANCE

All stop signs and other signs, signals, standards, or mechanical devices erected, established and maintained in any street or alley under the City's jurisdiction for the purpose of regulating or prohibiting traffic thereon shall be presumed to be properly and lawfully erected by the City. Further, it shall be unlawful for any person to fail, neglect, or refuse to comply with such designations on said signs, signals, standards, or mechanical devices and to comply with the regulations herein or prohibitions thereof. (Neb. Rev. Stat. §60-6,119) (Am. Ord. No. 1017, 7/5/78)

SECTION 4-110: AUTOMATIC LIGHTS AND SIGNALS

No vehicle shall turn at any intersection where an automatic signal system is in operation except when such signal system is displaying a green light; provided, vehicles may turn on a red signal when in compliance with the provisions of this article governing such turns. No vehicle shall be turned so as to proceed in the opposite direction at any intersection where an automatic signal system is in operation. (Neb. Rev. Stat. §60-6,119)

SECTION 4-111: RIGHT TURN ON RED

Except where a traffic control device is in place prohibiting a turn, vehicles facing a steady red signal may cautiously enter the intersection to make a right turn after stopping. Such turning vehicle shall yield the right-of-way to pedestrians lawfully within the adjacent crosswalk and to other vehicular traffic lawfully using the intersection. The City Council has the authority to prohibit turning right on red at any intersection within the City where it deems such a prohibition necessary; provided, those intersections where turning right on red is prohibited shall bear signs to that effect placed and printed in such a manner so as to be conspicuous from a vehicle about to enter the intersection. (Neb. Rev. Stat. §60-6,159)

**SECTION 4-112: SIGNS, TRAFFIC CONTROL AND SURVEILLANCE DEVICES;
DEFACING OR INTERFERING WITH**

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

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

C. It shall be unlawful for any person, other than a duly authorized representative of the Department of Roads, the County, or the City to remove any sign, traffic control device, or traffic surveillance device placed along a highway for traffic control, warning, or informational purposes by official action of the Department, County, or City. It shall be unlawful for any person to possess a sign or device which has been removed in violation of this subsection.

D. Any person violating subsection (A) or (C) of this section shall be guilty of an offense and shall be assessed liquidated damages in the amount of the value of the sign, traffic control device, or traffic surveillance device and the cost of replacing it. (Neb. Rev. Stat. §§60-6,129, 60-6,130) (Am. Ord. No. 1260, 11/13/89)

SECTION 4-113: SIGNS; UNAUTHORIZED DISPLAY

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

SECTION 4-114: STOP SIGNS; YIELD SIGNS

A. Every person operating any vehicle shall, upon approaching any stop sign, cause such vehicle to come to a complete stop before entering or crossing any street, highway, or railroad crossing. The vehicle operator shall stop at a marked stop line or, if there is no stop line, before entering the crosswalk but if neither is indicated, then as near the right-of-way line of the intersecting roadway as possible.

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

SECTION 4-115: SIDEWALK SPACE

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

SECTION 4-116: STREET INTERSECTIONS

Except in compliance with traffic control devices, no vehicle shall be parked or left standing for any purpose, except momentarily to load or discharge passengers, within 25 feet of the intersection of curb lines or if none, then within 15 feet of the intersection of property lines nor where said curb lines are painted to indicate such prohibition. (Neb. Rev. Stat. §60-6,166)

SECTION 4-117: CROSSWALKS

All appropriate devices, markers, or lines established and maintained upon the streets, crosswalks, at intersections where there is a particular danger to pedestrians crossing the street, and at such other places as deemed necessary by the City Council shall be presumed to be lawfully and properly erected by the City. (Neb. Rev. Stat. §60-680) (Am. by Ord. No. 1017, 7/5/78)

SECTION 4-118: UNNECESSARY STOPPING

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

SECTION 4-119: SPEED LIMITS; GENERALLY; FOURTH STREET

A. 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, 20 miles per hour within the Business District, 20 miles per hour within one-half block of any school, and 15 miles per hour within any park or recreational area within the City, 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.

B. The speed limit for vehicular traffic along Fourth Street shall be 35 miles per hour between Wilson Street and Richardson Drive and 45 miles per hour between Richardson Drive and the eastern corporate limits of the City; provided, however, the speed limit shall be 25 miles per hour between Oak Street and Cedar Street during the following periods of time: 7:30 a.m. to 8:30 a.m.; 11:00 a.m. to 1:00 p.m.; and 3:00 p.m. to 4:00 p.m.

(Neb. Rev. Stat. §§60-6,185, 60-6,186, 60-6,190) (Am. Ord. No. 1098, 2/3/82; 1333, 12/8/93; 1445, 7/11/01)

SECTION 4-120: SPEED; ELECTRONIC DETECTOR

A. A determination made regarding the speed of any motor vehicle based upon the visual observation of any law enforcement officer, while being competent evidence

for all other purposes, shall be corroborated by the use of a radio microwave, mechanical, or electronic speed measurement device. The results of such device may be accepted as competent evidence of the speed of such motor vehicle in any court or legal proceeding when the speed of the vehicle is at issue. Before the City may offer in evidence the results of such speed measurement device for the purpose of establishing the speed of any motor vehicle, the City shall prove the following:

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

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

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

(Neb. Rev. Stat. §60-6,192)

SECTION 4-121: 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 intersection.

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

thereto as to constitute an immediate hazard.

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

D. The driver of a vehicle emerging from or entering an alley, building, private road, or driveway shall yield the right-of-way to any pedestrian approaching on any sidewalk and all vehicles approaching on such streets.
(Neb. Rev. Stat. §§60-6,146 through 60-6,154)

SECTION 4-122: RIGHT OF WAY; EMERGENCY VEHICLES

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

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

B. This section shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway.
(Neb. Rev. Stat. §60-6,151)

SECTION 4-123: TURNING; GENERALLY; SIGNAL

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

SECTION 4-124: 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 4-125: BACKING

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

SECTION 4-126: DRIVING ABREAST

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

SECTION 4-127: FOLLOWING; FIRE APPARATUS

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

SECTION 4-128: FOLLOWING; DISTANCE

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

SECTION 4-129: FUNERAL PROCESSIONS

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

SECTION 4-130: OVERLOADING

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

such vehicle. (Neb. Rev. Stat. §60-6,179)

SECTION 4-131: RIDING OUTSIDE VEHICLE

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

SECTION 4-132: CONVEYANCES; CLINGING TO MOTOR VEHICLES

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

SECTION 4-133: MUFFLER

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

SECTION 4-134: LICENSE PLATES; READABLE

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

SECTION 4-135: REMOVAL OF DEBRIS

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

SECTION 4-136: UNNECESSARY NOISE; QUIET ZONES

A. No person shall drive, use, operate, park, or stop any motor vehicle in such a manner as to cause unnecessary noise.

B. All streets or portions thereof lying within 300 feet of any hospital, nursing home, or school and which have been declared to be "quiet zones" by the City Council shall be respected as such by all drivers. No driver of any vehicle shall make any unnecessary noise or sound the horn or other warning device of such vehicle within such zones except in an emergency.

SECTION 4-137: RACING

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

SECTION 4-138: EXHIBITION DRIVING

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

SECTION 4-139: NEGLIGENCE DRIVING

It shall be unlawful for any person to operate a motor vehicle upon any street, alley or parking lot, public or private, in the City in such a manner as to indicate the absence of care, prudence, and forethought as, under the circumstances, duty requires should be exercised or in any manner to (A) engage in a race upon such street, alley or parking lot, public or private; (B) drive or operate a motor vehicle in such a manner as to create unnecessary or loud noise; (C) spin the drive wheels of said vehicle purposely in such a manner as to create marks upon the surface of the streets or alleys or throw dust or gravel. The operation of a motor vehicle in such a manner shall constitute negligent driving. (Neb. Rev. Stat. §60-4,182)

SECTION 4-140: CARELESS DRIVING

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

SECTION 4-141: RECKLESS DRIVING

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

SECTION 4-142: WILLFUL RECKLESS DRIVING

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

SECTION 4-143: SCHOOL ZONES

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

SECTION 4-144: TRUCK ROUTES

The City Council may by resolution designate certain streets that trucks shall travel upon and it shall be unlawful for persons operating such trucks to travel on other streets than those designated for trucks, unless to pick up or deliver goods, wares, or merchandise; and in that event, the operator of such truck shall return to such truck routes as soon as possible in traveling through or about the City. The City Council shall cause notices to be posted or shall erect signs indicating the streets so designated as truck routes. (Neb. Rev. Stat. §60-681)

SECTION 4-145: ENGINE BRAKES

It shall be unlawful for any person within the city limits to make or cause to be made loud or disturbing noises with any mechanical device operated by compressed air and used for purposes of assisted braking on any motor vehicle; provided, however, it shall be permitted to use engine brakes in an emergency situation.

SECTION 4-146: LOADS; PROJECTING

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

SECTION 4-147: LOADS; CONTENTS; REQUIREMENTS

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

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

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

(Neb. Rev. Stat. §60-6,304)

SECTION 4-148: TRAFFIC CITATIONS; DISPOSITION AND RECORDS

A. The city police, upon issuing a traffic citation to an alleged violator of any provision of this chapter shall deposit a copy of the traffic citation with the city attorney unless the citation is just a warning.

B. Upon the deposit of the traffic citation with the attorney, such citation may be disposed of only by trial in said court or other official action by the judge of the court, including a forfeiture of bail or by the deposit of sufficient bail with or payment of a fine to the court by the person to whom such traffic citation has been issued.

C. It shall be unlawful for the city police to dispose of a traffic citation or copies thereof or of the record of the issuance of the same in a manner other than as required herein.

(Neb. Rev. Stat. §§29-424, 60-685)

SECTION 4-149: TRAFFIC CITATION; ILLEGAL CANCELLATION

Any person who cancels or solicits the cancellation of any traffic citation in any manner other than as provided herein shall be guilty of a misdemeanor.

Article 2 – Parking

SECTION 4-201: GENERALLY

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

B. 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. (Neb. Rev. Stat. §60-680)

C. Vehicles must not be parked at any curb in such a position as to prevent another vehicle already parked at the curb from moving away. (Neb. Rev. Stat. §§60-6,167, 60-680)

SECTION 4-202: REGULATION BY CITY COUNCIL

The City Council may, by resolution:

A. 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.

B. 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.

C. Designate certain streets, alleys, or public ways where vehicles, regardless of length, shall be permitted to load or unload freight. Vehicles so designated shall park upon said streets, alleys, or public ways in such manner that other vehicles may pass.

D. 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.

E. Prohibit the parking or stopping of vehicles at the curb on streets directly in front of any entrance to a school building except for loading or unloading of passengers or freight, and such curbs adjacent to the entrance of said schoolhouse or school building, shall be painted yellow to indicate such prohibition. (Neb. Rev. Stat. §§60-680, 60-6,167)

SECTION 4-203: CURBS PAINTED

In the event curbs are to be painted as deemed necessary by the City Council, it shall be the duty of the street superintendent to cause the curb space to be painted at places designated by the council and to keep the same painted. No person, firm, or corpora-

tion shall paint the curb of any street or in any manner set aside or attempt to prevent the parking of vehicles in any street or part thereof except at such places where the parking of vehicles is prohibited by the provisions of this article. The marking or designating of portions of streets or alleys where the parking of vehicles is prohibited or limited shall be done only by the City through its proper officers at the direction of the City Council. (Neb. Rev. Stat. §60-680)

SECTION 4-204: FOURTH STREET RIGHT OF WAY

No person shall be parked on any portion of the publicly owned right-of-way, being south of the north right-of-way boundary line along Fourth Street and north of the south right-of-way boundary line along Fourth Street, which shall apply along the entire length of Fourth Street from the east boundary of the corporate limits of the City to the west boundary of the corporate limits. Such prohibition shall extend to and include all portions of the publicly owned right-of-way, whether located inside or outside of the curb lines established for the regularly traveled portion of Fourth Street. (Ord. No. 1269, 3/12/90)

SECTION 4-205: MAIN STREET; DIAGONAL

All parking along both sides of Main Street from First Street to Fourth Street shall be at an angle of 30° from the curb to the right vehicle parking line so as to have the right front wheel at the curb. (Ord. No. 1251, 5/3/89)

SECTION 4-206: MAXIMUM TIME LIMIT

The parking of a vehicle on a public street for over 24 consecutive hours is unlawful, except where a different maximum time limit is posted. (Neb. Rev. Stat. §60-680) (Am. Ord. No. 1242, 11/2/88)

SECTION 4-207: OBSTRUCTING ALLEYS AND SIDEWALKS

No vehicle while parked shall have any portion thereof projecting into any alley entrance or projecting into or otherwise obstructing any sidewalk or other public pedestrian walkway. (Neb. Rev. Stat. §60-680) (Am. Ord. No. 1063, 8/15/80)

SECTION 4-208: OBSTRUCTING TRAFFIC

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

SECTION 4-209: OBSTRUCTING PRIVATE DRIVEWAY

Except as otherwise provided herein, it shall be unlawful for any person to stop or park

any vehicle so as to obstruct a private driveway in any manner, which includes stopping or parking any vehicle within 5 feet of the outer portion of a curb cut on a private driveway. (Neb. Rev. Stat. §60-6,166)

SECTION 4-210: OVERHANGING STREET OR ADJACENT PROPERTY

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

SECTION 4-211: BUSINESS DISTRICT; ALLEYS; LOADING AND UNLOADING

A. It shall be unlawful for the operator of any truck with an overall length of more than 20 feet to stop or park any such vehicle on a street which the City Council has designated to be within the Business District, except to load or unload, and then only when loading or unloading in an alley is impossible. Vehicles may stop or stand for a period of time not to exceed what is reasonably necessary to load or unload. It shall be unlawful for the operator of any truck, regardless of length, to park said vehicle within a street intersection, on a crosswalk, in front of a private driveway, or on a sidewalk. The 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.

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

(Neb. Rev. Stat. §60-680)

SECTION 4-212: SIDEWALK SPACE; CROSSWALKS

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

SECTION 4-213: RESERVED PARKING; AMBULANCES AND POLICE

A. The City Council may designate certain parking spaces located upon the streets adjacent to the city building for the exclusive use of law enforcement vehicles and ambulance attendants responding to calls. Whenever the council so designates a parking space, it shall be indicated by a sign placed in front of said parking space noting that the space is reserved for ambulance attendants or for law enforcement vehicles, whichever the case may be. The street superintendent shall cause such sign designating such parking space as reserved for law enforcement vehicles or ambulance attendants to be erected and may also designate such space by such other

means as are usual and customary.

B. Any person, corporation, firm, or association who owns, operates, leases, or has in his, her, or its possession any vehicle and such vehicle is parked in a parking space which has been designated exclusively for ambulance attendants or for law enforcement vehicles shall be guilty of a traffic infraction and shall be fined under the provisions of Section 4-701 of this chapter.
(Neb. Rev. Stat. §60-680) (Ord. No. 1156, 6/6/84)

SECTION 4-214: EMERGENCY VEHICLES; EXCEPTION

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

SECTION 4-215: FIRE STATION AND HYDRANTS

A. No vehicle shall be parked:

1. 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 to indicate such prohibition.
2. Within 20 feet of the driveway entrance to any fire station.
3. On the side of the street opposite the entrance to any fire station within 75 feet of such entrance when properly signposted.

B. Any vehicle or material found as an obstruction may be immediately removed by the fire chief or any member of the Fire Department at the risk, cost, and expense of the owner or claimant.
(Neb. Rev. Stat. §60-6,166)

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

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

SECTION 4-217: SNOW ROUTE; VIOLATION, CITATION

A. After each snow of a sufficient quantity to require maintenance of the streets, the mayor or street superintendent is hereby authorized to establish a snow route from

8:00 a.m. to 5:00 p.m. on the east and west streets on the odd day of the month and on the north and south streets on the even days of the month on all streets in the City except as follows:

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

B. The mayor or street superintendent shall establish such route by proclamation before 4:00 p.m. on the day preceding the day upon which such route shall become effective and shall notify the public through notification to local radio stations of such effective day and time. Such snow route shall remain in effect on any particular street during the designated days and hours until the snow on that street has been removed or plowed, at which time said snow route shall cease as to that particular street. Any person, corporation, firm, or association who owns, operates, leases or has in his, her, or its possession any vehicle and allows such vehicle to remain on the designated snow route street shall be guilty of a traffic infraction and shall be issued a traffic citation for unlawful parking on a snow route. Each day in violation thereof shall constitute an additional infraction.

(Ord. No. 1070, 10/1/80)

SECTION 4-218: SNOW EMERGENCY ROUTE

A. It shall be unlawful to park or stand any vehicle at any time within 12 hours after a snowfall of three inches or more has occurred within a 24-hour period unless the snow has been removed within that time on the following streets, to-wit:

1. Third Street from Walnut Street to Woodward Street;
2. Main Street from Fourth Street to South Street;
3. Harrington Street from Fourth Street to Zero Street;
4. First Street from Main Street to Pine Street;
5. Pine Street from First Street to Zero Street;
6. Zero Street from Pine Street to Harrington Street;
7. Second Street from Harrington Street to Fullerton Street;
8. Second Street from Walnut Street to Woodward Street.

B. The provisions of this section regulating the parking and standing of vehicles on a designated snow emergency route shall not apply to authorized emergency vehicles while the driver of any such vehicle is operating the same during an emergency.

(Ord. No. 1365, 10/11/95)

SECTION 4-219: DISPLAY OR REPAIR OF VEHICLE

It shall be unlawful for any person to park upon any street, alley, or public place any vehicle displayed for sale. No person shall adjust or repair any automobile or motorcycle or race the motor of same while on the public streets or alleys of the City, except in

case of breakdown or other emergency. No person or employee connected with a garage or repair shop shall use sidewalks, streets, or alleys in the vicinity of such garage or shop for the purpose of working on automobiles or vehicles of any description. (Neb. Rev. Stat. §60-680)

SECTION 4-220: HANDICAPPED AND DISABLED PERSONS

The City Council adopts and promulgates the rules and regulations necessary to fulfill the duties and obligations provided in Neb. Rev. Stat. §§18-1736 to 18-1741.07 regarding parking for handicapped and disabled persons.

SECTION 4-221: REMOVAL OF ILLEGALLY PARKED VEHICLES

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

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

(Neb. Rev. Stat. §§60-6,165, 60-680) (Ord. Nos. 1170, 11/7/84; 1239, 9/7/88)

SECTION 4-222: TICKETS

All tickets issued for violations of non-moving traffic regulations contained in this chapter shall, in addition to information normally stated on such tickets, carry the following information:

- A. The amount of the fine if paid within three days;
- B. The amount of the fine if not paid within three days;
- C. The location where payment may be made; and
- D. The fact that a warrant will be issued after five days if the fine is not paid in that time.

SECTION 4-223: BUREAU OF VIOLATIONS

A. There is hereby created the Bureau of Violations within the powers and duties of the office of the city clerk. A copy of each citation issued for non-moving traffic violations shall be deposited with the clerk, whose duty it shall be to collect all fines and to maintain appropriate and accurate records of all such fines paid. Fines shall be payable at the office of the clerk.

B. Such fines shall be paid within seven days from the date of issuance. Should any such fine and administrative costs not be paid within said seven-day period, the city clerk shall send to the owner of the motor vehicle to which the official traffic citation was affixed, by regular U. S. Mail at the last known address of such owner, a written notice informing said owner of the violation and warning the owner that said owner will be held responsible for the fine and administrative costs and in that event that the violator or owner of the vehicle to which the official traffic citation was attached fails to appear at the Bureau of Violations within seven days after the date of issuance of such written notice, a complaint will be issued. The fines assessed herein shall be set by the City Council by resolution and kept on file in the office of the city clerk for public inspection.

C. Should any such fines and administrative costs not be paid within the time periods above provided, the clerk shall request the city attorney to file a complaint in the appropriate court and the violator or owner of the offending motor vehicle shall be subject to the penalty provided for by the general penalties provision of this chapter. Whenever any person refuses, neglects or fails to comply with any of the requirements of this article as herein provided, such person shall be denied the benefits of any of the provisions thereof. All fines collected by the city clerk under this section shall be transferred to the school district in which the City lies.
(Neb. Rev. Stat. §18-1729) (Ord. No. 1158, 6/6/84)

Article 3 – Bicycles and Minibikes

SECTION 4-301: BICYCLES; EQUIPMENT

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

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

(Neb. Rev. Stat. §60-6,318)

SECTION 4-302: MINIBIKES; UNLAWFUL OPERATION

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

SECTION 4-303: MINIBIKES; EMERGENCIES AND PARADES

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

SECTION 4-304: MINIBIKES; PUBLIC LANDS

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

SECTION 4-305: MINIBIKES; TRAFFIC LAWS INAPPLICABLE

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

Article 4 – Mopeds and Motorcycles

SECTION 4-401: MOPEDS; DEFINED; STATUTORY REGULATION

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

SECTION 4-402: MOPEDS; OPERATOR'S LICENSE

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

SECTION 4-403: MOPEDS; TRAFFIC REGULATIONS APPLICABLE

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

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

(Neb. Rev. Stat. §60-6,311)

SECTION 4-404: MOPEDS; OPERATION; EQUIPMENT

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

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

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

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

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

F. No person shall operate any moped with handlebars more than 15 inches above the mounting point of the handlebars.
(Neb. Rev. Stat. §60-6,312)

SECTION 4-405: MOPEDS; USE OF TRAFFIC LANES

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

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

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

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

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

F. Mopeds shall not be operated on sidewalks.

G. Notwithstanding the maximum speed limits in excess of 25 miles per hour established in Neb. Rev. Stat. §60-6,186, no person shall operate any moped at a speed in excess of 30 miles per hour.
(Neb. Rev. Stat. §60-6,313)

SECTION 4-406: MOPEDS; HELMET REQUIRED

A person shall not operate or be a passenger on a moped or motorcycle on any highway, as defined in state statutes, unless such person is wearing a protective helmet of the type and design manufactured for use by operators of such vehicles and unless such helmet is secured properly on his or her head with a chin strap while the vehicle is in motion. All such protective helmets shall be designed to reduce injuries to the user resulting from head impacts and shall be designed to protect the user by remaining on the user's head, deflecting blows, resisting penetration, and spreading the force of impact. Each such helmet shall consist of lining, padding, visor, and chin strap and shall meet or exceed the standards established in the United States Department of Transportation's *Federal Motor Vehicle Safety Standard No. 218*, 49 C.F.R. 571.218, for motorcycle helmets. (Neb. Rev. Stat. §60-6,279)

SECTION 4-407: MOTORCYCLES; OPERATION

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

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

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

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

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

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

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

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

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

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

SECTION 4-408: MOTORCYCLES; LIGHTS

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

with the requirements and limitations of state statutes. (Neb. Rev. Stat. §60-6,219)

SECTION 4-409: MOTORCYCLES; HELMET REQUIRED

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

Article 5 – Recreational and Off-Road Vehicles

SECTION 4-501: SNOWMOBILES; EQUIPMENT

A. Every snowmobile operated within the City shall be registered with the State of Nebraska as required by law. No snowmobile shall be operated upon a public street or highway unless it is equipped with at least one headlamp, one taillamp, reflector material of a minimum area of 16 square inches mounted on each side forward of the handlebars, and with brakes as prescribed by the state director of motor vehicles. Every snowmobile shall be equipped at all times with a muffler in good working order which blends the exhaust noise into the overall snowmobile noise and is in constant operation to prevent excessive or unusual noise; the exhaust system shall not emit or produce a sharp popping or crackling sound.

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

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

SECTION 4-502: SNOWMOBILE ROUTE

A snowmobile route is established within the city limits which may be used by snowmobiles, described by the following segments:

A. The traveled right-of-way commencing at Pine Street where Pine Street intersects with the southern city limits, running thence north to First Street, thence west on First Street to Wilson Street, thence north on Wilson Street to Second Street, thence west on Second Street to Ulrich Street, and thence north and south on Ulrich Street to the north and south city limits respectively;

B. The traveled right-of-way commencing at Wilson Street where Wilson Street intersects with the northern city limits, running thence south on Wilson Street to Second Street;

C. The traveled right-of-way commencing at Sixth Street where Sixth Street intersects with Wilson Street, running thence east on Sixth Street to Ash Street; and,

D. The traveled right-of-way commencing at the intersection of Pine Street and First Street, running thence north on Pine Street to Third Street, thence west on Third Street to Ash Street, thence north on Ash Street to the northern city limits.

(Ord. Nos. 1051, 12/18/79; 1280, 12/10/90)

SECTION 4-503: SNOWMOBILES; SPEED LIMIT

No person shall operate a snowmobile on the snow route or on any other street, alley, or other place for purposes of access to the snow route, at a rate of speed greater than ten miles per hour. In no instance shall a person operate a snowmobile within the City

at a speed greater than is reasonable and prudent under the conditions. (Ord. No. 1280, 12/10/90)

SECTION 4-504: SNOWMOBILES; UNLAWFUL ACTS

It shall be unlawful to operate a snowmobile on the public ways, streets, sidewalks, or alleys within the City, except as follows:

A. On the snowmobile route established in this article;

B. On a direct path between the place where a snowmobile is ordinarily stored within the City when not in use and the nearest point of entry to the snowmobile route established under this code; or

C. Under emergency conditions, which are hereby defined as those conditions under which travel by conventional motor vehicle is thoroughly impractical. (Ord. Nos. 1045, 10/3/79; 1053, 12/05/79; 1280, 12/10/90)

SECTION 4-505: SNOWMOBILES; ACCIDENT; REQUIREMENTS

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

B. When a collision, accident, or other casualty involving a snowmobile results in death or injury to a person or damage to property in excess of \$100.00, the operator of such snowmobile shall within ten days file with the state director of motor vehicles a full report of such collision, accident, or other casualty in such form and detail as the director by regulation may prescribe. (Neb. Rev. Stat. §60-6,346)

SECTION 4-506: 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 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" (UTV) means any motorized off-highway vehicle which (1) is 74 inches in width or less, (2) is not more than 180 inches in length, including the bumper, (3) has a dry weight of 2,000 pounds or less, and (4) travels on four or more non-highway tires. "Utility-type vehicle" does not include golf carts or low-speed vehicles. (Neb. Rev. Stat. 60-6,355)

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)

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

SECTION 4-507: ALL-TERRAIN AND UTILITY-TYPE VEHICLES; CITY PERMIT REQUIRED

Prior to operating an ATV or a UTV within the City, the operator shall obtain a permit issued by the City. Such permit shall be annual, ending on December 31 in the year of issuance. The applicant shall pay a permit fee and show proof of liability insurance before such permit shall be issued. The said permit fee shall be as set by the City Council by resolution and kept on file in the office of the city clerk for public inspection. (Ord. Nos. 1497, 5/14/08; 1511, 1/12/11)

SECTION 4-508: ALL-TERRAIN AND UTILITY-TYPE VEHICLES; OPERATOR REQUIREMENTS

Any person 19 years of age or older shall be permitted to operate an ATV or a UTV on a highway or city street provided he or she shall:

- A. Obtain a permit as provided herein;
- B. Have a valid Class O operator's license;
- C. Not exceed the posted speed limits;
- D. Have liability insurance coverage for said vehicle; and

E. Provide proof of such insurance coverage to any law enforcement officer requesting such proof within five days of such request
(Neb. Rev. Stat. §60-6,356) (Ord. Nos. 1497, 5/14/08; 1511, 1/12/11)

SECTION 4-509: ALL-TERRAIN AND UTILITY-TYPE VEHICLES; OPERATION

An ATV or UTV may be operated within the City when it is:

- A. Operated between the hours of sunrise and sunset;
- B. Equipped with a bicycle safety flag which extends not less than 5 feet above the ground, attached to the rear of said vehicle; such flag shall be triangular in shape

with an area of not less than 30 square inches and shall be day-glow in color; and

C. Equipped with an operable headlight and taillight.
(Neb. Rev. Stat. §60-6,356) (Ord. Nos. 1497, 5/14/08; 1511, 1/12/11)

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

ATVs AND UTVs may be operated without complying with the provisions of this article in parades that have been authorized by the City. (Ord. No. 1497, 5/14/08)

SECTION 4-511: 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 requiring treatment by a physician, the operator of any such ATV or UTV involved in the accident shall give notice of the accident in the same manner as provided in Neb. Rev. Stat. §60-699. (Neb. Rev. Stat. §60-6,361)

SECTION 4-512: 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.

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.

SECTION 4-513: GOLF CAR VEHICLES; OPERATION

A. A golf car vehicle 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 (C) of this section.

B. 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 golf car 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.

(Neb. Rev. Stat. §60-6,381)

SECTION 4-514: VIOLATION; PENALTY

Violation of any of the provisions of this article shall be punishable by fines which shall be set by the City Council by resolution and kept on file in the office of the city clerk for public inspection. (Ord. No. 1497, 5/14/08)

Article 6 – Abandoned Vehicles

SECTION 4-601: DEFINITIONS

A. A motor vehicle is an abandoned vehicle:

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

B. An all-terrain vehicle, a utility-type vehicle, or a minibike 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 city-owned property; and
3. "Private property" means any privately owned property which is not included within the definition of public property.

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

SECTION 4-602: ABANDONMENT OF VEHICLE PROHIBITED

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

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

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

SECTION 4-604: CITY; POWERS AND DUTIES

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

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

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

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

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

SECTION 4-605: CUSTODY; WHO ENTITLED

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

SECTION 4-606: PROCEEDS OF SALE; DISPOSITION

Any proceeds from the sale of an abandoned vehicle less any expenses incurred by the City shall be held by it without interest for the benefit of the owner or lienholders of such vehicle for a period of two years. If not claimed within such two-year period, the proceeds shall be paid into the general fund of the City. (Neb. Rev. Stat. §60-1905)

SECTION 4-607: LIABILITY FOR REMOVAL

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

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

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

SECTION 4-609: COSTS OF REMOVAL AND STORAGE

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

Article 7 – Penal Provisions

SECTION 4-701: VIOLATION; PENALTY; EXCEPT SPEEDING

Any person who shall violate or refuse to comply with the enforcement of any of the provisions of this chapter, except Section 4-119 (Speed Limits), 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. (Am. Ord. No. 1087, 10/7/81)

SECTION 4-702: VIOLATION; PENALTY; SPEEDING

A. Any person who shall violate or refuse to comply with the enforcement of the provisions of Section 4-119 (Speed Limits) of this chapter, incorporated by this reference, shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than \$500.00 nor less than the amount hereinafter specified, which shall be applicable to such offense for each offense. The minimum fine which shall be imposed for each offense shall be determined by applying the excess of the speed of operation of such motor vehicle over the maximum lawful rate of speed within the district where such offense occurred to the following table:

Excessive Speed (mph)
1-5
6-10
11-15
15-20
21-35
36+

The minimum fines corresponding to the speeds in such table shall be set by the City Council by resolution and kept on file in the office of the city clerk for public inspection.

B. The fines prescribed above shall be doubled if the violation occurs within a school crossing zone.

(Ord. Nos. 1087, 10/7/81; 1381, 8/14/96; 1444, 6/18/01)