

## **CHAPTER 4 – VEHICLES AND TRAFFIC**

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## **CHAPTER 4 – VEHICLES AND TRAFFIC**

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

#### **SECTION 4-101: DEFINITIONS**

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)

#### **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 Village Board has the authority to alter such regulations. (Neb. Rev. Stat. §60-683)

#### **SECTION 4-103: EMERGENCY REGULATIONS**

Law enforcement is hereby empowered to make and enforce temporary traffic regulations to cover emergencies.

#### **SECTION 4-104: POLICE; ENFORCEMENT**

The Cass County sheriff is 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 police officer. (Neb. Rev. Stat. §60-680)

#### **SECTION 4-106: POLICE; TRAFFIC OFFICERS**

The Village Board or the village police may at any time detail officers, to be known as "traffic officers," at street intersections. All traffic officers shall be vested with the authority to regulate and control traffic at the intersections to which they are assigned. They shall 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: TRAFFIC LANES; DESIGNATION**

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

#### **SECTION 4-108: TRUCK ROUTES**

The Village Board may, by resolution, designate certain streets in the Village 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 Village. The Village Board shall cause notices to be posted, or shall erect signs indicating the streets so designated as truck routes. (Neb. Rev. Stat. §60-681)

#### **SECTION 4-109: ENGINE BRAKING**

It shall be unlawful for any person within the village 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 4-110: SIGNS, SIGNALS**

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

#### **SECTION 4-111: STOP SIGNS, GENERALLY**

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. §60-6,119 through 60-6,121, 60-680)

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

It shall be unlawful for any person to willfully or maliciously deface, injure, remove, obstruct, knock down or interfere with any official traffic sign or signal, traffic control device, or traffic control surveillance device. (Neb. Rev. Stat. §60-6,129, 60-6,130)

**SECTION 4-113: CROSSWALKS**

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

**SECTION 4-114: SPEED LIMITS**

No person shall operate a motor vehicle on any street, alley, or other place at a rate of speed greater than 25 miles per hour within the residential district, and 20 miles per hour within the business district and around the park, 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)

**SECTION 4-115: 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. The driver of a vehicle entering a village street from a private road or drive shall yield the right of way to all vehicles approaching on such streets.

**SECTION 4-116: 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 4-117: 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, and no person shall in any manner participate in any such race, competition, contest, test, or exhibition. (Neb. Rev. Stat. §60-6,195)

#### **SECTION 4-118: 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 4-119: 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. §60-680)

#### **SECTION 4-120: CLINGING TO MOTOR VEHICLE**

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

#### **SECTION 4-121: MUFFLER**

Every motor vehicle operated within this Village 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 vehi-

cle 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





## Article 2 – Parking

### SECTION 4-201: GENERALLY

No person shall park any vehicle or approach the curb with a vehicle except when headed in the direction of the traffic. Vehicles when parked shall stand parallel with and adjacent to the curb or edge of the roadway in such manner as to have both right wheels within 12 inches of the curb or edge of the roadway and so as to leave at least 4 feet between the vehicle so parked and any other parked vehicles, except where the Village Board designates that vehicles shall be parked at an angle so as to have the front right wheel at the curb or edge of the roadway. Where stalls are designated either on the curb or pavement, vehicles shall be parked within such stalls. No vehicle shall be parked upon a roadway when there is a shoulder adjacent to the roadway which is available for parking. (Neb. Rev. Stat. §60-680, 60-6,167)

Vehicles parked in the Village-owned sidewalk space, which extends from the edge of the roadway to the property line and is in the Village street right-of-way, shall be subject to the ordinances governing street parking, and in addition shall not: a) block a built sidewalk, a ditch, a common pathway, or a culvert; b) interfere with adjacent lot owner maintenance; c) interfere with Village construction or maintenance of streets or utility, drainage and other easements; d) interfere with snow removal; d) interfere with drainage; e) interfere with or impede traffic; f) be parked in any way so as to create a hazard of any kind; and g) be unlicensed, non-powered or inoperable.

### SECTION 4-202: DESIGNATION OF PARALLEL OR ANGLE PARKING

The Village Board 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. §60-680, 60-6,167)

### SECTION 4-203: NO PARKING AREAS

The Village Board 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)

**SECTION 4-204: NO PARKING ON CERTAIN STREETS**

It shall be unlawful for any person or persons to park or not to remove any motor vehicle, camper or trailer of any description from the following streets in the Village:

- A. Main Street from Hwy 6 to West Street
  - B. Fourth Street to North Street on West Street
- (Ord. No. 370, 7/12/05) (Am. by Ord. No. 373, 7/26/05)

**SECTION 4-205: SNOW REMOVAL**

It shall be unlawful for any person or persons to park or not to remove from any village street any motor vehicle, camper, or trailer of any description from October 1 to May 1 of each year from the hours of 1:30 a.m. until 7:00 a.m. when there is accumulated snow, falling snow, sleet, or freezing rain on the following streets in the Village:

- A. Main Street from Hwy. 6 to Walnut Street
  - B. Broad Street from Main Street to Third Street
  - C. Walnut Street from Main Street to Third Street
  - D. Main Street from Hwy. 6 to West Street
- (Neb. Rev. Stat. §17-557) (Am. by Ord. Nos. 321, 1/28/98; 368, 3/29/05; 370, 7/12/05; 373, 7/25/05)

**SECTION 4-206: OBSTRUCTING TRAFFIC**

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

**SECTION 4-207: OBSTRUCTING ALLEY**

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

**SECTION 4-208: ALLEYS; LOADING AND UNLOADING**

No vehicle shall be parked in any alley except for the purpose of loading or unloading during the time necessary to load or unload, which shall not exceed the maximum limit of one-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 4-209: FIRE STATION AND HYDRANTS**

No vehicle shall be parked within 15 feet in either direction of any fire hydrant nor within 20 feet of the driveway entrance to any fire station. Any vehicle 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 4-210: DISPLAY OR REPAIR OF VEHICLE**

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

**SECTION 4-211: TIME LIMIT**

The Village Board 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 4-212: MAXIMUM TIME LIMIT**

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

**SECTION 4-213: RESIDENTIAL DISTRICT UNLOADING**

It shall be unlawful for the operator of any vehicle with an overall length of more than 20 feet to stop or park any such vehicle on a street which the Village Board has designated to be within the "residential district," except to load or unload, and then only when 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 vehicle, regardless of crosswalk, to park in front of a private driveway or on a sidewalk without permission of the property owner. The Village Board may by resolution provide truck parking areas adjoining or adjacent to the residential 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 4-214: HANDICAPPED OR DISABLED PERSONS**

The Village may designate parking spaces, including access aisles, for the exclusive use of (A) handicapped or disabled persons whose motor vehicles display the distinguishing license plates issued to handicapped or disabled persons pursuant to Neb. Rev. Stat. §60-3,113, (B) handicapped or disabled persons whose motor vehicles display a distinguishing license plate issued to a handicapped or disabled person by another state, (C) such other handicapped or disabled persons or temporarily handicapped or disabled persons whose motor vehicles display a handicapped or disabled parking permit, and (D) such other motor vehicles which display a handicapped or disabled parking permit. Regulations governing the parking of handicapped or disabled persons shall be as provided in Neb. Rev. Stat. §18-1736 through 18-1741.07.

**SECTION 4-215: 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 the article, such individual may remove or have such vehicle removed or require the driver or other person in charge of the vehicle to move such vehicle to a position off the roadway of such street or alley or from such street or alley.

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

(Neb. Rev. Stat. §60-6,165, 60-680)

**SECTION 4-216: UNLICENSED OR INOPERABLE VEHICLES**

No person in charge or control of any property within the Village, other than municipal property, whether as owner, tenant, occupant, lessee, or otherwise, shall allow a partially dismantled, inoperable, wrecked, junked, or discarded vehicle to remain on such property longer than 30 days. No unlicensed vehicle shall be permitted to remain on such property longer than 30 days. No unlicensed vehicle shall be permitted to remain on any private or public property for any length of time, provided that this section shall not apply to a vehicle in an enclosed building; to a vehicle on the premises of a business enterprise, operated in a lawful place and manner, when such vehicle is necessary to the lawful operation of the business; or to a vehicle in an appropriate storage place or depository maintained in a lawful place and manner by the Village. Any vehicle allowed to remain on property in violation of this section shall constitute a nuisance and shall be abated, and any person violating this section shall be guilty of an offense.

**SECTION 4-217: VIOLATIONS BUREAU; COLLECTIONS AND ACCOUNTING**

A. For the purposes hereinafter provided, the Violations Bureau has been designated to collect penalties imposed by village ordinances for non-moving motor vehicle violations.

B. The village clerk shall act as the Violations Bureau and shall collect and account for all monies paid in accordance with the provisions of this article and issue receipts therefor, shall remit all monies collected under the provisions of this title to the village treasurer and shall keep records of all violators, showing the name, time, and date of violation and disposition.

(Neb. Rev. Stat. §18-1729)

**SECTION 4-218: VIOLATIONS BUREAU; ISSUING CITATIONS**

It shall be the duty of any authorized law enforcement officer to issue citations for non-moving vehicle violations which shall be processed originally through Violations Bureau upon finding:

A. Any motor vehicle in violation of a motor vehicle parking ordinance or of a duly established parking regulation of the Village;

B. Any motor vehicle stopped or parking in such a manner as to interfere with the lawful use of the street; or

C. Any motor vehicle stopped or parked in violation of this article.

**SECTION 4-219: VIOLATIONS BUREAU; PAYMENT OF FINES AND COSTS**

Any person accused of any non-moving motor vehicle violation of the municipal code may appear before the Violations Bureau and waive arraignment and right to a hearing by payment of the sum set by the Village Board for those complaints on file in the office of the village clerk. In each instance of such waiver of arraignment and right to a hearing, the person charged in the complaint shall pay, in addition to the amount specified above, an administrative cost as set by the Village Board and placed on file in the office of the village clerk for public inspection. (Neb. Rev. Stat. §29-423)

**SECTION 4-220: VIOLATIONS BUREAU; MAILING NOTICE OF COMPLAINT**

In the event that a person accused of a violation does not appear before the Violations Bureau within seven days after the date of the issuance of the citation, notice shall be mailed to the last known address of the registered owner of the vehicle found to be in violation of the ordinance or regulation, setting forth the date and the nature of the alleged offense, the disposition that can be made of the matter by appearing at the Violations Bureau within fifteen days of the issuance of the citation, and that upon expiration of the 15-day period such vehicle may be impounded pursuant to Section 4-221 below and a complaint may be filed pursuant to Section 4-222.

**SECTION 4-221: VIOLATIONS BUREAU; IMPOUNDMENT**

Impounded vehicles will be towed by a wrecker service. The cost of impoundment will constitute a lien against the vehicle, with the owner held liable for costs of towing and storage. Any impounded vehicle will be held until all penalties are paid, including any citation for violation at the time the vehicle is secured for towing. However, in the event such citation is dismissed by the county court, a full refund will be made for the cost of impoundment for that citation only.

**SECTION 4-222: VIOLATIONS BUREAU; FILING OF COMPLAINT**

The village attorney, when directed to do so by the Village Board and where in his or her judgment there is sufficient evidence to warrant the belief that a person is guilty and can be convicted of a violation of the parking ordinances, shall prepare a complaint, file it with Cass County Court and shall then attend and prosecute the violation.

## **Article 3 – Bicycles, Mopeds and Motorcycles**

### **SECTION 4-301: BICYCLES; OPERATION**

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

B. No bicycle shall be permitted on any street or other public highway from one-half hour after sunset and one-half hour before sunrise without a headlight, visible under normal atmospheric conditions from the front thereof for not less than 500 feet indicating the approach or presence of the bicycle, firmly attached to such bicycle and properly lighted or without a yellow or red light reflector attached to and visible 500 feet from the rear thereof. The said headlight shall emit a clear white light.

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

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

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

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

### **SECTION 4-302: MOPEDS; DEFINED**

“Moped” shall mean a bicycle with fully operative pedals for propulsion by human power, an automatic transmission, and a motor with a cylinder capacity not exceeding 50 cubic centimeters, which produces no more than two brake horsepower and is capable of propelling the bicycle at a maximum design speed of no more than 30 miles per hour on level ground. Mopeds, their owners, and their operators shall be subject to Neb. Rev. Stat. Chapter 60, Article 4 but shall be exempt from the requirements of Neb. Rev. Stat. Chapter 60, Articles 1, 3, 5, and 17. (Neb. Rev. Stat. §60-6,309)

### **SECTION 4-303: MOPEDS; OPERATOR'S LICENSE REQUIRED**

No person shall operate a moped upon the streets, alleys, or highways within the Village unless such person has a valid Class O operator's license or a valid school or learner's permit. (Neb. Rev. Stat. §60-6,310) (Am. by Ord. No. 336, 10/10/94)

**SECTION 4-304: MOPEDS; TRAFFIC REGULATIONS APPLICABLE**

Any person who rides a moped upon a roadway shall have all 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. Such regulations applicable to mopeds shall apply whenever a moped is operated upon any street, alley, or highway within the Village or upon any path set aside by the Department of Roads or the Village for the use of mopeds. Notwithstanding any established maximum speed limits in excess of 25 miles per hour, no person shall operate any moped at a speed in excess of 30 miles per hour. (Neb. Rev. Stat. §60-6,311, 60-6,313) (Am. by Ord. No. 337, 10/10/94)

**SECTION 4-305: MOPEDS; USE OF TRAFFIC LANES**

A moped shall be entitled to full use of a traffic lane of any street or highway with an authorized speed limit of 45 miles per hour or less and no vehicle shall be operated in such a manner as to deprive any moped of the full use of such lane. This section shall not apply to mopeds or motorcycles operated two abreast in a single lane. No person shall operate a moped between lanes of traffic or between adjacent lines or rows of vehicles. Mopeds shall not be operated more than two abreast in a single lane. Any person who operates a moped on a roadway with an authorized speed limit of more than 45 miles per hour shall ride as near to the right side of the roadway as practicable and shall not ride more than single file. (Neb. Rev. Stat. §60-6,313)

**SECTION 4-306: MOPEDS; EQUIPMENT**

Any moped which carries a passenger shall be equipped with footrests for such passenger. No person shall operate any moped with handlebars more than 15 inches above the mounting point of the handlebars. (Neb. Rev. Stat. §60-6,312)

**SECTION 4-307: MOPEDS; HELMET**

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 4-308: 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 police officers in the performance of their official duties.  
(Neb. Rev. Stat. §60-6,307, 60-6,308)

**SECTION 4-309: 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 lamps shall comply with the requirements and limitations of state statutes. (Neb. Rev. Stat. §60-6,219)

**SECTION 4-310: MOTORCYCLES; HELMET**

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 4-307.

## Article 4 – Off-Road Vehicles

(Ord. No. 398, 6/29/10)

### **SECTION 4-401: GO-KARTS, GOLF CARTS, MINI-BIKES, SNOWMOBILES; UNLAWFUL OPERATION**

A. The use of all off-road designed vehicles which are not licensed under the laws of the State of Nebraska is prohibited upon the public streets of the Village. Examples of said vehicles are as follows:

1. Go-karts;
2. Golf carts;
3. Mini-bikes, which shall mean two-wheel motor vehicles with total wheel and tire diameter of less than 14 inches or an engine-rated capacity of less than 45 cubic centimeters displacement; or any other two-wheel motor vehicles primarily designed by the manufacturer for off-road use only;
4. Snowmobiles;
5. All-terrain vehicles, as defined by Neb. Rev. Stat. Chapter 60;
6. Utility-type vehicles, as defined by Neb. Rev. Stat. Chapter 60;
7. All other vehicles banned as provided in the municipal code.

B. Said vehicles shall be permitted under the following circumstances:

1. In parades or special events specifically authorized by the Village Board.
2. Use by village employees or contractors in such capacity.
3. All-terrain vehicles and utility-type vehicles as permitted herein.

### **SECTION 4-402: ALL-TERRAIN AND UTILITY-TYPE VEHICLES; PERMITS; VEHICLE AND OPERATOR REQUIREMENTS**

Any person desiring to operate an all-terrain vehicle (ATV) or utility-type vehicle (UTV) upon the public streets of the Village, other than in parades which have been authorized by the Board of Trustees and which has not been specifically prohibited to be upon the public streets of the Village as herein indicated, shall first apply for a permit upon application forms furnished by the village clerk and receive from the clerk a permit for said operation of said ATV or UTV, the requirements and criteria for obtaining said permit to be as follows:

A. ATV requirements:

1. Width 50 inches or less;
2. Dry weight 1,200 pounds or less;
3. Travels on three or more non-highway tires;
4. Designed for operator use only with no passengers or is specifically de-

- signed by the original manufacturer for the operator and one passenger;
5. Seat or saddle designed to be straddled by the operator;
  6. Handlebars or other steering assembly for steering control;
  7. Bicycle safety flag that extends not less than 5 feet above ground attached to the rear of such vehicle; the flag shall be triangular in shape with an area of not less than 30 square inches and shall be day-glow in color;
  8. Lighted headlight and taillight at all times;
  9. Brake system maintained in good operating condition;
  10. Adequate muffler system in good working condition;
  11. A municipal permit affixed on the vehicle as provided by municipal rules and regulations;
  12. United States Forest Service-qualified spark arrester.

B. UTV requirements:

1. Width 74 inches or less;
2. Length not more than 180 inches, including the bumper;
3. Dry weight 2,000 pounds or less;
4. Travels on four or more non-highway tires;
5. Steering wheel and bench or bucket-type seating designed for at least two people to sit side-by-side;
6. Bicycle safety flag that extends not less than 5 feet above ground attached to the rear of such vehicle; the flag shall be triangular in shape with an area of not less than 30 square inches and shall be day-glow in color;
7. Lighted headlight and taillight at all times;
8. Brake system maintained in good operating condition;
9. Adequate muffler system in good working condition;
10. A municipal permit affixed on the vehicle as provided by municipal rules and regulations;
11. United States Forest Service-qualified spark arrester.

C. In the event the Nebraska Revised Statutes, describing the vehicles described herein, are modified or altered, the description contained herein shall be modified to follow said description change.

D. Applicant's requirements:

1. Must be a licensed driver in possession of a valid operator's license;
2. His or her license to operate a motor vehicle must not be currently suspended or revoked by the laws of the State of Nebraska for loss of points or driving under the influence of alcohol or other similar driving offenses, causing a revocation or suspension of said person's operator's license;
3. Must be able to obtain and submit proof of financial responsibility evi-

dencing ability to respond in damages for liability (each applicant in the case of a family membership shall be identified on such proof), on account of accidents occurring subsequent to the effective date of such proof, arising out of the ownership, maintenance, or use of said ATV or UTV (a) in the amount of \$25,000.00 because of bodily injury or (b) death of one person in any one accident, (c) subject to such limit for one person in the amount of \$50,000.00 because of bodily injury or death of two or more persons in any one accident and, (d) in the amount of \$25,000.00 because of injury to or destruction of property of others in any one accident;

4. Must acknowledge that he or she shall abide by the terms and conditions of this ordinance;
5. Must require any operator of his or her vehicle to abide by the terms of this ordinance and by the terms of the Nebraska Revised Statutes pertaining to operation of such vehicles, and may be held liable for any infractions and subject to revocation of the permit;
6. Must submit a non-refundable application fee with the application for each unit. Such fee shall be as set by the Village Board and filed in the office of the village clerk. Applicant shall pay all other expenses and costs associated with his or her application.

(Am. by Ord. No. 407, 6/12/12)

#### **SECTION 4-403: ALL-TERRAIN AND UTILITY-TYPE VEHICLES; PERMIT ISSUANCE; CONDITIONS**

Upon satisfaction of the above conditions, the clerk may issue a permit for such off-road designed vehicle to be operated on the streets of the Village under the following rules and regulations:

A. Said permit is valid for only one year, from January 1 to December 31 each year;

B. Said permit as issued by the Village must be affixed and displayed in plain sight on the right rear of each unit;

C. Applicant and operator shall operate such ATV or UTV subject to the following:

1. All rules of the road, as found in Chapter 60 of the Nebraska Revised Statutes, not in conflict herewith.
2. All ordinances of the Village, as found in the revised municipal code, not in conflict herewith.
3. Said ATV or UTV shall not be operated in excess of the posted speed limit or municipal code (in no case to exceed 30 miles per hour) and all passengers must remain seated while the vehicle is in operation.
4. Maintenance of proof of insurance or financial responsibility as provided above.

5. Must be able to show proof of financial responsibility coverage for the vehicle while in operation in an amount required for motor vehicles as required by state law. The person operating the vehicle shall provide proof of such insurance coverage to any peace officer requesting such proof within five days of such request.
6. Said ATV or UTV shall be operated within the corporate limits of the Village only between the hours of sunrise and sunset.
7. In crossing a highway, said crossing shall be made at an angle of approximately 90° to the direction of the highway and at a place where no obstruction prevents a quick and safe crossing; the vehicle is brought to a complete stop before crossing the shoulder or roadway of the highway; the operator yields the right-of-way to all oncoming traffic that constitutes an immediate potential hazard; the crossing is made only at an intersection of such highway with another highway; and both the headlight and taillight of the vehicle are on when the crossing is made.

(Am. by Ord. No. 407, 6/12/12)

## Article 5 – Abandoned Vehicles

### SECTION 4-501: 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 Village pursuant to a municipal ordinance.

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

1. If left unattended for more than 24 hours on any public property, except a portion thereof on which parking is legally permitted;
2. If left unattended for more than 48 hours after the parking of such vehicle has become illegal, if left on a portion of any public property on which parking is legally permitted;
3. If left unattended for more than seven days on private property if left initially without permission of the owner or after permission of the owner is terminated;
4. If left for more than 30 days in the custody of a law enforcement agency after the agency has sent a letter to the last registered owner under Neb. Rev. Stat. §60-1903.01; or
5. If removed from private property by the Village 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 Village, pursuant to an ordinance or resolution, has sent a certified letter to each of the last registered owners and posted a notice on the mobile home, stating that the mobile home is subject to sale or auction or vesting of title as set forth in Neb. Rev. Stat. §60-1903.

D. For purposes of this section:

1. "Mobile home" means a movable or portable dwelling constructed to be towed on its own chassis, connected to utilities, and designed with or without a permanent foundation for year-round living. It may consist of one or more units that can be telescoped when towed and expanded later for additional capacity, or of two or more units, separately towable but designed to be joined into one integral unit, and shall include a manufactured home as defined in Neb. Rev. Stat. §71-4603. "Mobile home" does not include a mobile home or manufactured home for which an affidavit of affixture has been recorded pursuant to Neb. Rev. Stat. §60-169;
2. "Public property" means any public right of way, street, highway, alley, or park or other state, county, or municipally owned property; and
3. "Private property" means any privately owned property which is not included within the definition of public property.

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

#### **SECTION 4-502: 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 4-503: TITLE; VEST IN VILLAGE; WHEN**

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

#### **SECTION 4-504: VILLAGE; POWERS AND DUTIES**

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

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

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

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

(Neb. Rev. Stat. §60-1903)

#### **SECTION 4-505: CUSTODY; WHO ENTITLED**

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

#### **SECTION 4-506: PROCEEDS OF SALE; DISPOSITION**

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

#### **SECTION 4-507: LIABILITY FOR REMOVAL**

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

**SECTION 4-508: DESTROY, DEFACE, OR REMOVE PARTS; UNLAWFUL;  
EXCEPTION; VIOLATION**

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

**SECTION 4-509: COSTS OF REMOVAL AND STORAGE**

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

## **Article 6 – Penal Provision**

### **SECTION 4-601: VIOLATION; PENALTY**

Any person who shall violate or refuse to comply with the enforcement of any of the provisions of this chapter, set forth at full length herein or incorporated by reference, shall be deemed guilty of an offense 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.