

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

### **ARTICLE 1 – TRAFFIC REGULATIONS**

- 4-101 RULES OF THE ROAD; INCORPORATED BY REFERENCE**
- 4-102 EMERGENCY REGULATIONS**
- 4-103 CITY LAW ENFORCEMENT; REFUSAL TO OBEY**
- 4-104 REGISTRATION; OPERATOR AND VEHICLE LICENSE**
- 4-105 LICENSE PLATES**
- 4-106 VEHICLES; EQUIPMENT AND MAINTENANCE**
- 4-107 REGISTRATION; TRAILERS**
- 4-108 TRUCK ROUTES**
- 4-109 ONE-WAY TRAFFIC**
- 4-110 TRAFFIC LANES; DESIGNATION**
- 4-111 ARTERIAL STREETS; DESIGNATION**
- 4-112 CROSSWALKS**
- 4-113 SCHOOL CROSSING ZONES; DESIGNATION**
- 4-114 SIGNS, SIGNALS**
- 4-115 SIGNS, TRAFFIC CONTROL DEVICES, TRAFFIC SURVEILLANCE DEVICES; DEFACING OR INTERFERING WITH**
- 4-116 TURNING; “U” TURNS**
- 4-117 MOTORIZED VEHICLES PROHIBITED IN PUBLIC PARKS**
- 4-118 SPEED LIMITS**
- 4-119 SPEED NEAR SCHOOLS**
- 4-120 SPEED LIMITS; HIGHWAY 6/31**
- 4-121 RADAR DEVICE; PROHIBITED**
- 4-122 CHILD PASSENGER RESTRAINT SYSTEM OR OCCUPANT PROTECTION**
- 4-123 OCCUPANT PROTECTION SYSTEMS; REQUIREMENTS**
- 4-124 LOADS; SPILLING OR SIFTING**
- 4-125 CROWDING FRONT SEAT OR OBSTRUCTING DRIVER’S VIEW OR DRIVING MECHANISM**
- 4-126 DRIVING ABREAST**
- 4-127 FUNERAL PROCESSIONS**
- 4-128 RIGHT-OF-WAY; EMERGENCY VEHICLES**
- 4-129 ENGINE BRAKING**
- 4-130 MUFFLERS**

### **ARTICLE 2 – PARKING**

- 4-201 CURRENT LICENSE**
- 4-202 TIME LIMIT**
- 4-203 MAXIMUM TIME LIMIT**
- 4-204 EMERGENCY VEHICLES**
- 4-205 VEHICLES; UNATTENDED**
- 4-206 GENERALLY**
- 4-207 DESIGNATION**
- 4-208 AREAS**
- 4-209 OBSTRUCTING ALLEY**
- 4-210 ALLEYS**

- 4-211 FIRE HYDRANTS AND STATIONS
- 4-212 STREET INTERSECTIONS
- 4-213 OBSTRUCTING TRAFFIC
- 4-214 CURB
- 4-215 REPAIR
- 4-216 SNOW EMERGENCIES
- 4-217 HANDICAPPED OR DISABLED PERSONS; DESIGNATION OF ON-STREET PARKING SPACES AND ACCESS AISLES; DISPLAY OF PERMITS
- 4-218 HANDICAPPED OR DISABLED PERSONS; DESIGNATION OF OFF-STREET PARKING STALLS, SPACES AND ACCESS AISLES
- 4-219 HANDICAPPED OR DISABLED PERSONS; DEFINITIONS
- 4-220 HANDICAPPED OR DISABLED PERSONS; PERSONAL PERMIT; ISSUANCE; RENEWAL
- 4-221 HANDICAPPED OR DISABLED PERSONS; MOTOR VEHICLE PERMIT; ISSUANCE; RENEWAL
- 4-222 HANDICAPPED OR DISABLED PERSONS; PERMITS; PROHIBITED ISSUANCE; DUPLICATE PERMITS
- 4-223 HANDICAPPED OR DISABLED PERSONS; PERMITS; PERIOD VALID; RENEWAL OF TEMPORARY PERMITS
- 4-224 HANDICAPPED OR DISABLED PERSONS; PERMITS NONTRANSFERABLE; VIOLATIONS; SUSPENSION
- 4-225 HANDICAPPED OR DISABLED PERSONS; REMOVAL OF UNAUTHORIZED VEHICLE; PENALTY
- 4-226 HANDICAPPED OR DISABLED PERSONS; CITATION; ISSUANCE; COMPLAINT; TRIAL; DISMISSAL
- 4-227 REMOVAL OF ILLEGALLY PARKED VEHICLES
- 4-228 NONMOVING VIOLATIONS; BUREAU OF VIOLATIONS
- 4-229 NONMOVING VIOLATIONS; MINIMUM FINES

### **ARTICLE 3 – NONMOTORIZED VEHICLES**

- 4-301 BICYCLES, SKATEBOARDS, SKATES; DEFINITIONS
- 4-302 OPERATION
- 4-303 CLINGING TO MOTOR VEHICLE
- 4-304 PEDESTRIAN RIGHT-OF-WAY
- 4-305 REGULATION OF SKATES, SKATEBOARDS AND OTHER CONVEYANCES

### **ARTICLE 4 – MOTORCYCLES AND OFF-ROAD VEHICLES**

- 4-401 MOTORCYCLES; LIGHTS
- 4-402 MOTORCYCLES; HELMET REQUIRED
- 4-403 OFF-ROAD DESIGNED VEHICLES; DEFINED
- 4-404 OFF-ROAD DESIGNED VEHICLES; OPERATION PROHIBITED; EXCEPTIONS
- 4-405 OFF-ROAD DESIGNED VEHICLES; ACCIDENT REPORT
- 4-406 OFF-ROAD DESIGNED VEHICLES; PENALTY
- 4-407 OFF-ROAD DESIGNED VEHICLES; ENFORCEMENT

## **ARTICLE 5 – ABANDONED AUTOMOBILES**

### **4-501 DEFINITIONS**

### **4-502 ABANDONED VEHICLES PROHIBITED**

### **4-503 DETERMINING LAST-REGISTERED OWNER**

### **4-504 NOTICE**

### **4-505 TRANSFER OF TITLE**

### **4-506 DISPOSITION OF VEHICLE**

### **4-507 CUSTODY OF LAW ENFORCEMENT AGENCY**

### **4-508 PROCEEDS FROM SALE**

### **4-509 LIABILITY FOR LOSS OR DAMAGE**

### **4-510 REGISTERED OWNER LIABLE FOR COSTS**

### **4-511 AUTHORIZATION TO DESTROY OR DEFACE VEHICLE OR REMOVE PARTS**

## **ARTICLE 6 – PENAL PROVISION**

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

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

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

#### **SECTION 4-101: 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 chapter and made a part of this article as though spread at large herein, except those provisions in conflict with this article when the City Council has the authority to alter such regulations. One copy of the Nebraska Rules of the Road and amendments shall be on file with the city clerk and shall be available for public inspection during office hours.

#### **SECTION 4-102: EMERGENCY REGULATIONS**

The chief law enforcement officer is hereby empowered to make and enforce temporary traffic regulations to cover emergencies. (Neb. Rev. Stat. §60-435)

#### **SECTION 4-103: CITY LAW ENFORCEMENT; 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 city law enforcement officer. (Neb. Rev. Stat. §60-680.)

#### **SECTION 4-104: REGISTRATION; OPERATOR AND VEHICLE LICENSE**

A. No person shall operate or park a motor vehicle upon any street, alley, or public highway within the City without having first registered the same in accordance with Neb. Rev. Stat. Chapter 60, Article 3 and Neb. Rev. Stat. §60-321, except as provided in this subsection. A person may operate a motor vehicle without registration for a period not to exceed 30 days from the date of purchase. Upon registration, such vehicle

shall have the required number plates displayed upon said vehicle in the manner and places provided for by Neb. Rev. Stat. §60-323. If a citation is issued to an owner or operator of a vehicle for a violation of this subsection and the owner properly registers and licenses the vehicle not in compliance and pays all taxes and fees due and the owner or operator provides proof of such registration to the prosecuting attorney within ten days after the issuance of the citation, no prosecution for the offense cited shall occur.

B. No person shall operate a motor vehicle upon any street, alley, or public highway without having obtained a motor vehicle operator's license in accordance with Neb. Rev. Stat. Chapter 60, Article 4. It shall be unlawful for any person to operate a motor vehicle upon any street, alley, or public highway during the period that his or her operator's license has been revoked or canceled.

(Neb. Rev. Stat. §60-302, 60-320, 60-320.01, 60-321, 60-323, 60-4) (Am. by Ord. Nos. 429, 2/18/92; 485, 5/17/94; 551, 1/16/96)

#### **SECTION 4-105: LICENSE PLATES**

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

#### **SECTION 4-106: VEHICLES; EQUIPMENT AND MAINTENANCE**

A. Every motor vehicle, while in use on the streets, alleys, or public highways of the City shall be equipped with efficient brakes adequate to control the movement of, to stop, and to hold such vehicle, including two separate means of applying the brakes. All vehicle brakes shall be maintained in good working order; provided, motorcycles need only be equipped with one brake.

B. Every motor vehicle shall be further equipped with a good and sufficient horn in good working order, or other efficient signal device. All horns on motor vehicles shall be capable of emitting sound audible under normal conditions from a distance of not less than 200 feet; provided, no vehicle except herein provided, shall be equipped with; nor shall any person use upon a vehicle, any siren, or horn otherwise than as a reasonable warning; nor shall any person use any horn or warning device upon a vehicle to make any unnecessary, loud, or harsh sound; and provided further, that every city law enforcement and Fire Department vehicle, ambulance, or other authorized emergency vehicle used for emergency calls shall be equipped with a bell, siren, or whistle of the type approved by the City Council.

C. From sunset to sunrise and any other time when there is not sufficient light to render clearly discernible persons or vehicles upon the street, alley, or highway at a distance of 500 feet to the rear of such vehicle. No person shall operate any vehicle which is equipped with an electric light or lights that confuse travelers or pedestrians on streets or crosswalks within the City. Every motor vehicle having a width of 80 inches or more shall display clearance lights as required by state law.

(Neb. Rev. Stat. §60-6,219, 60-6,220, 60-6,224, 60-6,235, 60-6,244, 60-6,285) (Ord. No. 487, 5/17/94) (Am. by Ord. No. 553, 1/16/96)

## **SECTION 4-107: REGISTRATION; TRAILERS**

No trailer, semi trailer, or cabin trailer shall be operated or parked on any street, alley, or public highway within the City without having first registered the same in accordance with Neb. Rev. Stat. §Chapter 60, Article 3, except as provided in this section. A person may pull such trailer, semi trailer, or cabin trailer without registration for a period not to exceed 30 days from the date of purchase. Upon registration, such trailer, semi trailer, or cabin trailer shall have the required number plate displayed upon said trailer as provided for by Neb. Rev. Stat. §60-311. If a citation is issued to an owner or operator of a vehicle for a violation of this section and the owner properly registers and licenses the vehicle not in compliance and pays all taxes and fees due and the owner or operator provides proof of such registration to the prosecuting attorney within ten days after the issuance of the citation, no prosecution for the offense cited shall occur. (Neb. Rev. Stat. §60-302, 60-320, 60-321) (Am. by Ord. Nos. 486, 5/17/94; 552, 1/16/96)

## **SECTION 4-108: 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, and in that event, the operator of such truck shall return to such truck routes as soon as possible in traveling through, or about the City. The City Council shall cause notices to be posted, or shall erect signs indicating the streets so designated as truck routes. (Neb. Rev. Stat. §60-681)

## **SECTION 4-109: 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 4-110: TRAFFIC LANES; DESIGNATION**

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

## **SECTION 4-111: 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 4-112: CROSSWALKS**

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

## **SECTION 4-113: SCHOOL CROSSING ZONES; DESIGNATION**

A. A person operating a motor vehicle may not overtake and pass another vehi-

cle in any school crossing zone designated by the City Council in which the roadway has only one lane of traffic in each direction. (Neb. Rev. Stat. §60-6,134.01) (Ord. No. 663, 2/16/99)

B. Neb. Rev. Stat. §60-682.01 provides fines for operating a motor vehicle in violation of authorized speed limits and states that the fines are doubled if the violation occurs within a school crossing zone.

C. Neb. Rev. Stat. §60-6,134.01 makes it unlawful for a person operating a motor vehicle to overtake and pass another vehicle in a school crossing zone in which the roadway has only one lane of traffic in each direction and provides fines for violation of that prohibition.

D. The City Council may, by resolution, designate to the public any area of a roadway, other than a freeway, as a school crossing zone through the use of a sign or traffic control device as specified by the City Council in conformity with the *Manual on Uniform Traffic Control Devices*. Any school crossing zone so designated starts at the location of the first sign or traffic control device identifying the school crossing zone and continues until a sign or traffic control device indicates that the school crossing zone has ended.

(Neb. Rev. Stat. §60-658.01) (Ord. No. 662, 2/16/99)

#### **SECTION 4-114: SIGNS, SIGNALS**

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

#### **SECTION 4-115: SIGNS, TRAFFIC CONTROL DEVICES, TRAFFIC SURVEILLANCE DEVICES; DEFACING OR INTERFERING WITH**

It shall be unlawful for any person willfully or maliciously to 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) (Am. by Ord. No. 396, 11/21/89)

#### **SECTION 4-116: 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 4-117: MOTORIZED VEHICLES PROHIBITED IN PUBLIC PARKS**

A. The mayor and Council of the City of Gretna have determined that the opera-

tion of motorized vehicles in the public parks of the City has been and continues to be detrimental and damaging to the vegetation and other property located upon and within the public parks, and that it is now necessary and desirable to prohibit said operation of motorized vehicles so as to preserve said vegetation and other property.

B. The operation of any motorized vehicle including, but not limited to, snowmobiles and motorcycles upon and within any public park owned by the City is hereby declared to be prohibited and unlawful, except where operated on any designated street or roadway; provided, however, that any authorized maintenance vehicle or vehicle for use in tending to an emergency are hereby authorized to be operated upon and within any public park owned by the City for the express and only purpose of maintenance or emergency operations.

#### **SECTION 4-118: SPEED LIMITS**

No person shall operate a motor vehicle:

A. On any alley at a speed greater than 10 miles per hour or

B. On any street or other place at a rate of speed greater than 25 miles per hour within the residential district and 20 miles per hour within the business district, unless a different rate of speed is specifically permitted by ordinance. In no instance shall a person drive a vehicle on a highway at a speed greater than is reasonable and prudent under the conditions. Where a different maximum speed is set by ordinance, appropriate signs shall be posted. (Neb. Rev. Stat. §60-6,185, 60-6,186, 60-6,190) (Am. by Ord. No. 837, 11/18/03)

#### **SECTION 4-119: SPEED NEAR SCHOOLS**

It shall be unlawful for the driver of any vehicle, when passing premises on which school buildings are located and which are used for school purposes, during school recess or while children are going to or leaving school during the opening or closing hours, to drive such vehicle at a rate of speed in excess of 15 miles per hour past such premises or, in excess of 25 miles per hour past such premises if located between Fairhaven Road and its intersection with 216<sup>th</sup> Street and along 216<sup>th</sup> Street. Such driver shall stop at all stop signs located at or near such school premises, and it shall be unlawful for such driver to make a "U" turn at any intersection where such stop signs are located at or near such school premises. (Neb. Rev. Stat. §60-6,190) (Am. by Ord. No. 567, 5/7/96)

#### **SECTION 4-120: SPEED LIMITS; HIGHWAY 6/31**

The speed limits on Highway 6/31 through the city limits of the City of Gretna shall be as posted.

#### **SECTION 4-121: RADAR DEVICE; PROHIBITED**

A. It shall be unlawful for any person to operate or possess any radar transmission device while operating a motor vehicle on any road, street, highway, or interstate highway in this City, except that this section shall not apply to any such device which has been lawfully licensed by the Federal Communications Commission or is being used by law enforcement officials in their official duties.

B. For purposes of this section, unless the context otherwise requires:

“Radar transmission device” shall mean any mechanism designed to interfere with the reception of radio microwaves in the electromagnetic spectrum, which microwaves, commonly referred to as radar, are employed by law enforcement officials to measure the speed of motor vehicles;

“Possession” shall mean to have a device, as defined above, in a motor vehicle if such device is not disconnected from all power sources, and in the rear trunk, which shall include the spare tire compartment or any other compartment which is not accessible to the driver or any other person in the vehicle while such vehicle is in operation. If no such compartment exists in a vehicle, then such device must be disconnected from all power sources and be placed in a position not readily accessible to the driver or any other person in the vehicle; and

“Transceiver” shall mean an apparatus contained in a single housing, functioning alternately as a radio transmitter and receiver.  
(Ord. No. 250, 10/19/82)

#### **SECTION 4-122: CHILD PASSENGER RESTRAINT SYSTEM OR OCCUPANT PROTECTION**

A. This subsection shall apply to every motor vehicle which is equipped with an occupant protection system or is required to be equipped with restraint systems pursuant to Federal Motor Vehicle Safety Standard 208, as such standard existed on July 20, 2002, except taxicabs, mopeds, motorcycles, and any motor vehicle designated by the manufacturer as a 1963 year model or earlier which is not equipped with an occupant protection system. Any person who drives any motor vehicle which has or is required have an occupant protection system shall ensure that:

1. All children up to six years of age being transported in such vehicle use a child passenger restraint system of a type which meets Federal Motor Vehicle Safety Standard 213 as developed by the National Highway Traffic Safety Administration, as such standard existed on July 20, 2002, and which is correctly installed in such vehicle; and
2. All children six years of age and less than sixteen years of age being transported in such vehicle use an occupant protection system.

B. Whenever any licensed physician determines, through accepted medical procedures, that use of a child passenger restraint system by a particular child would be harmful by reason of the child's weight, physical condition, or other medical reason, the provisions of subsection (A) shall be waived. The driver of any vehicle transporting such a child shall carry on his or her person or in the vehicle a signed written statement of the physician identifying the child and stating the grounds for such waiver.

C. The drivers of authorized emergency vehicles shall not be subject to the requirements of subsection (A) when operating such authorized emergency vehicles pursuant to their employment.

D. The failure to provide a child restraint system for more than one child in the



same vehicle at the same time, as required in subsection (A), shall not be treated as a separate offense.

E. Enforcement of division (A)(2) shall be accomplished only as a secondary action when an operator of a motor vehicle has been cited or charged with a violation of some other offense.

(Neb. Rev. Stat. §60-6,267, 60-6,268) (Ord. No. 419, 1/22/91) (Am. by Ord. No. 823, 5/6/03)

## **SECTION 4-123: OCCUPANT PROTECTION SYSTEMS; REQUIREMENTS**

A. For purposes of this section:

“Motor vehicle” shall mean a vehicle required by Neb. Rev. Stat. §60-6,266 to be equipped with an occupant protection system; and

“Occupant protection system” shall have the meaning provided in Neb. Rev. Stat. §60-6,265.

B. Except as provided in subsection (C), no driver shall operate a motor vehicle upon a highway or street unless the driver and each front-seat occupant in the vehicle are wearing occupant protection systems and all occupant protection systems worn are properly adjusted and fastened.

C. The following persons shall not be required to wear an occupant protection system.

1. A person who possesses written verification from a physician that the person is unable to wear an occupant protection system for medical reasons;
2. A rural letter carrier of the United States Postal Service while performing his or her duties as a rural letter carrier between the first and last delivery points; and
3. A member of an emergency medical service while involved in patient care.  
(Neb. RS 60-6,270)

D. All persons being transported in a motor vehicle operated by a holder of a provisional operator's permit or a school permit shall use such motor vehicle's occupant protection system. (Neb. Rev. Stat. §60-6,267)

E. Enforcement of subsections (B) and (D) shall be accomplished only as a secondary action when an operator of a motor vehicle has been cited or charged with a violation of some other offense. (Neb. Rev. Stat. §60-6,268, 60-6,271)

F. Regardless of the number of persons in such vehicle not wearing an occupant protection system pursuant to subsection (B), only one violation shall be assessed against the driver of such motor vehicle for each time the motor vehicle is stopped and a violation of such section is found.

(Neb. Rev. Stat. §60-6,272) (Ord. No. 824, 5/6/03)

## **SECTION 4-124: LOADS; SPILLING OR SIFTING**

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

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

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

(Neb. Rev. Stat. §60-6,304) (Ord. No. 822, 5/6/03)

## **SECTION 4-125: CROWDING FRONT SEAT OR OBSTRUCTING DRIVER'S VIEW OR DRIVING MECHANISM**

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

(Neb. Rev. Stat. §60-6,179)

## **SECTION 4-126: DRIVING ABREAST**

Two or more vehicles shall not be driven abreast except when passing, or when traversing a multi-lane or one-way street; provided, motorcycles may be driven no more than two abreast in a single lane. (Neb. Rev. Stat. §60-680)

## **SECTION 4-127: FUNERAL PROCESSIONS**

No vehicle, except city law enforcement vehicles, fire department vehicles, when responding to emergency calls or orders in their several departments, 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 city law enforcement officer. (Neb. Rev. Stat. §60-680.)

## **SECTION 4-128: 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. §60-680)

#### **SECTION 4-129: 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 4-130: MUFFLERS**

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 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. §60-6,371)

### **Article 2 – Parking**

#### **SECTION 4-201: CURRENT LICENSE**

It shall be unlawful to park, or place on the streets, alleys, or other public property any motor vehicle without first securing a current license as provided by law and no such licensed motor vehicle shall be allowed to stand for a longer period than 24 hours. (Neb. Rev. Stat. §60-323)

#### **SECTION 4-202: 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 4-203: 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 4-204: 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 4-205: VEHICLES; UNATTENDED**

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

#### **SECTION 4-206: GENERALLY**

No person shall park any vehicle, or approach the curb with a vehicle, except when headed in the direction of the traffic. Vehicles, when parked, shall stand parallel with and adjacent to the curb or edge of the roadway, in such manner as to have both right wheels within 12 inches of the curb or edge of the roadway, and so as to leave at least four feet between the vehicle so parked and any other parked vehicles, except where the City Council designates that vehicles shall be parked at an angle so as to have the front right wheel at the curb or edge of the roadway. Where stalls are designated either on the curb or pavement, vehicles shall be parked within such stalls. No vehicle shall be parked upon a roadway when there is a shoulder adjacent to the roadway which is available for parking. (Neb. Rev. Stat. §60-680, 60-6,167) (Am. by Ord. No. 491, 5/17/94)

#### **SECTION 4-207: 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 4-208: AREAS**

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

#### **SECTION 4-209: OBSTRUCTING ALLEY**

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

#### **SECTION 4-210: 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 4-211: FIRE HYDRANTS AND STATIONS**

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

## **SECTION 4-212: 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 red to indicate such prohibition. (Neb. Rev. Stat. §60-6,166)

## **SECTION 4-213: 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 4-214: 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. §60-6,167)

## **SECTION 4-215: REPAIR**

No person shall adjust or repair any automobile or motorcycle, or race the motor of same, while standing on the public streets or alleys of this City, excepting in case of breakdown or other emergency requiring same. No person or employee connected with a garage or repair shop shall use sidewalks, streets, or alleys in the vicinity of such garage or shop for the purpose of working on automobiles or vehicles of any description. (Neb. Rev. Stat. §60-680)

## **SECTION 4-216: SNOW EMERGENCIES**

The mayor or designee may declare a snow emergency. Such declaration will include public notification with an effective and termination date and time, and the termination date and time may be extended by the declaration authority.

A. Upon declaration of a snow emergency, all motor vehicles, trailers or other obstructions shall be removed or caused to be removed by their owners or their proprietors from the city streets to allow the free passage of snow-clearing equipment.

B. If necessary, the declaration authority may direct the law enforcement officer or his/her designee to initiate enforcement and removal operations. Citations and/or notice to remove for obstruction of traffic may be issued by the law enforcement officer, and if said motor vehicles, trailers or other obstructions are not removed within six hours from the issuance of a notice to remove, the declaration authority or law enforcement

officer may order the same to be removed and impounded. The owner of such motor vehicles, trailers or obstructions may obtain release from impoundment upon payment of towing, storage and administrative fees. All city streets shall remain clear of motor vehicles, trailers or obstructions until streets have been cleared or the termination date and time of the snow emergency. The declaration authority shall have the authority to extend the time limit for removal due to other types of inclement weather such as ice storms or flooding.

C. In the event any such unlawfully parked automobile violates the provisions of division (A) of this section, and by reason of its presence it becomes impossible to plow and clear any part of the street, such violator shall, in addition to any other penalties imposed in relation to violations of any provisions of this chapter, be responsible for the cost of such second plowing, unless the violator shall promptly clean such unplowed area himself. The City shall send a written statement to such violator showing the amount due to the City, and such amount shall be payable within 15 days after the date it is mailed by the City and, if not paid within such period, shall accrue interest at the highest rate allowable.

(Am. by Ord. Nos. 393, 10/17/89; 694, 3/7/00; 753, 12/4/01; 936, 8/19/08; 973, 1/19/10)

#### **SECTION 4-217: HANDICAPPED OR DISABLED PERSONS; DESIGNATION OF ON-STREET PARKING SPACES AND ACCESS AISLES; DISPLAY OF PERMITS**

A. The City Council may designate parking spaces, including access aisles, 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 hanging the permit from the motor vehicle's rearview mirror so as to be clearly visible through the front windshield. The permit shall be displayed on the dashboard only when there is no rearview mirror.

B. If the City Council so designates a parking space or access aisle, it shall be indicated by posting aboveground and immediately adjacent to and visible from each space or access aisle a sign as described in Neb. Rev. Stat. §18-1737. In addition to such sign, the space or access aisle may also be indicated by blue paint on the curb or edge of the paved portion of the street adjacent to the space or access aisle.

(Neb. Rev. Stat. §18-1736) (Ord. No. 288, 9/18/84; 397, 11/21/89; 430, 2/18/92; 492, 5/17/94; 554, 1/16/96; 590, 6/3/97; 675, 4/20/99; 770, 4/16/02)

## **SECTION 4-218: HANDICAPPED OR DISABLED PERSONS; DESIGNATION OF OFF-STREET PARKING STALLS, SPACES OR ACCESS AISLES**

The City and any person in lawful possession of any off-street parking facility may designate stalls or spaces, including access aisles, in such facility owned or operated by the City or person 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 motor 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, including access aisles, a sign which is in conformance with the requirements in Neb. Rev. Stat. §18-1737.

(Neb. Rev. Stat. §18-1737) (Ord. No. 430, 2/18/92; 493, 5/17/94; 591, 6/3/97; 771, 4/16/02)

## **SECTION 4-219: HANDICAPPED OR DISABLED PERSONS; DEFINITIONS**

For purposes of this article:

“Access aisle” shall mean a space adjacent to a handicapped parking space or passenger loading zone which is constructed and designed in compliance with the federal Americans with Disabilities Act of 1990 and the federal rules and regulations adopted and promulgated in response to the act. (Neb. Rev. Stat. §18-1736)

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

“Temporarily handicapped or disabled person” shall mean any handicapped or disabled person whose personal mobility is expected to be limited in such manner for no longer than one year. (Neb. Rev. Stat. §18-1738)

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

1. The use of parking spaces, including access aisles, designated for use by handicapped or disabled persons,
2. The unauthorized possession, use, or display of handicapped or disabled parking permits, or

3. 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. §18-1741.01) (Ord. No. 430, 2/18/92) (Am. by Ord. Nos. 494, 5/17/94; 555, 1/16/96; 592, 6/3/97; 769, 4/16/02)

#### **SECTION 4-220: HANDICAPPED OR DISABLED PERSONS; PERSONAL PERMIT; ISSUANCE; RENEWAL**

A. The city clerk shall take an application, on a form provided by the Department of Motor Vehicles, from a handicapped or disabled person or temporarily handicapped or disabled person or his or her parent, legal guardian, or foster parent for a permit which will entitle the holder thereof or a person driving a motor vehicle for the purpose of transporting such holder to park in those spaces or access aisles provided for by this Article when the holder of the permit will enter or exit the motor vehicle while it is parked in such spaces or access aisles. 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. A person applying for a permit or for the renewal of a permit shall complete an application, shall provide proof of identity, and shall submit a completed medical form containing the statutory criteria for qualification and signed by a physician, physician assistant, or advanced practice registered nurse certifying that the person who will be the holder meets the definition of handicapped or disabled person or temporarily handicapped or disabled person. No applicant shall be required to provide his or her social security number. In the case of a temporarily handicapped or disabled person, certifying physician, physician assistant, or advanced practice registered nurse 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.

C. A person may hold only one permit under this section and may hold either a permit under this section or a permit under Section 5-416 (Motor Vehicle Permit; Issuance), but not both.

D. A copy of the completed application form shall be given to each applicant. 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.

E. An application for the renewal of a permit under this section may be filed within 30 days prior to the expiration of the permit. The existing permit shall be invalid upon receipt of the new permit. (Neb. Rev. Stat. §18-1738)

F. 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.

(Neb. Rev. Stat. §18-1738.02) (Ord. No. 430, 2/18/92) (Am. by Ord. Nos. 556, 1/16/96; 593, 6/3/97; 729, 4/3/01; 772, 4/16/02)

#### **SECTION 4-221: HANDICAPPED OR DISABLED PERSONS; MOTOR VEHICLE PERMIT; ISSUANCE; RENEWAL**

- 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 or access aisles provided for by this article if the motor vehicle is used primarily for the transportation of handicapped or disabled persons or temporarily handicapped or disabled persons. Such parking permit shall be used only when the motor vehicle for which it 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 parked in such designated spaces or access aisles.

B. 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 the transportation of handicapped or disabled persons or temporarily handicapped or disabled persons, shall complete such forms as are provided to the city clerk by the Department of Motor Vehicles, and shall 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.

C. 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 5-415 (Personal Permit; Issuance), but not both.

D. An application for the renewal of a permit under this section may be filed within 30 days prior to the expiration of the permit. The existing permit shall be invalid upon receipt of the new permit.

E. The city clerk shall submit to the Department of Motor Vehicles the name, address, and license number of every person applying for a permit pursuant to this section. (Neb. Rev. Stat. §18-1738.01)

F. The city clerk shall not accept the application for a permit of any person making application contrary to Neb. Rev. Stat. §18-1738.02. (Neb. Rev. Stat. §18-1738.02) (Ord. No. 430, 2/18/92) (Am. by Ord. Nos. 557, 1/16/96; 594, 6/3/97; 773, 4/16/02)

#### **SECTION 4-222: HANDICAPPED OR DISABLED PERSONS; PERMITS; PROHIBITED ISSUANCE; DUPLICATE PERMITS**

A. 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 5-224 (Permits Nontransferable; Violations; Suspension). At the expiration of such suspension, a permit may be renewed in the manner provided for renewal in this article.

B. A duplicate permit may be provided without cost if the original permit is destroyed, lost, or stolen. Such duplicate shall be issued in the same manner as the original, 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 or the Department of Motor Vehicles. A duplicate permit shall be valid for the remainder of the period for which the original permit was issued.

(Neb. Rev. Stat. §18-1739) (Ord. No. 430, 2/18/92) (Am. by Ord. Nos. 457, 3/16/93; 558, 1/16/96; 595, 6/3/97; 774, 4/16/02)

#### **SECTION 4-223: HANDICAPPED OR DISABLED PERSONS; PERMITS; PERIOD VALID; RENEWAL OF TEMPORARY PERMITS**

A. All permanently issued permits 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.

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 one time for a period not to exceed six months. For the renewal period, there shall be submitted an additional application with proof of a handicap or disability.

(Neb. Rev. Stat. §18-1740) (Ord. No. 430, 2/18/92) (Am. by Ord. Nos. 495, 5/17/94; 559, 1/16/96; 596, 6/3/97; 775, 4/16/02)

#### **SECTION 4-224: HANDICAPPED OR DISABLED PERSONS; PERMITS NON-TRANSFERABLE; VIOLATIONS; SUSPENSION**

A. Permits issued under this article shall not be transferable and shall be used only by the party to who 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.

B. No person who is not the holder of a handicapped or disabled parking permit issued to him or her as a handicapped or disabled person shall display a handicapped or disabled parking permit and park in a space or access aisle designated for the exclusive use of a handicapped or disabled person.

C. No person who is the holder of a handicapped or disabled parking permit issued for the use of such person when transporting a handicapped or disabled person shall display his or her handicapped or disabled parking permit and park in a space or access aisle designated for the exclusive use of a handicapped or disabled person unless a handicapped or disabled person is actually in the vehicle displaying the permit at the time it is parked, has left the vehicle while it was parked, and will return to the vehicle before it leaves the designated space or access aisle.

D. No person who is not the holder of a handicapped or disabled parking permit issued for use when a vehicle is transporting a handicapped or disabled person shall display a handicapped or disabled parking permit and park in a space or access aisle designated for the exclusive use of a handicapped or disabled person unless a handicapped or disabled person is actually in the vehicle displaying the permit at the time it is parked, has left the vehicle while it was parked, and will return to the vehicle before it leaves the designated space or access aisle.

E. Any violation of this section shall constitute a handicapped parking infraction

and shall be cause for suspension of such permit for a period of six months and imposition of the penalty provided for violation of this chapter. In addition, the trial court shall impose a fine of not more than \$250.00 which may be waived by the court if, at the time of sentencing, all handicapped parking permits issued to or in the possession of the offender are returned to the court. At the expiration of such six-month period, a suspended permit may be renewed in the manner provided for renewal in this article.

(Neb. Rev. Stat. §18-1741) (Ord. No. 430, 2/18/92) (Am. by Ord. Nos. 560, 1/16/96; 597, 6/3/97; 776, 4/16/02)

#### **SECTION 4-225: 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 city law enforcement and the City, if it provides on-street parking or owns, operates, or provides an off-street parking facility, may cause the removal from a stall or space, including access aisles, designated exclusively for handicapped or disabled persons or temporarily handicapped or disabled persons or motor vehicles for the transportation of handicapped or disabled persons or temporarily handicapped or disabled 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, including access aisles, a sign which clearly and conspicuously states the area so designated as a tow-in zone.

B. A person who parks a vehicle in any on-street parking space or access aisle which has been designated exclusively for handicapped or disabled persons or temporarily handicapped or disabled persons or motor vehicles for the transportation of handicapped or disabled persons or temporarily handicapped or disabled persons, or in any so exclusively designated parking space or access aisle in any off-street parking facility, without properly displaying the proper permit or when the handicapped or disabled person to whom or for whom, as the case may be, the license plate or permit is issued will not enter or exit the vehicle while it is parked in the designated space or access aisle shall be guilty of a handicapped parking infraction and shall be subject to the penalties and procedures set forth in Section 5-226 (Citation, Issuance; Complaint; Trial; Dismissal). The display on a motor vehicle of a distinguishing license plate or permit issued to a handicapped or disabled person by and under the duly constituted authority of another state shall constitute a full and complete defense in any action for a handicapped parking infraction. If the identity of the person who parked the vehicle in violation of this section cannot be readily determined, the owner or person in whose name the vehicle is registered shall be held prima facie responsible for such violation and shall be guilty and subject to the penalties and procedures described in this section.

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

(Neb. Rev. Stat. §18-1737) (Ord. No. 430, 2/18/92) (Am. by Ord. Nos. 458, 3/16/93; 496, 5/17/94; 561, 1/16/96; 599, 6/3/97; 777, 4/16/02)

#### **SECTION 4-226: HANDICAPPED OR DISABLED PERSONS; CITATION; ISSUANCE; COMPLAINT; TRIAL; DISMISSAL**

A. For any offense classified as a handicapped parking infraction, a handi-

capped parking citation may be issued by any peace officer or by any person designated by ordinance by the City Council to exercise the authority to issue a citation for any handicapped parking infraction.

B. When a handicapped parking citation is issued for a handicapped parking infraction, the person issuing the handicapped parking citation shall enter thereon all required information, including the name and address of the cited person or, if not known, the license number and description of the offending motor 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 his or her 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. No. 497, 5/17/94) (Am. by Ord. No. 598, 6/3/97)

#### **SECTION 4-227: REMOVAL OF ILLEGALLY PARKED VEHICLES**

A. Whenever any city law enforcement 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 become a security interest in the vehicle prior to all other claims. Any person towing or storing a vehicle shall be entitled to retain possession of such vehicle until such charges are paid. The lien provided for in this section shall not apply to the contents of any vehicles.

(Neb. Rev. Stat. §60-6,165, 60-680) (Ord. No. 289, 9/18/84) (Am. by Ord. No. 365, 9/06/88)

## **SECTION 4-228: NONMOVING VIOLATIONS; BUREAU OF VIOLATIONS**

A. *Creation.* There is created in the City a Violations Bureau as a branch of the office of the city clerk. It shall be the duty of the city clerk to collect all fines for violations of all nonmoving motor vehicle violations of city ordinances as enacted by the City Council.

B. *Payment of fines.* Any person or owner who has had attached a traffic citation and/or complaint to a vehicle registered in his/her name or under his/her control may take such traffic citation and complaint within five days to the city clerk's office, City Hall, during normal business hours and pay the traffic citation and complaint as per the schedule set forth in Section 4-229 herein. Upon payment of the citation, the city clerk shall cause the citation to be canceled forthwith; provided further, that should any such traffic citation and complaint not be paid within five days, then such person or owner against whom the citation and complaint has been issued shall appear in County Court for trial.

C. *Fines not paid in five days.* Should the person or owner who has had such a traffic citation and complaint attached on the motor vehicle be found guilty of the violation, then he/she shall pay the fine as set forth in Section 4-601, plus court costs.

D. *Treasury deposit.* All moneys so collected by the city clerk under this chapter shall be deposited daily. The city clerk shall keep accurate records of all such fines paid, by citation and complaint number, and moneys so collected shall be forwarded as provided by law.

E. *Failure to appear.* Should any person or owner upon whom a citation and complaint has been issued for violation of the traffic laws set forth in Section 4-229 not appear on the date shown on the face of the citation and complaint, a warrant will be issued for that person's arrest after 30 days.

(Neb. Rev. Stat. §18-1729) (Ord. No. 451, 2/16/93)

## **SECTION 4-229: NONMOVING VIOLATION; MINIMUM FINES**

City law enforcement officers have authority to issue warning citations in lieu of first offense or second offense violation. Nonmoving violation fines shall be payable at the office of the city clerk pursuant to Section 4-228. Minimum fines shall be in accordance with the following schedule:

### 1. Section Violation:

4-201	Current License
4-202	Time Limit
4-203	Maximum Time Limit
4-205	Vehicles Unattended
4-206	Parking Generally
4-208	Parking Areas
4-209	Obstructing Alley
4-210	Alleys
4-211	Fire Hydrants and Stations
4-212	Street Intersections

4-213	Obstructing Traffic
4-214	Curb
4-215	Repair
4-216	Snow Removal; No Parking Areas at Certain Times and Places
4-217	Reserved for Handicapped

2. Fines shall be set by ordinance by the City Council and shall be on file in the office of the city clerk, where they shall be available for public inspection during office hours.

(Ord. No. 451, 2/16/93)

### **Article 3 – Nonmotorized Vehicles**

#### **SECTION 4-301: BICYCLES, SKATEBOARDS, SKATES; DEFINITIONS**

The following definitions shall apply through this article:

“Bicycle” shall mean a device propelled solely by human power, upon which any person may ride, and having two or more tandem wheels more than 14 inches in diameter.

“Skateboard” shall mean a single platform mounted on wheels, propelled solely by human power and having no mechanism or other device with which to steer or to control the movement or direction of the platform.

“Skates”, “roller skates” or “roller blades” shall mean any devices worn on the feet or shoes which have one or more wheels attached and are propelled solely by human power.

#### **SECTION 4-302: OPERATION**

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

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

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

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

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

use of bicycles.

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

1. Overtaking and passing another bicycle or vehicle proceeding in the same direction;
2. Preparing for a left turn onto a private road or driveway 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 a 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 Section 60-6,142 RS Neb.

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

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

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

(Neb. Rev. Stat. §60-6,315, 60-6,317, 60-6,318) (Am. by Ord. No. 488, 5/17/94)

### **SECTION 4-303: 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 suffer or permit any person riding upon any bicycle, coaster, roller skates, sled, skis or toy vehicle to cling to or attach himself/herself or his/her bicycle, coaster, roller skates, sled, skis or toy vehicle to such vehicle so driven and operated by him/her. (Neb. Rev. Stat. §60-6,316)

### **SECTION 4-304: PEDESTRIAN RIGHT-OF-WAY**

Any person operating a bicycle, skates or a skateboard upon a public sidewalk or other public way shall yield the right of way to pedestrians.

## **SECTION 4-305: REGULATION OF SKATES, SKATEBOARDS AND OTHER CONVEYANCES**

A. It is unlawful for any person to use or permit the use of any skates, skateboard, coaster, toy vehicle, or similar conveyance upon the streets or public ways of the City, except while crossing a street at a crosswalk.

B. It is unlawful for any person to use skates, skateboards, coasters, toy vehicles or similar conveyances upon the sidewalks and crosswalks adjacent to the following streets: Locust Street from First Street to Third Street, Second Street from Walnut Street to Main Street, and Third Street from Walnut Street to Main Street.

C. Any person operating skates, skateboards, coasters, toy vehicles or similar conveyances upon the sidewalk, or within the sidewalk space, where not otherwise prohibited, shall do so at his/her own risk and shall yield the right-of-way to any and all pedestrians.

D. The City Council may, from time to time by resolution, prescribe such further regulations for the use and operation of skates, skateboards, coasters, and toy vehicles within the City as may be deemed proper.

(Neb. Rev. Stat. §17-139)

## **Article 4 – Motorcycles and Off-Road Vehicles**

### **SECTION 4-401: MOTORCYCLES; LIGHTS**

No person shall operate a motorcycle upon the streets, alleys, or highways within the City from sunset to sunrise unless the same is equipped with at least one and not more than two headlights and a taillight exhibiting a red light visible from a distance of at least 500 feet to the rear of such motorcycle. The headlights shall comply with the requirements and limitations set forth in the Nebraska Rules of the Road. (Neb. Rev. Stat. §60-6,219) (Ord. No. 489, 5/17/94)

### **SECTION 4-402: MOTORCYCLES; HELMET REQUIRED**

A person shall not operate or be a passenger on a motorcycle or moped on any highway 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, 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. §60-6,278 through 60-6,282) (Ord. No. 490, 5/17/94)



## **SECTION 4-403: OFF-ROAD DESIGNED VEHICLES; DEFINED**

As used in this article, unless the context otherwise requires, "off-road designed vehicles" shall mean golf car vehicles as defined in Neb. Rev. Stat. §60-329.01, go-carts, riding lawnmowers, garden tractors, all-terrain vehicles and utility-type vehicles as defined in Neb. Rev. Stat. §60-6,355, snowmobiles registered or exempt from registration under Neb. Rev. Stat. §§60-3,207 to 60-3,219, and mini-bikes. (Am. by Ord. No. 1050, 11/18/14)

## **SECTION 4-404: OFF-ROAD DESIGNED VEHICLES; OPERATION PROHIBITED; EXCEPTIONS**

A. Except as provided in subsections (B), (C) and (D) of this section, off-road designed vehicles shall not be operated on any street, road, highway, alley, public right-of-way, or sidewalk within the City.

B. An all-terrain vehicle (ATV) or a utility-type vehicle (UTV) may be operated on any street, road, or highway within the City by persons participating in an organized parade, by persons participating in the operations of an organized community event of a limited duration, and by employees of a governmental entity in conjunction with their employment duties, provided that:

1. Such operation occurs only between the hours of sunrise and sunset.
2. The headlights and taillights of the ATV or UTV shall be on.
3. The ATV or UTV shall be equipped with:
  - a. A bicycle safety flag triangular in shape with an area of not less than 30 square inches and day-glo in color shall be attached to the rear of such vehicle and shall extend not less than five feet above the ground; and
  - b. A brake system maintained in good operating condition, an adequate muffler system in good working condition, and a United States Forest Service-qualified spark arrester.
4. The person operating the ATV or UTV shall have a valid Class O operator's license and shall not operate such vehicle at a speed in excess of 30 miles per hour or the posted speed limit, whichever is less.
5. There shall be liability insurance coverage for the ATV or UTV and the operator shall provide proof of such insurance coverage to any law enforcement officer requesting such proof within five days of such request.

C. A riding lawnmower may be operated on any alley or sidewalk within the City in conjunction with lawn mowing on the adjoining property. A riding lawnmower may be operated on any street, road, or highway within the City by employees of a governmental entity in conjunction with their employment duties.

D. Off-road designed vehicles may be operated in the City on private property which the operator owns or where the operator resides or is employed, or with the permission of the owner or occupant of the private property.

(Am. by Ord. No. 1050, 11/18/14)

#### **SECTION 4-405: OFF-ROAD DESIGNED VEHICLES; ACCIDENT REPORT**

If an accident results in the death of any person or in the injury of any person which requires the treatment of the person by a physician, the operator of each off-road designed vehicle involved in the accident shall give notice of the accident in the same manner provided in Neb. Rev. Stat. §60-699. (Am. by Ord. No. 1050, 11/18/14)

#### **SECTION 4-406: OFF-ROAD DESIGNED VEHICLES; PENALTY**

Any violation of Section 4-404 to 4-405 of this article which is also a violation under Neb. Rev. Stat. Chapter 60 may be punished under the penalty provisions of such chapter. (Am. by Ord. No. 1050, 11/18/14)

#### **SECTION 4-407: OFF-ROAD DESIGNED VEHICLES; ENFORCEMENT**

Any peace officer of the State or of any political subdivision, including conservation officers of the Game and Parks Commission, shall be charged with the enforcement of the provisions of Sections 4-404 to 4-405 of this article. (Am. by Ord. No. 1050, 11/18/14)

### **Article 5 – Abandoned Automobiles**

(Article am. by Ord. No. 707, 7/6/00)

#### **SECTION 4-501: DEFINITIONS**

For purposes of this section, “public property” shall mean any public right-of-way, street, highway, alley or park or other state, county, or municipally owned property; “private property” shall mean any privately owned property which is not included within the definition of public property. (Neb. Rev. Stat. §60-1901)

#### **SECTION 4-502: ABANDONED VEHICLES PROHIBITED**

A. No person shall cause any vehicle to be an abandoned vehicle as described in subsections (B) (1), (2), (3), or (4) of this section. Any person who violates the provisions of this section is guilty of an offense. (Neb. Rev. Stat. §60-1901 through 60-1911)

B. A motor vehicle is an abandoned vehicle:

1. If left unattended, with no license plates or valid “In Transit” decals issued pursuant to Neb. Rev. Stat. §60-320 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 law enforcement agency after the agency has sent a letter to the last registered owner under Section 4-507 of this section.

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

### **SECTION 4-503: DETERMINING LAST REGISTERED OWNER**

Except for vehicles governed by Section 4-505(A) of this section, the City shall make an inquiry concerning the last-registered owner of an abandoned vehicle as follows:

A. Abandoned vehicle with license plates affixed: to the jurisdiction which issued such license plates; or

B. Abandoned vehicle with no license plates affixed: to the Department of Motor Vehicles.

### **SECTION 4-504: NOTICE**

A. The City shall notify the last registered owner, if any, that the vehicle in question has been determined to be an abandoned vehicle and that, if unclaimed, either it will be sold or will be offered at public auction after five days from the date such notice was mailed, or title will vest in the City 30 days after the date such notice was mailed.

B. If the City is notified that a lien or mortgage exists, the notice described in subsection (A) above shall also be sent to the lien holder or mortgagee. Any person claiming such vehicle shall be required to pay the cost of removal and storage of such vehicle.

### **SECTION 4-505: TRANSFER OF TITLE**

A. If an abandoned vehicle, at the time of abandonment, shall have no license plates of the current year or valid "In Transit" decals issued pursuant to Neb. Rev. Stat. §60-320 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. (Neb. Rev. Stat. §60-1902)

B. Title to an abandoned vehicle, if unclaimed, shall vest in the City:

1. Five days after the date the notice is mailed if the vehicle will be sold or offered at public auction under Section 4-504(A)(1) of this section;
2. 30 days after the date the notice is mailed if the City will retain the vehicle; or
3. If the last-registered owner cannot be ascertained, when notice of such fact

is received.

#### **SECTION 4-506: DISPOSITION OF VEHICLE**

After title to the abandoned vehicle vests pursuant to Section 4-505(B), the City may retain for use, sell, or auction the abandoned vehicle. If the City has determined that the vehicle should be retained for use, the City shall, at the same time that the notice, if any, is mailed, publish in a newspaper of general circulation in the jurisdiction an announcement that the City intends to retain the abandoned vehicle for its use and that title will vest in the City 30 days after publication. (Neb. Rev. Stat. §60-1903)

#### **SECTION 4-507: CUSTODY OF LAW ENFORCEMENT AGENCY**

If the municipal law enforcement agency has custody of a motor vehicle for investigatory purposes and has no further need to keep it in custody, it shall send a certified letter to each of the last-registered owners stating that the vehicle is in the custody of the agency, that the vehicle is no longer needed for law enforcement purposes, and that after 30 days the agency will dispose of the vehicle. No storage fees shall be assessed against the registered owner of a motor vehicle held in custody for investigatory purposes under this subsection 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. This subsection shall not apply to motor vehicles subject to forfeiture under Neb. Rev. Stat. §28-431. (Neb. Rev. Stat. §60-1903.01)

#### **SECTION 4-508: PROCEEDS FROM SALE**

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

#### **SECTION 4-509: LIABILITY FOR LOSS OR DAMAGE**

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

#### **SECTION 4-510: REGISTERED OWNER LIABLE FOR COSTS**

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

#### **SECTION 4-511: AUTHORIZATION TO DESTROY OR DEFACE VEHICLE OR REMOVE PARTS**

No person other than one authorized by the City or appropriate state agency shall de-

stroy, 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. (Neb. Rev. Stat. §60-1908)

## **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 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.