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CHAPTER 4 – VEHICLES AND TRAFFIC

Article 1 – Definitions

SECTION 4-101: NEBRASKA STATUTES

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, Article 6. 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. by Ord. No. 1348, 9/14/94)

SECTION 4-102: DEFINITIONS

The following definitions and those in Neb. Rev. Stat. Chapter 60 shall be applied throughout this chapter. Where no definition is specified, the normal dictionary usage of the word shall apply.

"Alley" shall mean a highway intended to provide access to the rear or side of lots or buildings in urban districts and not intended for the purpose of through vehicular traffic.

"Alley entrance" shall mean the extension of the alley from the lot line to the street curb line.

"Arterial street" shall mean a street designated as such by resolution of the City Council.

"Authorized emergency vehicle" shall mean ambulances and vehicles of the Fire Department and Police Department of the City.

"Automatic traffic signal" shall mean any device electrically or mechanically controlled by which traffic is alternately directed to stop and proceed.

"Business district" shall include that portion of the City embraced within the area of public streets enumerated as follows:

- A. Main Street from Fourth Street to First Street;
- B. Walnut Street from Fourth Street to First Street;
- C. Woodward Street from Fourth Street to First Street.

"Crosswalk" shall mean that portion of a roadway included within the prolongation or connection of the lateral lines of sidewalks at intersections or any other portion of the roadway distinctly indicated as a pedestrian crosswalk.

"Curb" shall mean the lateral boundaries of that portion of a street designated for the use of vehicles whether marked by curbstones or not so marked.

"Drive" shall mean to ride, lead, pull, push, propel, or operate a vehicle.

"Driver" shall mean every person who drives or is in the actual physical control of a vehicle.

"Highway" shall mean the entire width between the boundary limits of any street, avenue, or way which is publicly maintained and open for public vehicular traffic.

"Intersection" or "street intersection" shall mean the space occupied by two streets at the point where they cross each other, bounded by the lot lines extended, and shall include the sidewalk space as well as the roadway.

"Muffler" shall mean a device consisting of a series of chamber or baffle plates or other mechanical design for the purpose of receiving exhaust gas from an internal combustion engine and effective in reducing noise.

"Official traffic signs or devices" shall mean all signs, markings, and devices other than mechanical or electrical signals not inconsistent with this chapter, placed or erected by authority of the City Council for the purpose of directing, warning, or regulating traffic.

"Operator" shall mean every person who drives or is in actual physical control of a vehicle.

"Park," "parked," and "parking" shall refer to any vehicle waiting or standing in any street or alley except when such vehicle is waiting in compliance with the direction of a traffic officer, traffic sign or signal, or driving emergencies and except when actually engaged in loading or unloading merchandise or passengers.

"Pedestrian" shall mean any person on foot.

"Person" shall mean every natural person, firm, corporation, co-partnership, or association.

"Police officer" or "traffic officer" shall mean every officer of the Police Department of the City or any officer authorized to direct or regulate traffic or make arrests for the violation of traffic regulation.

"Private driveway" shall mean every road or driveway not open to the use of the public for purposes of vehicular travel.

"Residential district" shall include all parts of the City not included in the business district.

"Right-of-way" shall mean the privilege of the immediate use of the roadway of one

vehicle or pedestrian over another vehicle or pedestrian.

"Sidewalk" shall mean that portion of a street between the curb lines and the adjacent property lines intended for pedestrian use.

"Stop" shall mean to cause complete cessation of movement.

"Stop signs" shall mean any official device placed in any street at or near a street intersection with the word "STOP" written or inscribed thereon.

"Street" shall mean the entire width between the boundary limits of any street, avenue, or way which is publicly maintained and open for public vehicular traffic.

"Truck" shall mean a motor vehicle equipped or used to transport anything other than persons.

"Vehicle" shall mean every device in, upon, or by which any person or property is or may be transported or drawn upon a street except devices moved by human power or used exclusively on stationary rails or tracks.
(Neb. Rev. Stat. §60-606 through 60-676)

Article 2 – Traffic Regulations

SECTION 4-201: SPEED LIMITS

No person shall operate a motor vehicle on any street, alley, or other place at a rate of speed greater than 25 miles per hour within the residential district, 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. (Neb. Rev. Stat. §60-6,185, 60-6,186, 60-6,190) (Am. by Ord. No. 1333, 12/8/93)

SECTION 4-202: SPEED LIMITS; FOURTH STREET

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. (Ord. Nos. 1098, 2/3/82; 1445, 7/11/01)

SECTION 4-203: SPEED; ELECTRONIC DETECTION

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

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

device, within a reasonable time both prior to and subsequent to an arrest being made, and the measuring device was found to be in proper working order.

B. The driver of any such motor vehicle may be arrested without a warrant under the authority herein granted if the arresting officer is in uniform or displays his or her badge of authority; provided, such officer shall have observed the recording of the speed of such motor vehicle by the radio microwaves or other electronic device or had received a radio message from the officer who observed the speed of the motor vehicle recorded by the radio microwaves or other electronic device. In the event of an arrest based on such a message, such radio message must have been dispatched immediately after the speed of the motor vehicle had been recorded and must include a description of the vehicle and the recorded speed.
(Neb. Rev. Stat. §60-6,192) (Am. by Ord. No. 1148, 10/5/83)

SECTION 4-204: 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 4-205: 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 4-206: SIGNS, SIGNALS

All stop signs, 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. by Ord. No. 1017, 7/5/78)

SECTION 4-207: STOP SIGNS

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. (Neb. Rev. Stat. §60-6,118 through 60-6,121)

SECTION 4-208: TRUCK ROUTES

The City Council may by resolution designate certain streets in the City that trucks shall travel upon and it shall be unlawful for persons operating such trucks to travel on other streets than those designated for trucks unless to pick up or deliver goods, wares, or merchandise. 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 4-209: ONE-WAY TRAFFIC

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

SECTION 4-210: TRAFFIC LANES; DESIGNATION

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

SECTION 4-211: 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 4-212: 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 4-213: RIGHT-OF-WAY; EMERGENCY VEHICLES

Upon the approach of any authorized emergency vehicle, every vehicle within one block of the route of such emergency vehicle shall immediately stop except at the

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

SECTION 4-214: 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 4-215: LEFT TURN LANES; DESIGNATION; PROHIBITION

The City Council may by resolution mark lanes for traffic on street pavements providing for one lane of traffic in one direction, one lane of traffic in the opposite direction, and one center lane between such other lanes for all vehicles making left turns, notwithstanding the direction of travel of such vehicles making left turns. Where such lanes have been marked, no vehicles shall be turned to the left except from a position in such center lane 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.

SECTION 4-216: ENGINE BRAKING

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 assisting braking on any semi-tractor; provided, however, it shall be permitted to use engine brakes in an emergency situation. Proper notices shall be posted by the City notifying the public of such prohibition.

SECTION 4-217: DRIVING IN 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 4-218: LITTERING

It shall be unlawful for any person to drop or cause to be left upon any city highway, street, or alley except at places designated by the City Council any rubbish, debris, or waste. Any person so doing shall be guilty of littering. (Neb. Rev. Stat. §28-523)

SECTION 4-219: 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. (Neb. Rev. Stat. §60-6,301)

SECTION 4-220: SIGNS, TRAFFIC CONTROL DEVICES, TRAFFIC SURVEILLANCE DEVICES; DEFACING OR INTERFERING WITH

It shall be unlawful for any person to willfully or maliciously deface, injure, remove, obstruct or interfere with any official traffic sign or signal, traffic control device, or traffic control surveillance device. (Neb. Rev. Stat. §60-6,129 to 60-6,139) (Am. by Ord. No. 1260, 11/13/89)

SECTION 4-221: SIGNS; UNAUTHORIZED DISPLAY

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

SECTION 4-222: QUIET ZONES; UNNECESSARY NOISE

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. It shall be unlawful for any person in any part of said City to make or cause to be made any unnecessary noise with any signal device or to use the same except as a road signal.

SECTION 4-223: NEGLIGENT 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.

SECTION 4-224: UNNECESSARY STOPPING

It shall be unlawful for any person to stop any vehicle on any public street or alley other than in permitted parking areas except when such a stop is necessary for emergency situations, to comply with traffic control devices and regulations, or to yield the right-of-way to pedestrians or to other vehicles. (Neb. Rev. Stat. §60-149)

SECTION 4-225: 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, 60-6,308)

SECTION 4-226: 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 condition of the street. (Neb. Rev. Stat. §60-6,140)

SECTION 4-227: 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 where fire apparatus has stopped in answer to a fire alarm. (Neb. Rev. Stat. §60-6,183)

SECTION 4-228: FUNERAL PROCESSIONS

No vehicle except Police or Fire Department vehicles when responding to emergency calls or orders, ambulances responding to emergency calls, or vehicles carrying United States mails shall be driven through a funeral procession or cortege except with the permission of a police officer. (Neb. Rev. Stat. §60-119)

SECTION 4-229: CROWDING FRONT SEAT

No person shall drive a motor vehicle when there are more than three persons in the front seat or 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 the driving mechanism of such vehicle. (Neb. Rev. Stat. §60-6,179)

SECTION 4-230: MUFFLER

Every motor vehicle operated within this city shall be provided with a muffler in good working order to prevent excessive or unusual noise or smoke. No person shall modify or change the exhaust muffler, 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 un-

lawful 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. §60-6,371)

SECTION 4-231: CLINGING TO MOTOR VEHICLE

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

SECTION 4-232: EMERGENCY REGULATIONS

The chief of police is hereby empowered to make and enforce temporary traffic regulations to cover emergencies. (Neb. Rev. Stat. §81-2005)

SECTION 4-233: POLICE; ENFORCEMENTS

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 the movement of pedestrian, animal, and vehicular traffic of every kind on streets and bridges and parks in the interest of public safety, health, and convenience. The driver of any vehicle shall stop upon the signal of any police officer. (Neb. Rev. Stat. §60-683)

SECTION 4-234: 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. (Neb. Rev. Stat. §60-680)

SECTION 4-235: POLICE; TRAFFIC OFFICERS

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

SECTION 4-236: TRAFFIC CITATIONS; FORM AND RECORDS

The city clerk shall provide, in appropriate form, traffic citations containing notices to appear. The city clerk shall be responsible for the issuance of such books and shall maintain a record of every such book and each citation number therein issued to the

city police. The clerk shall require and retain a receipt for every book so issued. He/she shall require the return of all copies of every traffic citation which has been spoiled or upon which any entry has been made and not issued to an alleged violator. (Neb. Rev. Stat. §29,422)

SECTION 4-237: 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 4-238: 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 3 – Parking

SECTION 4-301: DESIGNATION

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

SECTION 4-302: AREAS; LOADING AND UNLOADING

The City Council may by resolution set aside any street, alley, public way, or portion thereof where the parking of a particular kind or class of vehicle shall be prohibited or where the parking of any vehicle shall be prohibited. No vehicle prohibited from parking thereon shall stand or be parked adjacent to the curb of said street, alley, public way or portion thereof longer than a period of time necessary to load and unload freight or passengers. (Neb. Rev. Stat. §60-680, 60-6,167)

SECTION 4-303: TIME LIMIT

The City Council may by resolution entirely prohibit or fix a time limit for the parking and stopping of vehicles on any street, streets, or district designated by such resolution and the parking or stopping of any vehicle in any such street, streets, or district for a period of time longer than fixed in such resolution shall constitute a violation of this article. (Neb. Rev. Stat. §60-680)

SECTION 4-304: 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. by Ord. No. 1242, 11/2/88)

SECTION 4-305: 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 of the City. 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 4-306: 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 4-307: OBSTRUCTING ALLEY OR SIDEWALK

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. by Ord. No. 1063, 8/15/80)

SECTION 4-308: OBSTRUCTING TRAFFIC

No person shall stop any vehicle in any location where such stopping will obstruct any street, intersection, or entrance to an alley or public or private drive except in case of an accident or emergency. (Neb. Rev. Stat. §60-680)

SECTION 4-309: ALLEYS

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 4-310: BUSINESS DISTRICT UNLOADING

It shall be unlawful for the operator of any truck with an overall length of more than 20 feet to stop or park any such vehicle on a street which the City Council has designated 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. (Neb. Rev. Stat. §60-680)

SECTION 4-311: FIRE STATION AND HYDRANTS; CURB PAINTED

No vehicle shall be parked within 15 feet in either direction of any fire hydrant or within 20 feet of the driveway entrance to any fire station. The curb space within such area of 15 feet in either direction of such fire hydrant shall be painted to indicate such prohibition. (Neb. Rev. Stat. §60-6,166)

SECTION 4-312: SCHOOLS; CURBS PAINTED YELLOW

The City Council may by resolution prohibit the parking or stopping of vehicles at the curb on streets directly in front of any entrance to a schoolhouse or 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.

SECTION 4-313: 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 4-314: PARKING AT CURB

No vehicle shall park on any street with its left side to the curb, unless said street has been designated to be a "one-way" street by the City Council. Vehicles must not be parked at any curb in such a position as to prevent another vehicle already parked at the curb from moving away. (Neb. Rev. Stat. §60-680)

SECTION 4-315: CURBS, PAINTED; DUTY OF STREET SUPERINTENDENT

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

SECTION 4-316: MAINTENANCE

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 4-317: 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. (Neb. Rev. Stat. §60-6,114)

SECTION 4-318: RESERVED PARKING FOR AMBULANCE ATTENDANTS AND POLICE VEHICLES

A. The City Council may designate certain parking spaces located upon the streets adjacent to the city building for the exclusive use of police vehicles and ambulance attendants responding to calls. Whenever the City 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 police vehicles, whichever the case may be. The street superintendent shall cause such sign designating such parking space as reserved for police 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 hi/her/its possession any vehicle and such vehicle is parked in a parking space which has been designated exclusively for ambulance attendants or for police vehicles shall be guilty of a traffic infraction and shall be fined under the provisions of Section 5-701 of this chapter.

(Neb. Rev. Stat. §60-680) (Ord. No. 1156, 6/6/84)

SECTION 4-319: DISPLAY OR REPAIR OF VEHICLES

It shall be unlawful for any person to park a vehicle displayed for sale on any street or in any alley or public place. No person shall adjust or repair any automobile or motorcycle or race its motor while it is standing on the public streets or alleys 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 4-320: SNOW ROUTE; VIOLATION, CITATION

A. After each snow of a sufficient quantity to require maintenance of the streets, the mayor or utilities 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 utilities 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/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 4-321: 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 such vehicle is operating the same during an emergency in the necessary performance of public duties. (Ord. No. 1365, 10/11/95)

SECTION 4-322: HANDICAPPED OR DISABLED PERSONS; DEFINITIONS

For purposes of this article:

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

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

“Handicapped parking infraction” shall mean the violation of any section of this article regulating the use of parking spaces designated for use by handicapped or disabled persons or the obstruction of any wheelchair ramps constructed or created in accordance and in conformity with the federal Americans with Disabilities Act of 1990.

(Neb. Rev. Stat. §18-1738, 18-1741.01) (Am. by Ord. Nos. 1353, 10/12/94; 1375, 5/8/96; 1405, 11/12/97)

SECTION 4-323: HANDICAPPED OR DISABLED PERSONS; PERMIT ISSUANCE

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

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

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

D. A person may hold only one permit under this section and may hold either a permit under this section or a permit under Section 4-324, but not both.

E. The city clerk shall submit to the Department of Motor Vehicles the name, address, and license number of all persons applying for a permit pursuant to this section.

(Neb. Rev. Stat. §18-1738, 18-1738.02) (Am. by Ord. Nos. 1375, 5/8/96; 1405, 11/12/97)

SECTION 4-324: HANDICAPPED OR DISABLED PERSONS; MOTOR VEHICLE PERMIT ISSUANCE

A. The city clerk shall take an application from any person for a motor vehicle permit which will entitle the holder thereof or a person driving the motor vehicle for the purpose of transporting handicapped or disabled persons or temporarily handicapped or disabled persons to park in those spaces provided for by this article if the motor vehicle is used primarily for the transportation of handicapped or disabled per-

sons or temporarily handicapped or disabled persons. Such parking permit shall be used only when the motor vehicle for which it was issued is being used for the transportation of a handicapped or disabled person or temporarily handicapped or disabled person and such person will enter or exit the motor vehicle while it is parking in such designated spaces.

B. The city clerk shall not accept the application for a permit of any person making application contrary to Neb. Rev. Stat. §18-1738.02.

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

D. No more than one such permit shall be issued for each motor vehicle. A person may hold either a permit under this section or a permit under Section 4-323, but not both.

E. The city clerk shall submit to the Department of Motor Vehicles the name, address, and license number of all persons applying for a permit pursuant to this section.

(Neb. Rev. Stat. §18-1738.01, 18-1738.02) (Am. by Ord. Nos. 1375, 5/8/96; 1405, 11/12/97)

SECTION 4-325: HANDICAPPED OR DISABLED PERSONS; PERMIT CONTENTS; PROHIBITED ISSUANCE; DUPLICATE PERMITS

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

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

C. No permit shall be issued to any person or for any motor vehicle if any parking permit has been issued to such person or for such motor vehicle and such permit has been suspended pursuant to Section 4-327. At the expiration of such sus-

pension, a permit may be renewed upon the payment of the permit fee.

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

(Neb. Rev. Stat. §18-1739) (Am. by Ord. Nos. 1314, 2/10/93; 1375, 5/8/96; 1405, 11/12/97)

SECTION 4-326: HANDICAPPED OR DISABLED PERSONS; PERMITS; PERIOD VALID; RENEWAL; FEE

A. All permanently issued permits authorized under this article for handicapped or disabled parking issued on or after August 1, 2005, shall be valid for a period ending on the last day of the month of the applicant's birthday in the third year after issuance and shall expire on that day. All permits issued thereafter shall expire on the last day of the month of the applicant's birthday and every three years thereafter. An application for the renewal of a permit filed with the city clerk within 30 days of the date after its expiration shall be deemed to have been filed prior to the date of its expiration. The possession of an expired but otherwise valid handicapped parking permit within 30 days following the date of its expiration shall serve as a full and complete defense in any action for a handicapped parking infraction resulting from the absence of a handicapped parking permit arising during the 30 day period.

B. All permits authorized under this article for temporarily handicapped or disabled parking shall be issued for a period ending not more than six months after the date of issuance but may be renewed for a one-time period not to exceed six months. For the renewal period, there shall be submitted an additional application with proof of a handicap or disability and the required permit fee.

(Neb. Rev. Stat. §18-1740) (Am. by Ord. Nos. 1354, 10/12/94; 1375, 5/8/96; 1405, 11/12/97)

SECTION 4-327: HANDICAPPED OR DISABLED PERSONS; PERMITS NON-TRANSFERABLE; VIOLATIONS; SUSPENSION

Permits issued under this article shall not be transferable and shall be used only by the party to whom issued or for the motor vehicle for which issued and only for the purpose for which it is issued. No person shall alter or reproduce in any manner a permit issued pursuant to this article. No person shall knowingly hold more than one permit or knowingly provide false information on an application for a permit. Any violation of this section shall be cause for suspension of such permit for a period of six months. At the expiration of such period, a suspended permit may be renewed upon payment of the permit fee. (Neb. Rev. Stat. §18-1741) (Am. by Ord. Nos. 1375, 5/8/96; 1405, 11/12/97)

SECTION 4-328: HANDICAPPED OR DISABLED PERSONS; DESIGNATION OF ON-STREET PARKING SPACES; DISPLAY OF PERMITS

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

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

B. If the City Council so designates a parking space, it shall be indicated by posting aboveground and immediately adjacent to and visible from each space a sign which is in conformance with the *Manual on Uniform Traffic Control Devices*. In addition to such sign, the space may also be indicated by blue paint on the curb or edge of the paved portion of the street adjacent to the space. (Neb. Rev. Stat. §18-1736, 18-1737) (Am. by Ord. Nos. 1352, 10/12/94; 1375, 5/8/96; 1405, 11/12/97)

SECTION 4-329: HANDICAPPED PARKING SPACES DESIGNATED

The following spaces are hereby designated as reserved for handicapped parking:

A. On Second Street, the first parking space east of Main Street on the north side of Second Street.

B. On Third Street, the first parking space west of Main Street on the north side of Third Street.

C. On Second Street, the first parking space east of Osborne Street on the north side of Second Street.

The utilities superintendent shall cause signs to be erected designating such parking spaces as reserved for handicapped parking and may also designate such spaces by such other means as are usual and customary.

(Ord. Nos. 1204, 9/3/86; 1414, 6/10/98)

SECTION 4-330: HANDICAPPED OR DISABLED PERSONS; DESIGNATION OF OFF-STREET PARKING STALLS OR SPACES

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

A. Handicapped or disabled persons whose motor vehicles display the distinguishing license plates issued to such individuals pursuant to Neb. Rev. Stat. §60-311.14,

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

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

(Neb. Rev. Stat. §18-1737) (Am. by Ord. Nos. 1349, 9/14/94; 1405, 11/12/97)

SECTION 4-331: HANDICAPPED OR DISABLED PERSONS; REMOVAL OF UNAUTHORIZED VEHICLE; PENALTY

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

B. Anyone who parks a vehicle in any on-street parking space which has been designated exclusively for handicapped or disabled persons or temporarily handicapped or disabled persons or motor vehicles for the transportation of such persons or in any so exclusively designated parking space in any off-street parking facility without properly displaying the proper permit or when the handicapped or disabled person to whom or for whom the license plate or permit is issued will not enter or exit the vehicle while it is parking in the designated space shall be guilty of a handicapped parking infraction and shall be subject to the procedures set forth herein and the penalty provided for in this chapter. The display on a motor vehicle of a distinguishing license plate or permit issued to a handicapped or disabled person by and under the duly constituted authority of another state shall constitute a full and complete defense in any action for a handicapped parking infraction. If the identity of the person who parked the vehicle in violation of this section cannot be readily deter-

mined, the owner or person in whose name the vehicle is registered shall be held prima facie responsible for such violation and shall be guilty and subject to the penalty provided for in this chapter.

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

(Neb. Rev. Stat. §18-1737) (Ord. Nos. 1149, 1/4/84; 1150, 3/7/84; 1155, 5/1/84; 1261, 11/13/89; 1267, 12/11/89; 1317, 2/10/93; 1355, 10/12/94; 1375, 5/8/96; 1405, 11/12/97)

SECTION 4-332: HANDICAPPED OR DISABLED PERSONS; CITATION, ISSUANCE; COMPLAINT; TRIAL; DISMISSAL

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

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

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

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

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

(Neb. Rev. Stat. §18-1741.01, 18-1741.04, 18-1741.06) (Ord. Nos. 1350, 9/14/94; 1405, 11/12/97)

SECTION 4-333: REMOVAL OF ILLEGALLY PARKED VEHICLES

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

B. The owner or other person lawfully entitled to the possession of any vehicle towed or stored shall be charged with the reasonable cost of towing and storage fees. Any such towing or storage fee shall be a lien upon the vehicle prior to all other claims. Any person towing or storing a vehicle shall be entitled to retain possession of such vehicle until such charges are paid. The lien provided for 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 4-334: 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 4-335: 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 police 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 police 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 as-

essed herein shall be set by the City Council and filed in the office of the city clerk for public inspection during office hours.

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 4 – Abandoned Vehicles

SECTION 4-401: DEFINED

A. A motor vehicle is an abandoned vehicle:

1. If left unattended, with no license plates or valid “In Transit” signs 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; or
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.

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 4-402: ABANDONMENT OF VEHICLE PROHIBITED

No person shall cause any vehicle to be an abandoned vehicle as described in Section 4-401 (A)(1), (2), (3), or (4). (Neb. Rev. Stat. §60-1907)

SECTION 4-403: TITLE; VEST IN LOCAL AUTHORITY OR STATE AGENCY; 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 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 City Council or state agency having jurisdiction thereof as provided in Section 4-406 (Custody). Any certificate of title issued un-

der this section to the City Council or state agency shall be issued at no cost to such authority or agency. (Neb. Rev. Stat. §60-1902)

SECTION 4-404: LOCAL AUTHORITIES; POWERS AND DUTIES

A. Except for vehicles governed by Section 4-403, the City Council, 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 City Council 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 Council 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 Council 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 Council (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 City Council 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 Council may retain for use, sell, or auction the abandoned vehicle. If the City Council 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 jurisdiction an announcement that the City Council intends to retain the abandoned vehicle for its use and that title will vest in the City Council 30 days after the publication.

(Neb. Rev. Stat. §60-1903)

SECTION 4-405: 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 4-406: CUSTODY; WHO ENTITLED

If a state agency caused an abandoned vehicle described in Section 4-401 (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 4-401 (A)(1), (2), (3), or (4) to be removed from public property, the state agency shall deliver the vehicle to the City Council, which shall have custody. The City Council shall be entitled to custody of an abandoned vehicle if the said vehicle was abandoned in the Village. (Neb. Rev. Stat. §60-1904)

SECTION 4-407: PROCEEDS OF SALE; DISPOSITION

Any proceeds from the sale of an abandoned vehicle less any expenses incurred by the City Council 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 City Council. (Neb. Rev. Stat. §60-1905)

SECTION 4-408: 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 4-409: DESTROY, DEFACE, OR REMOVE PARTS; UNLAWFUL; EXCEPTION; VIOLATION; PENALTY

No person other than one authorized by the City Council 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 4-410: COSTS OF REMOVAL AND STORAGE; LAST-REGISTERED OWNER LIABLE

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

Article 5 – Bicycles

SECTION 4-501: OPERATION

Any person who rides a bicycle upon any street or alley shall have all of the rights and duties applicable to the driver of a vehicle except for those provisions which by their nature can have no application. The following regulations for the operation and riding of bicycles are hereby adopted:

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

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

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

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

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

1. Overtaking and passing another bicycle or vehicle proceeding in the same direction;
2. Preparing for a left turn onto a private road or driveway or at an intersection;
3. Reasonably necessary to avoid conditions that make it unsafe to continue along the right-hand curb or right-hand edge of the roadway, including fixed or moving objects, stopped or moving vehicles, bicycles, pedestrians, animals or surface hazards;
4. Riding upon a lane of substandard width which is too narrow for a bicycle and vehicle to travel safely by side within the lane; or
5. Lawfully operating a bicycle on the paved shoulders of a highway included in the state highway system as provided in Neb. Rev. Stat. §60-6,142.

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

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

H. No person shall operate a bicycle on the sidewalks within the business district.

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

Article 6 – Snowmobiles

SECTION 4-601: 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 headlight, one taillight, reflector material of a minimum area of 16 square inches mounted on each side forward of the handle bars, and with brakes as prescribed by the Department of Motor Vehicles.

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. §60-6,335)

SECTION 4-602: REGULATION OF USE; EMERGENCY CONDITIONS DEFINED

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

A. On the snowmobile route established under this code;

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 4-603: SNOWMOBILE ROUTE

A snowmobile route is established within the city limits of Ainsworth which may be used by snowmobiles within the City. Such route is 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 4-604: 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)

Article 7 – All-Terrain and Utility-Type Vehicles

SECTION 4-701: DEFINED

As used in this article, unless the context otherwise requires,

A. "All-terrain vehicle" (ATV) shall mean 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 and 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.

B. "Utility-type vehicle" (UTV) means any motorized off-highway vehicle which:

1. Is not less than 48 inches or more than 74 inches in width;
2. Is not more than 135 inches, including the bumper, in length;
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 a golf cart or low-speed vehicle.
(Neb. Rev. Stat. §60-6,355) (Am. by Ord. No. 1511, 1/12/11)

SECTION 4-702: 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 set by the City Council and shall be filed in the office of the city clerk for public inspection during office hours. (Ord. Nos. 1497, 5/14/08; 1511, 1/12/11)

SECTION 4-703: 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/she shall:

- A. Obtain a permit as provided in Section 4-702;
 - B. Have a valid Class O operator's license;
 - C. Not exceed the posted speed limits within the City;
 - 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 4-704: VEHICLE REQUIREMENTS

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 4-705: EXCEPTION

All-terrain vehicles 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 4-706: VIOLATION; PENALTY

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

Article 8 – Mini-Bikes

SECTION 4-801: UNLAWFUL OPERATION

A. For purposes of this article, "mini-bike" shall mean a two-wheeled motor vehicle which has:

1. A total wheel and tire diameter of less than 14 inches; or
2. An engine-rated capacity of less than 45 cubic centimeters displacement; or
3. A seat height less than 25 inches from the ground; or
4. Any other two-wheeled motor vehicle primarily designed by the manufacturer for off-road use only.

B. It is unlawful for any mini-bike or similar two-, three- or four-wheeled miniature vehicles whose visibility, power and equipment are inadequate for mixing with normal vehicular traffic upon the streets and highways to be operated on any such street or highway.

(Neb. Rev. Stat. §60-2101.01, 60-2107)

SECTION 4-802: TRAFFIC LAWS INAPPLICABLE

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

SECTION 4-803: EMERGENCIES AND PARADES

Mini-bikes shall be exempt from the provisions of this article during any public emergency or while being used in parades by regularly organized units of any recognized charitable, social, educational or community service organization. (Neb. Rev. Stat. §60-2102)

SECTION 4-804: PUBLIC LANDS

Mini-bikes shall be prohibited upon the public lands owned by the City except where allowed by resolution of the City Council. (Neb. Rev. Stat. §60-2106)

Article 9 – Penal Provisions

SECTION 4-901: 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 Sections 4-201 and 4-202, 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. by Ord. No. 1087, 10/7/81)

SECTION 4-902: VIOLATION; PENALTY; SPEEDING

A. Any person who shall violate or refuse to comply with the enforcement of the provisions of Sections 4-201 or 4-202 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 and shall be filed in the office of the city clerk for public inspection during office hours.

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)