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## **CHAPTER 3 – VEHICLES AND TRAFFIC**

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

#### **SECTION 3-101: 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 statute, the word or phrase shall have its common meaning.

#### **SECTION 3-102: ENFORCEMENT**

The village police or sheriff's office is hereby authorized, empowered and ordered to exercise all powers and duties in relation to the management of street traffic and, in the interest of public safety, health and convenience, to direct, control, stop, restrict, regulate, temporarily divert, or exclude the movement of pedestrian, animal and vehicular traffic in streets and parks and on bridges. The driver of any vehicle shall stop upon the signal of any police officer. (Neb. Rev. Stat. Sec. 60-683)

#### **SECTION 3-103: LAW ENFORCEMENT OFFICER; REFUSAL TO OBEY**

It shall be unlawful for any person to refuse or fail to comply with any lawful order, signal or direction of a law enforcement officer.

#### **SECTION 3-104: TRAFFIC OFFICERS**

The Village Board or village law enforcement officer 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. Sec. 60-680, 60-683)

#### **SECTION 3-105: EMERGENCY REGULATIONS**

The Village Board or street commissioner is hereby empowered to make and enforce temporary traffic regulations to cover emergencies. (Neb. Rev. Stat. §60-435)

#### **SECTION 3-106: POSITION OF VEHICLE ON ROADWAY; GENERALLY**

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

### **SECTION 3-107: TURNING; GENERALLY**

Vehicles turning to the right into an intersecting street shall approach such intersection in the lane of traffic nearest to the right hand side of the highway and must turn the corner as near the right hand curb as possible to keep between the curb to the right and the center of the intersection of the two streets. The driver of a vehicle intending to turn to the left shall approach such center line of the highway and in turning shall pass as near as possible to the center of the intersection, passing as closely as practicable to the right thereof before turning such vehicle to the left. For the purposes of this section, "center of the intersection" shall mean the meeting point of the medial lines of the highways intersecting one another.

### **SECTION 3-108: 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.

### **SECTION 3-109: TURNING; CAUTION**

The operator of a vehicle shall, before stopping, turning, or changing the course of such vehicle, see that there is sufficient space to make such movement in safety. If any pedestrian might be affected by such movement, the operator shall give a clearly audible signal by sounding the horn, and whenever the operation of any other vehicle may be affected by such movement, he shall give some unmistakable signal to the driver of all other vehicles of his intention to make such movement.

### **SECTION 3-110: TRAFFIC LANE; 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 3-111: ARTERIAL STREETS; DESIGNATION**

The Village Board 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 3-112: CROSSWALKS**

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

### **SECTION 3-113: TRUCK ROUTES**

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

### **SECTION 3-114: ENGINE BRAKING**

A. It shall be unlawful for vehicles equipped with compression release braking systems to use such braking systems or devices upon any public streets, roads, or highways within the corporate limits of the Village.

B. For the purpose of this ordinance, "compression release braking system" means any device equipped on any commercial vehicle, including but not limited to tractors, semi-trucks, motor carriers and buses, which utilize an engine compression release or an engine retarder as a means of slowing or braking the speed of the vehicle in lieu of applying the clutch or brakes.

(Ord. No. 3-2006-2, 4/4/06)

### **SECTION 3-115: 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.

### **SECTION 3-116: SIGNS; DEFACING OR INTERFERING WITH**

It shall be unlawful for any person to willfully deface, injure, remove, obstruct or interfere with any official traffic sign or signal. (Neb. Rev. Stat. §60-6,129 to 60-6,139)

### **SECTION 3-117: SIGNS; UNAUTHORIZED DISPLAY**

It shall be unlawful for any person to maintain or display upon or in view of any street any unofficial sign, signal, or device which purports to be, is an imitation of, or resembles an official traffic sign or signal which attempts to direct the movement of traffic or which hides from view or interferes with the effectiveness of any official sign or signal. Every such prohibited sign, signal, or device is hereby declared to be a public

nuisance, and any police officer is hereby empowered to remove the same or cause it to be removed without notice. (Neb. Rev. Stat. §60-6,127)

### **SECTION 3-118: STOP SIGNS**

Every person operating any vehicle shall, upon approaching any stop sign erected in accordance with any resolution prescribed heretofore, cause such vehicle to come to a complete stop before entering or crossing any street, highway, or railroad crossing.

### **SECTION 3-119: SPEED LIMITS**

A. No person shall operate a motor vehicle on any village streets, alleys or other places at a 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.

B. Vehicles approaching railway stations, churches, public buildings, or crowded spaces, must do so in a cautious manner, and always on the proper side of the street. In no case shall the speed be greater than 20 miles per hour when entering such an area.

### **SECTION 3-120: 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 20 miles per hour past such premises. Drivers shall stop at all stop signs located at or near such school premises, and it shall be unlawful for the driver to make a "U" turn at any intersection where such stop signs are located at or near such school premises. (Neb. Rev. Stat. §60-6,190)

### **SECTION 3-121: RIGHT OF WAY; GENERALLY**

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



the right of way to vehicles upon the street. 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. The driver of a vehicle upon a street shall yield the right of way to authorized emergency vehicles when the latter are operated upon official business and the driver's thereof sound audible signal by bell, siren or whistle.

### **SECTION 3-122: RIGHT OF WAY; EMERGENCY VEHICLES**

Upon the approach of any authorized emergency vehicle which is operated on official business and the driver thereof sounds the siren or activates the vehicle's flashing emergency lights, every vehicle within one block of the route of such emergency vehicle shall immediately stop except at the time it is on or crossing a street intersection, in which event such vehicle shall clear 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 emergency vehicle has passed.

### **SECTION 3-123: FOLLOWING; DISTANCE**

The operator of a vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of such vehicles, traffic conditions and the condition of the street.

### **SECTION 3-124: FOLLOWING; FIRE APPARATUS**

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

### **SECTION 3-125: OBSTRUCTING PUBLIC SIDEWALK**

It shall be unlawful for any person to park a motor vehicle, cause a motor vehicle to be parked or allow a motor vehicle to remain parked in such a position as to block or obstruct all or any portion of a public sidewalk.

### **SECTION 3-126: OBSTRUCTING ALLEY**

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

### **SECTION 3-127: BACKING**

The driver of a parked vehicle about to back up shall give moving vehicles the right of way. While backing, the driver shall exercise unceasing vigilance so as not to injure those behind. (Neb. Rev. Stat. §60-6,169)

### **SECTION 3-128: NEGLIGENT DRIVING**

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

### **SECTION 3-129: RECKLESS DRIVING**

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

### **SECTION 3-130: CARELESS DRIVING**

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

### **SECTION 3-131: DRIVING ABREAST**

Two or more vehicles shall not be driven abreast except when passing or when traversing a multi-lane or one-way street; provided, motorcycles may be driven no more than two abreast in a single lane. (Neb. Rev. Stat. §60-6,139, 60-6,308)

### **SECTION 3-132: OVERLOADING FRONT SEAT OR OBSTRUCTING DRIVER'S VIEW OR DRIVING MECHANISM**

No person shall drive a motor vehicle when it is so loaded or when there is in the front such a number of persons, exceeding three, 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.

### **SECTION 3-133: RIDING OUTSIDE VEHICLE**

No person shall permit any other person to ride on the running board, hood, top, fenders, bumpers or outside step of any motor vehicle; nor shall any person ride on the running board, hood, top, fenders, bumpers or outside of any motor vehicle.

### **SECTION 3-134: DRIVING IN SIDEWALK SPACE**

No vehicle shall be driven within any sidewalk space, except a permanent or temporary driveway.

### **SECTION 3-135: MUFFLER**

Every motor vehicle operated within the Village shall be provided with a muffler in good working order to prevent excessive or unusual noise or smoke. 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)

### **SECTION 3-136: VEHICLE NOISE**

No person shall make or cause to be made any excessive or unnecessary noise with any vehicle.

### **SECTION 3-137: EMERGENCY VEHICLES**

The provisions of this article regulating the movement, parking and standing of vehicles shall not apply to authorized emergency vehicles, as defined in this article, while the driver of such vehicle is operating the same in an emergency in the necessary performance of public duties.

### **SECTION 3-138: GLASS, POINTED OBJECTS**

No person shall throw, cast, lay or place upon any street any thorns, nails, tacks, glass, bottles, window glass or other articles made of or containing glass, and in case of an accident causing the breaking of any glass upon any street, the owner or person in charge of such glass or the person responsible for such breakage shall at once remove or cause the same to be removed from the street.

### **SECTION 3-139: LOADS; PROJECTING**

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

### **SECTION 3-140: LOADS; SPILLING**

All vehicles used for carrying coal, earth, sand, gravel, rock, asphalt, tar or any similar substance shall be so constructed as to prevent the sifting or spilling of any of the contents.



## **Article 2 – Parking**

### **SECTION 3-201: 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 3-202: ANGLE PARKING**

The Village Board may by resolution designate any street or portion thereof where vehicles shall be parked at an angle so as to have the right front wheel of such vehicle at the curb. Where stalls are designated either on the curb or pavement, vehicles shall be parked within such stalls. (Neb. Rev. Stat. §60-680)

### **SECTION 3-203: PARKING; GENERALLY**

No person shall park any vehicle or approach the curb with a vehicle except when headed in the direction of the traffic. When parked, vehicles 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 Village Board designates that vehicles shall be parked at an angle with 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)

### **SECTION 3-204: CURBS; PAINTED**

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

### **SECTION 3-205: TIME LIMIT**

A. 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.

B. 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 3-206: FIRE HYDRANTS AND STATION**

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 3-207: OBSTRUCTING TRAFFIC**

Except in case of an accident or emergency, no vehicle shall stop within any street intersection or alley entrance or any location where it obstructs any street, crosswalk or alley entrance. (Neb. Rev. Stat. §60-680)

### **SECTION 3-208: SNOW REMOVAL AND STREET MAINTENANCE**

A. It shall be unlawful to park or stand any vehicle on any street or alley in the residential district in the Village at any time within 24 hours after a snowfall of one inch or more has occurred within a 24-hour period unless the snow has been removed within that time.

B. Any person parking a vehicle in violation of this section shall be subject to issuance of a citation by the village police or having such vehicle towed at the owner's expense.  
(Neb. Rev. Stat. §17-557) (Ord. No. 01-2010-1, 1/11/10)

### **SECTION 3-209: UNLOADING; FREIGHT VEHICLES**

Vehicles of an overall length of less than 20 feet, including load, while discharging freight may back to the curb but shall occupy as little of the street as possible. (Neb. Rev. Stat. §60-680)

### **SECTION 3-210: BUSINESS DISTRICT UNLOADING**

It shall be unlawful for the operator of any truck with an overall length of more than 20 feet to stop or park any such vehicle on a street which the Village Board has designated to be within the "business district," except to load or unload, and then only when loading or unloading in an alley is impossible. Vehicles may stop or stand for a period of time not to exceed what is reasonably necessary to load or unload. It shall be unlawful for the operator of any truck, regardless of length, to park said vehicle

within a street intersection, on a crosswalk, in front of a private driveway, or on a sidewalk. The Village Board may by resolution provide truck parking areas adjoining or adjacent to the business district and when such parking areas are provided, it shall be the duty of all truck operators to use such parking areas for all parking purposes. No truck, including oil tankers, shall park or stop for any period of time within the limits of any street outside the business district except for the purpose of loading or unloading the cargo thereof in the ordinary course of business except in the area or areas provided for by the Village Board. (Neb. Rev. Stat. §60-680)





## Article 3 – Non-Motorized Vehicles

### SECTION 3-301: BICYCLES

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

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

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

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

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

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

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

G. Any person riding a bicycle upon a sidewalk or within the sidewalk space shall do so at his/her own risk and shall yield the right of way to any and all pedestrians.

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

I. 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.

J. The Village Board may from time to time by resolution prescribe such further regulations for the use and operation of bicycles within the Village as may be deemed proper.

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

### **SECTION 3-302: CONVEYANCES; CLINGING TO MOTOR VEHICLE**

No person riding upon any bicycle, skateboard, 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, skateboard, 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 3-303: CONVEYANCES; PROHIBITION**

No person shall operate a bicycle, skateboard, rollerblades, scooter, or other like devices upon public sidewalks within any business district.

## **Article 4 – Motorcycles and Mopeds**

### **SECTION 3-401: 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 and regular seat attached thereto and shall not carry any other person, nor shall any other person ride on a motorcycle unless such motorcycle is designed to carry more than one person, in which event a passenger may ride upon the permanent and regular seat if designed for two persons, or upon another seat firmly attached to the motorcycle to the rear or side of the operator.

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

D. No person shall operate a motorcycle while carrying any package or other article which prevents him/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.  
(Neb. Rev. Stat. §60-6,307, 60-6,308)

### **SECTION 3-402: MOTORCYCLES; LIGHTS**

No person shall operate a motorcycle upon the streets, alleys, or highways within the Village 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)

### **SECTION 3-403: 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/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 CFR 571.218, for motorcycle helmets. (Neb. Rev. Stat. §60-6,279)

### **SECTION 3-404: MOPEDS; DEFINITIONS; STATUTORY REGULATION**

A. For the purpose of this chapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.

“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. (Neb. Rev. Stat. §60-637)

B. Mopeds, their owners, and their operators shall be subject to the Motor Vehicle Operator's License Act, but shall be exempt from the requirements of the Motor Vehicle Certificate of Title Act, the Motor Vehicle Registration Act and the Motor Vehicle Safety Responsibility Act. (Neb. Rev. Stat. §60-6,309)

### **SECTION 3-405: MOPEDS; OPERATOR'S LICENSE REQUIRED**

No person shall operate a moped upon the streets, alleys, or public highways of 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)

### **SECTION 3-406: MOPEDS; TRAFFIC REGULATIONS APPLICABLE**

A. Any person who rides a moped upon a roadway shall have all of the rights and shall be subject to all of the duties applicable to the driver of a motor vehicle under this code and Neb. Rev. Stat. Chapter 60, Article 6 and amendments thereto, except for special moped regulations in the rules and except for those provisions of such sections 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 public highway within the Village or upon any path set aside by the Department of Roads or local authority for the use of mopeds. (Neb. Rev. Stat. §60-6,311)

B. 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. §60-6,313(7))

### **SECTION 3-407: MOPEDS; OPERATION**

A. Any person who operates a moped shall ride only upon a permanent and regular seat attached thereto and shall not carry any other person, nor shall any other person ride on a moped unless such moped is designed by the manufacturer to carry more than one person. (Neb. Rev. Stat. §60-6,312(1))

B. A person shall ride upon a moped only while sitting astride the seat, facing forward. No person shall operate a moped while carrying any package, bundle, or other article which prevents him/her from keeping both hands on the handlebars. No operator shall carry any person, nor shall any person ride in a position that will interfere with the operation or control of the moped or the view of the operator. (Neb. Rev. Stat. §60-6,312(2) through (4))

C. No person who rides upon a moped shall attach himself, herself, or the moped to any other vehicle on a roadway.  
(Neb. Rev. Stat. §60-6,313(5))

### **SECTION 3-408: MOPEDS; USE OF TRAFFIC LANES**

A. 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, except that mopeds may be operated two abreast in a single lane. Mopeds shall not be operated more than two abreast in a single lane. No person shall operate a moped between lanes of traffic or between adjacent lines or rows of vehicles. 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.

B. Mopeds shall not be operated on the sidewalks.  
(Neb. Rev. Stat. §60-6,313)

### **SECTION 3-409: MOPEDS; EQUIPMENT**

A. Any moped which carries a passenger shall be equipped with footrests for such passenger. (Neb. Rev. Stat. §60-6,312(5))

B. 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(6))



## **Article 5 – Snowmobiles and All-Terrain Vehicles**

### **SECTION 3-501: SNOWMOBILES; EQUIPMENT**

A. Every snowmobile operated within the Village shall be registered with the State of Nebraska as required by law. No snowmobile shall be operated upon a public street or highway unless it is equipped with at least one headlamp, one taillamp, reflector material of a minimum area of 16 square inches mounted on each side forward of the handle bars, and with brakes as prescribed by the Director of Motor Vehicles.

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

(Neb. Rev. Stat. §60-6,332, 60-6,335)

### **SECTION 3-502: SNOWMOBILES; UNLAWFUL ACTS**

A. It shall be unlawful for any person to drive or operate any snowmobile on any public land, ice, snow, park, right of way, trail, or course in the following unsafe or harassing ways:

1. At a rate of speed greater than reasonable or proper under the surrounding circumstances.
2. In a careless, reckless or negligent manner so as to endanger person or property.
3. While under the influence of alcoholic liquor or any drug.
4. Without a lighted headlight and tail light when such would be required by conditions.
5. In any tree nursery or planting in a manner which damages or destroys growing stock.
6. Upon any private lands without first having obtained permission of the owner, lessee or operator of such lands. (Neb. Rev. Stat. §60-6,337)

B. It shall be deemed a misdemeanor for any person to allow a snowmobile, either owned or operated by that person, to be operated within the congested area of the Village unless weather conditions are such that it provides the only practicable method of safe vehicular travel, or said snowmobile is engaged in responding to an emergency. (Neb. Rev. Stat. §60-6,337)

### **SECTION 3-503: SNOWMOBILES; STREETS**

The operation of snowmobiles on any village street or other public property owned by the Village, except in times of a snow emergency as defined herein, is prohibited. A “snow emergency” is defined to be that time during and immediately following snowfall within the Village when two-wheel-drive vehicular travel is not possible and the village snow removal crew has not commenced removal of snow from streets and alleys. (Neb. Rev. Stat. §60-335)

### **SECTION 3-504: SNOWMOBILES; REGISTRATION**

All snowmobiles used for transportation purposes during times of snow emergency shall be registered with the State of Nebraska as required by law and shall be equipped with at least one headlight, one taillight, reflective material of a minimum area of 16 square inches mounted on each side forward of the handlebars, and with brakes as prescribed by the Department of Motor Vehicles. In addition, all laws applicable to the operation of other motor vehicles shall apply to snowmobiles except those relating to required equipment and those which, by their nature, have no application. (Neb. Rev. Stat. §60-335)

### **SECTION 3-505: SNOWMOBILES; PUBLIC LANDS**

Snowmobiles shall be prohibited from operation on the public lands owned by the Village, except where allowed by resolution of the Village Board. (Neb. Rev. Stat. §60-6,338)

### **SECTION 3-506: SNOWMOBILES; ENFORCEMENT**

Any law enforcement officer, including a conservation officer, may enforce the provisions relating to snowmobiles. (Neb. Rev. Stat. §60-6,343)

### **SECTION 3-507: ALL-TERRAIN VEHICLES; OPERATION**

An all-terrain vehicle may be operated within the Village when such operation occurs only between the hours of sunrise and sunset. When such vehicle is in operation, the headlight and taillight of the vehicle shall be on and it shall be equipped with a bicycle safety flag which extends not less than five feet above the ground attached to the rear of such vehicle. Such flag shall be triangular in shape with an area of not less than 30 square inches and shall be Day-Glo in color.

### **SECTION 3-508: ALL-TERRAIN VEHICLES; OPERATOR REQUIREMENTS**

Any person operating an all-terrain vehicle on a highway or village street (A) shall have a valid Class O operator's license or a farm permit as provided in Neb. Rev. Stat §60-4,126; (B) shall have liability insurance coverage for the all-terrain vehicle; and (C) shall not operate such vehicle at a speed in excess of 30 miles per hour or the posted speed limit, whichever is less. The person operating the all-terrain vehicle shall provide proof of such insurance coverage to any law enforcement officer re-



questing such proof within five days of such a request.

**SECTION 3-509: ALL-TERRAIN VEHICLES; EXCEPTION**

All-terrain vehicles may be operated without complying with these provisions in parades which have been authorized by the Village.



## **Article 6 – Abandoned Vehicles**

(Adopted by Ord. No. 2-2007, 2/6/07)

### **SECTION 3-601: DEFINED**

A. A motor vehicle is an abandoned vehicle:

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

B. For purposes of this section:

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

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

(Neb. Rev. Stat. §60-1901)

### **SECTION 3-602: ABANDONMENT OF VEHICLE UNLAWFUL**

No person shall cause any motor vehicle to be an abandoned vehicle. (Neb. Rev. Stat. §60-1907)

### **SECTION 3-603: REMOVAL AND STORAGE; DAMAGE OR DESTRUCTION**

Any duly authorized law enforcement official of the Village or the County of Lancaster or other person duly authorized and directed by the Village may remove an abandoned vehicle and store the same in any site determined appropriate by the Board.

No person other than those expressly authorized by this section may destroy, deface, or remove all or any part of an abandoned vehicle.

#### **SECTION 3-604: IMMEDIATE VESTING OF TITLE**

Title to an abandoned vehicle, if at the time it is determined to be such, has no license plates of the current year or valid "in transit" decals issued pursuant to Neb. Rev. Stat. §60-320 and is of a wholesale value, taking into consideration the condition of the vehicle, of \$250 or less, shall immediately vest in the Village.

#### **SECTION 3-605: INQUIRIES AS TO OWNERSHIP; VESTING OF TITLE; WHEN**

A. Except for abandoned vehicles governed by Section 3-604 hereof, the Village shall make an inquiry concerning the last-registered owner of an abandoned vehicle as follows:

1. For abandoned vehicles with the license plates affixed, to the jurisdiction that issued the license plates; or
2. For abandoned vehicles 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:

1. The vehicle will be sold or will be offered at public auction after five days from the date such notice was mailed; or
2. Title to the vehicle will vest in the Village 30 days after the date such notice was mailed.

C. If the appropriate agency described in subsection (A) notifies the Village that a lien or mortgage exists, the notice described in subsection (B) 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 before taking possession thereof.

D. 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 subsection (B);
2. Thirty 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.

### **SECTION 3-606: SALE, USE, OR AUCTION OF ABANDONED VEHICLES**

After title to an abandoned vehicle vests in the Village pursuant to Section 3-605 hereof, 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 pursuant to Section 3-605 hereof, publish in a newspaper of general circulation in the Village 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 publication.

### **SECTION 3-607: CUSTODY BY LAW ENFORCEMENT**

If any law enforcement agency acting on behalf of the Village 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 the last-registered owner thereof stating that the vehicle is in the custody of such agency, that the vehicle is no longer needed for law enforcement purposes, and that after 30 days the agency will dispose of the vehicle; provided, however, this section shall not apply to motor vehicles subject to forfeiture under Neb. Rev. Stat. §28-431. No storage fees shall be assessed against the registered owner of a motor vehicle held in custody for investigatory purposes under this section unless the registered owner or the person in possession of the vehicle when it is taken into custody is charged with a felony or misdemeanor related to the offense for which the law enforcement agency took the vehicle into custody. If a registered owner or the person in possession of the vehicle when it is taken into custody is charged with a felony or misdemeanor but is not convicted, the registered owner shall be entitled to a refund of the storage fees. (Neb. Rev. Stat. §60-1903.01)

### **SECTION 3-608: PROCEEDS OF SALE; DISPOSITION**

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

### **SECTION 3-609: LIABILITY FOR REMOVAL**

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

**SECTION 3-610: COSTS OF REMOVAL AND STORAGE; LAST REGISTERED  
OWNER LIABLE**

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

## **Article 7 – Penal Provision**

### **SECTION 3-701: VIOLATION; PENALTY**

Any person, firm, association or corporation violating any of the provisions of the chapter herein for which no other penalty is imposed shall, upon conviction, be deemed guilty of a misdemeanor and fined in an amount of not more than \$500.00. Each day's maintenance of a misdemeanor shall constitute a separate offense.