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## CHAPTER 4 – VEHICLES AND TRAFFIC

### Article 1 – Traffic Regulations

#### SECTION 4-101: DEFINITIONS

The words and phrases used in this chapter pertaining to motor vehicles and traffic regulations shall be construed as defined in **Neb. Rev. Stat. Chapter 60, Article 6**. If not defined in the designated statute, the word or phrase shall have its common meaning. (**Neb. Rev. Stat. §60-606 through 60-676**)

#### SECTION 4-102: POLICE; ENFORCEMENT

The Police Chief is hereby authorized, empowered, and ordered to exercise all powers, and duties with relation to the management of street traffic and to direct, control, stop, restrict, regulate and, when necessary, temporarily divert or exclude the movement of pedestrian, animal, and vehicular traffic of every kind in streets, parks, and on bridges in the interest of public safety, health, and convenience. The driver of any vehicle shall stop upon the signal of any police officer. (**Neb. Rev. Stat. §60-683**)

#### SECTION 4-103: POLICE; REFUSAL TO OBEY

It shall be unlawful for any person to refuse or fail to comply with any lawful order, signal, or direction of a police officer. (**Neb. Rev. Stat. §60-680**)

#### SECTION 4-104: POLICE; TRAFFIC OFFICERS

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

#### SECTION 4-105: TRAFFIC CITATIONS; DISPOSITION AND RECORDS

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

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

C. It shall be unlawful for the Village Police to dispose of a traffic citation or copies thereof or of the record of the issuance of the same in a manner other than as required herein. **(Neb. Rev. Stat. §29-422, 29-424)**

#### **SECTION 4-106: TRAFFIC LANE; DESIGNATION**

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

#### **SECTION 4-107: 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 4-108: 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 may be deemed necessary. **(Neb. Rev. Stat. §60-680)**

#### **SECTION 4-109: SIGNS, SIGNALS**

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

#### **SECTION 4-110: SPEED LIMITS**

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

#### **SECTION 4-111: TRUCK ROUTES**

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

#### **SECTION 4-112: ONE-WAY TRAFFIC**

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

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

A. **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. **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.

B. The Village Board may by resolution designate 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 Village Board 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)**

#### **SECTION 4-114: 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. §60-6,212)**

#### **SECTION 4-115: FUNERAL PROCESSIONS**

No vehicle, except Police or Fire Department vehicles when responding to emergency calls or orders, ambulances responding to emergency calls, or vehicles carrying United States mail shall be driven through a funeral procession or cortege except with the permission of a police officer. **(Neb. Rev. Stat. §60-6,140, 60-680)**

#### **SECTION 4-116: MUFFLER**

Every motor vehicle operated within this village shall be provided with a muffler in good working order to prevent excessive or unusual noise. It shall be unlawful to use a "muffler cut-out" on any motor vehicle upon any street; provided, the provisions of this section shall not apply to authorized emergency vehicles. **(Neb. Rev. Stat. §60-6,286)**

#### **SECTION 4-117: 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 not less than twelve inches both in length and width by day and a red light after sunset shall be affixed at the furthest projection of such load. **(Neb. Rev. Stat. §60-243)**

#### **SECTION 4-118: LOADS; SPILLING**

All vehicles used for carrying coal, earth, sand, gravel, rock, asphalt, tar or any similar substance shall be so constructed as to prevent the sifting or spilling of any of the contents. **(Neb. Rev. Stat. §60-6,301)**

#### **SECTION 4-119: OVERLOADING FRONT SEAT OR OBSTRUCTING DRIVER'S VIEW OR DRIVING MECHANISM**

No person shall drive a motor vehicle when it is so loaded as to obstruct the view of the driver to the front or sides of the vehicle or to interfere with the driver's control over such vehicle, or when there are more than three persons in the front seat. No passenger in a vehicle shall ride in such a position as to interfere with the driver's control over such vehicle. **(Neb. Rev. Stat. §60-6,179)**

#### **SECTION 4-120: 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. **(Neb. Rev. Stat. §60-151)**

#### **SECTION 4-121: 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 4-122: TIRES**

A. Every solid rubber tire on a vehicle moved on any paved street shall have rubber on its entire traction surface at least one-inch-thick above the edge of the flange of the entire periphery.

B. No tire on a vehicle moved on a paved street shall have on its periphery any stud, flange, cleat, spike, or any other protuberance of any material other than rubber which projects beyond the tread of the traction surface of the tire, except that:

1. This prohibition shall not apply to pneumatic tires with metal or metal-type studs not exceeding five-sixteenths of an inch in diameter inclusive of the stud-casing with an average protrusion beyond the tread surface of not more than seven sixty-fourths of an inch between November 1 and April 1, except that school buses, mail carrier vehicles, and emergency vehicles shall be permitted to use metal or metal-type studs at any time during the year;
2. It shall be permissible to use farm machinery with tires having protuberances which will not injure the highway; and
3. It shall be permissible to use tire chains of reasonable proportions upon any vehicle when required for safety because of snow, ice, or other condition tending to cause a vehicle to slide or skid.

C. No person shall operate or move on any paved street any motor vehicle, trailer, or semitrailer (1) having any metal tire in contact with the roadway or (2) equipped with solid rubber tires, except that this subsection shall not apply to farm vehicles having a gross weight of 10,000 pounds or less or to implements of husbandry.

D. The Village Board may, in its discretion, issue special permits authorizing the operation upon a paved street of traction engines or tractors having movable tracks with transverse corrugations upon the periphery of such movable tracks or farm tractors or other farm machinery. **(Neb. Rev. Stat. §60-6,250)**



## Article 2 – Parking

### SECTION 4-201: GENERALLY

No person shall park any vehicle or approach the curb with a vehicle except when headed in the direction of the traffic. Vehicles when parked shall stand parallel with and adjacent to the curb or edge of the roadway in such manner as to have both right wheels within 12 inches of the curb or edge of the roadway and so as to leave at least 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 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)**

### SECTION 4-202: DESIGNATION OF PARKING SPACES

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

### SECTION 4-203: CURBS; PAINTED

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

### SECTION 4-204: CURB PARKING

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 Village Board. 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 4-205: PROHIBITED PARKING AREAS

The Village Board may by resolution set aside any street, alley, public way, or portion thereof where the parking of a particular kind or class of vehicle shall be prohibited or where the parking of any vehicle shall be prohibited. No vehicle prohibited from parking thereon shall stand or be parked adjacent to the curb of said street, alley, public

way, or portion thereof longer than a period of time necessary to load and unload freight or passengers. **(Neb. Rev. Stat. §60-680)**

#### **SECTION 4-206: TIME LIMIT**

The Village Board may by resolution entirely prohibit or fix a time limit for the parking and stopping of vehicles on any street or district designated by such resolution, and the parking or stopping of any vehicle in any such street 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 4-207: 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 4-208: 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 4-209: TRUCKS; UNLOADING IN AND OUTSIDE BUSINESS DISTRICT**

A. It shall be unlawful for the operator of any truck with an overall length of more than 20 feet to stop or park any such vehicle on a street which the 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.

B. 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 by resolution. **(Neb. Rev. Stat. §60-680)**

#### **SECTION 4-210: DISPLAY OR REPAIR OF VEHICLE**

It shall be unlawful for any person to park upon any street, alley, or public place within this Village any vehicle displayed for sale. No person shall adjust or repair any au-

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

#### **SECTION 4-211: SNOW REMOVAL AND STREET MAINTENANCE**

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

B. In addition to the specific streets on which unattended motor vehicles may not be parked during snow emergencies, the Village Police may order any other street or alley or portion thereof vacated for weather emergencies or street maintenance. Notice shall be given by personally notifying the owner or operator of a vehicle parked on such street or alley or by posting appropriate signs along such streets or alleys. Such signs shall be posted not less than four hours prior to the time that the vacation order is to be effective. Any person parking a vehicle in violation of this section shall be subject to the penalties provided in this chapter, and such vehicle may be removed and parked, under the supervision of the Village Police, at a suitable nearby location without further notice to the owner or operator of such vehicle.

C. A "snow emergency" may be established whenever falling or drifting snow accumulates to a depth of three inches or when plowable on any street located within the Village and shall continue until such time as the snow has been removed from the street.

D. It shall be unlawful to leave any vehicle unattended on any streets within the Village during the existence of a snow emergency.

E. A person designated by the Village Board shall order that any vehicle found unattended on any of the above designated streets during a snow emergency be "red-tagged" with a notice requiring the immediate removal of the vehicle. Any red-tagged vehicle which is not removed within 24 hours following being red-tagged will be towed to a place designated by the Village Board.

F. From November 1 to March 15, no parking of vehicles shall be permitted on either side of Third Street between Lincoln Avenue and North Front Street between the hours of 2:00 A.M. and 6:00 A.M. Any vehicle parked in violation of this provision may be towed to a place designated by the Village Board.

G. The owner or other person lawfully entitled to the possession of any vehicle which has been towed pursuant to this section may be required to pay the reasonable towing and storage charges for such vehicle. Such towing and storage charges shall constitute a lien upon such vehicle. The person towing and storing such vehicle

shall be entitled to retain possession of such vehicle until such charges are paid.  
**(Neb. Rev. Stat. §60-680)**

### Article 3 – Parking; Handicapped or Disabled Persons

#### SECTION 4-301: DEFINITIONS

For purposes of this article:

“Handicapped or disabled person” shall mean any individual with a severe visual or physical impairment which limits personal mobility and results in an inability to travel unassisted more than 200 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.

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

“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, 18-1741.01**)

#### SECTION 4-302: DESIGNATION OF ON-STREET PARKING; DISPLAY OF PERMITS

A. The Village Board may designate parking spaces for the exclusive use of:

1. Handicapped or disabled persons whose motor vehicles display the distinguishing license plates issued to handicapped or disabled persons pursuant to **Neb. Rev. Stat. §60-311.14**,
2. Handicapped or disabled persons whose motor vehicles display a distinguishing license plate issued to a handicapped or disabled person by another state,
3. Such other handicapped or disabled persons or temporarily handicapped or disabled persons, as certified by the Village, whose motor vehicles display the permit specified in **Neb. Rev. Stat. §18-1739**, and
4. Such other motor vehicles, as certified by the Village, which display such permit. All such permits shall be displayed by attaching the permit to the motor vehicle's rearview mirror so as to be clearly visible through

the front windshield. When there is no rearview mirror, the permit shall be displayed on the dashboard.

B. If the Village Board so designates a parking space, it shall be indicated by posting aboveground and immediately adjacent to and visible from each space a sign which is in conformance with the *Manual on Uniform Traffic Control Devices*. In addition to such sign, the space may also be indicated by blue paint on the curb or edge of the paved portion of the street adjacent to the space. (**Neb. Rev. Stat. §18-1736, 18-1737**)

### **SECTION 4-303: DESIGNATION OF OFF-STREET PARKING**

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

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

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

C. Such other motor vehicles, as certified by the Village, which display such permit. Such designation shall be made by posting aboveground and immediately adjacent to and visible from each stall or space a sign which is in conformance with the *Manual on Uniform Traffic Control Devices*. (**Neb. Rev. Stat. §18-1737**)

### **SECTION 4-304: PERMIT ISSUANCE; PERSON**

A. The Village Clerk shall take an application from a handicapped or disabled person or temporarily handicapped or disabled person or his/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 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. For purposes of this section, the handicapped or disabled person or temporarily handicapped or disabled person shall be considered the holder of the permit.

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

C. A person applying for a permit or for the renewal of a permit shall complete an application, shall provide proof of identity, and shall submit a completed medical form signed by a physician, physician assistant, or nurse practitioner certifying that the person who will be the holder meets the definition of handicapped or disabled person or temporarily handicapped or disabled person. In the case of a temporarily



handicapped or disabled person, the certifying physician, physician assistant, or nurse practitioner shall indicate the estimated date of recovery or that the temporary handicap or disability will continue for a period of six months, whichever is less.

D. A person may hold only one permit under this section and may hold either a permit under this section or a permit under Section 4-305 herein, but not both.

E. The Village Clerk shall submit to the Department of Motor Vehicles the name, address, and license number of all persons applying for a permit pursuant to this section. (**Neb. Rev. Stat. §18-1738, 18-1738.02**)

#### **SECTION 4-305: PERMIT ISSUANCE; MOTOR VEHICLE**

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

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

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

D. No more than one such permit shall be issued for each motor vehicle. A person may hold either a permit under this section or a permit under Section 4-304, but not both.

E. The Village Clerk shall submit to the Department of Motor Vehicles the name, address, and license number of all persons applying for a permit pursuant to this section. (**Neb. Rev. Stat. §18-1738.01, 18-1738.02**)

#### **SECTION 4-306: PERMIT CONTENTS, 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 4-308. At the expiration of such suspension, a permit may be renewed upon the payment of the permit fee.

B. A duplicate permit may be provided without cost if the original permit is destroyed, lost, or stolen. Such duplicate permit shall be issued in the same manner as the original permit, except that a newly completed medical form need not be provided if a completed medical form submitted at the time of the most recent application for a permit or its renewal is on file with the Village Clerk. A duplicate permit shall be valid for the remainder of the period for which the original permit was issued. **(Neb. Rev. Stat. §18-1739)**

#### **SECTION 4-307: PERMITS; PERIOD VALID; RENEWAL**

A. Permanently issued permits 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.

B. All permits authorized under **Neb. Rev. Stat. §18-1736 to §18-1741.07** 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)**

#### **SECTION 4-308: PERMITS NONTRANSFERABLE; VIOLATIONS; SUSPENSION**

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

#### **SECTION 4-309: REMOVAL OF UNAUTHORIZED VEHICLE; PENALTY**

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

space a sign which clearly and conspicuously states the area so designated as a tow-in zone.

B. Anyone who parks a vehicle in any on-street parking space which has been designated exclusively for handicapped or disabled persons or temporarily handicapped or disabled persons or motor vehicles for the transportation of such persons, or in any so exclusively designated parking space in any off-street parking facility, without properly displaying the proper permit or when the handicapped or disabled person to whom or for whom the license plate or permit is issued will not enter or exit the vehicle while it is parked in the designated space shall be guilty of a handicapped parking infraction as defined in Section 4-301 and shall be subject to the procedures set forth in Section 4-310 and the penalty provided for in this chapter. The display on a motor vehicle of a distinguishing license plate or permit issued to a handicapped or disabled person by and under the duly constituted authority of another state shall constitute a full and complete defense in any action for a handicapped parking infraction. If the identity of the person who parked the vehicle in violation of this section cannot be readily 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 penalty provided for in this chapter.

C. In the case of a privately owned off-street parking facility, the owner or person in lawful possession of such facility shall not be required to inform the Village of a violation of this section prior to the Village's issuance of a handicapped parking infraction citation to the violator. (**Neb. Rev. Stat. §18-1737**)

#### **SECTION 4-310: CITATION, ISSUANCE; COMPLAINT; TRIAL; DISMISSAL**

A. For any offense classified as a handicapped parking infraction, a handicapped parking citation may be issued by any law enforcement officer or by any person designated by ordinance by the Village Board 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 Village 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 obli-

gation 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 law enforcement officer, certifying that the recipient is the lawful possessor in his/her own right of a handicapped parking permit issued under **Neb. Rev. Stat. §18-1738** or **§18-1738.01** and that the law enforcement officer has personally viewed the permit. **(Neb. Rev. Stat. §18-1741.01, 18-1741.04, 18-1741.06)**

## Article 4 – Bicycles, Mopeds, and Motorcycles

### SECTION 4-401: BICYCLES; OPERATION

A. No person shall operate a bicycle on a street or highway within the 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 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. **(Neb. Rev. Stat. §60-6,318)**

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 side by side within the lane, or
5. Lawfully operating a bicycle on the paved shoulders of a highway included in the state highway system as provided in **Neb. Rev. Stat. §60-**

**6,142.**

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/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. §60-6,317)**

**SECTION 4-402: BICYCLES AND OTHER CONVEYANCES; CLINGING TO VEHICLES**

No person riding upon any bicycle, coaster, roller skates, roller blades, sled, skis, or toy vehicle shall attach himself, herself, or the bicycle, coaster, roller skates, roller blades, sled, skis, or toy vehicle to any vehicle upon a roadway. It shall be unlawful for the driver of any vehicle to suffer or permit any person riding upon any bicycle, coaster, roller skates, roller blades, sled, skis, or toy vehicle to cling or attach a person or a bicycle or the like to such vehicle. **(Neb. Rev. Stat. §60-6,316)**

**SECTION 4-403: MOPEDS; DEFINITIONS; STATUTORY REGULATION**

A. For the purpose of this chapter, the following definitions 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 4-404: 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 4-405: 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 chapter of the municipal 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 shall be 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 4-406: 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 4-407: 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. This section shall not apply to mopeds or motorcycles operated two abreast in a single lane. No person shall operate a moped between lanes of traffic or between adjacent lines or rows of vehicles. Mopeds shall not be operated more than two abreast in a single lane. Any person who operates a moped on a roadway with an authorized speed limit of more than 45 miles per hour shall ride as near to the right side of the roadway as practicable and shall not ride more than single file. **(Neb. Rev. Stat. §60-6,313(1) through (4))**

- B. Mopeds shall not be operated on the sidewalks.

#### **SECTION 4-408: 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))**

#### **SECTION 4-409: MOPEDS; HELMET**

Commencing January 1, 1989, a person shall not operate or be a passenger on a moped or motorcycle on any highway, as defined in state statutes, unless such person is wearing a protective helmet of the type and design manufactured for use by operators of such vehicles and unless such helmet is secured properly on his/her head with a chin strap while the vehicle is in motion. All such protective helmets shall be designed to reduce injuries to the user resulting from head impacts and shall be designed to protect the user by remaining on the user's head, deflecting blows, resisting penetration, and spreading the force of impact. Each such helmet shall consist of lining, padding, visor, and chin strap and shall meet or exceed the standards established in the United States Department of Transportation's *Federal Motor Vehicle Safety Standard No. 218*, 49 C.F.R. 571.218, for motorcycle helmets. **(Neb. Rev. Stat. §60-6,279)**

#### **SECTION 4-410: 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 4-411: MOTORCYCLES; OPERATION**

A. *Generally.* Motorcycles shall only be operated upon the streets of the Village and shall not be operated on any sidewalk. No motorcycles shall be left parked on any sidewalk within the Village.

B. *Riding tandem.* No person operating a motorcycle shall carry another person in front of the operator. **(Neb. Rev. Stat. §60-6,307)**

#### **SECTION 4-412: MOTORCYCLES; HELMET REQUIRED**



Commencing January 1, 1989, a person shall not operate or be a passenger on a motorcycle or moped on any highway, as defined in state statutes, unless such person is wearing a protective helmet as provided in Section 4-409. **(Neb. Rev. Stat. §60-6,279)**



## Article 5 – Snowmobiles

### SECTION 4-501: EQUIPMENT

A. Every snowmobile operated within the Village shall be registered with the State 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 tail lamp, reflector material of a minimum area of 16 square inches mounted on each side forward of the handle bars, and with brakes as prescribed by the Department of Motor Vehicles.

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

**(Neb. Rev. Stat. §60-6,321, 60-6,335)**

### SECTION 4-502: UNLAWFUL OPERATION

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 taillight 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 4-503: 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 4-504: ENFORCEMENT; PENALTY**

Any peace officer, including a conservation officer, may enforce the provisions relating to snowmobiles. **(Neb. Rev. Stat. §60-6,362(2))**

## Article 6 – Abandoned Vehicles

### SECTION 4-601: DEFINED

A. A motor vehicle is an abandoned vehicle:

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

B. For purposes of this section:

“Public property” means any public right-of-way, street, highway, alley, or park or other state-, county-, or municipally-owned property; and

“Private property” means any privately owned property which is not included within the definition of public property.

C. No motor vehicle subject to forfeiture under state statutes shall be an abandoned vehicle under this section. (**Neb. Rev. Stat. §60-1901**)

### SECTION 4-602: ABANDONMENT OF VEHICLE UNLAWFUL

No person shall cause any vehicle to be an abandoned vehicle as described in Section 4-601 (A)(1), (2), (3), or (4). (**Neb. Rev. Stat. §60-1907**)

**SECTION 4-603: TITLE; VEST IN LOCAL AUTHORITY OR STATE AGENCY;  
WHEN**

If an abandoned vehicle at the time of abandonment has no license plates of the current year or valid "In Transit" signs issued pursuant to state statute affixed and is of a wholesale value, taking into consideration the condition of the vehicle, of \$250.00 or less, title shall immediately vest in the Village Board or state agency having jurisdiction thereof as provided in Section 4-606 (Custody). Any certificate of title issued under this section to the Village Board or state agency shall be issued at no cost to such authority or agency. **(Neb. Rev. Stat. §60-1902)**

**SECTION 4-604: LOCAL AUTHORITIES; POWERS AND DUTIES**

A. Except for vehicles governed by Section 4-603 (Title), the Village Board having custody of an abandoned vehicle shall make an inquiry concerning the last-registered owner of such vehicle as follows:

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

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

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

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

**SECTION 4-605: LAW ENFORCEMENT AGENCY; POWERS AND DUTIES**

A local law enforcement agency which has custody of a motor vehicle for investigatory purposes and has no further need to keep it in custody shall send a certified letter to each of the last-registered owners stating that the vehicle is in the custody of the said law enforcement agency, that the vehicle is no longer needed for law enforcement purposes, and that after 30 days the agency will dispose of the vehicle. This section shall not apply to motor vehicles subject to forfeiture under state statutes. No storage fees shall be assessed against the registered owner of a motor vehicle held in custody for investigatory purposes under this section unless the registered owner or the person in possession of the vehicle when it is taken into custody is charged with a felony or misdemeanor related to the offense for which the law enforcement agency took the vehicle into custody. If a registered owner or the person in possession of the vehicle when it is taken into custody is charged with a felony or misdemeanor but is not convicted, the registered owner shall be entitled to a refund of the storage fees. **(Neb. Rev. Stat. §60-1903.01)**

**SECTION 4-606: CUSTODY; WHO ENTITLED**

If a state agency caused an abandoned vehicle described in Section 4-601 (A)(5) to be removed from public property, the state agency shall be entitled to custody of the vehicle. If a state agency caused an abandoned vehicle described in Section 4-601 (A)(1), (2), (3), or (4) to be removed from public property, the state agency shall deliver the vehicle to the Village Board, which shall have custody. The Village Board shall be entitled to custody of an abandoned vehicle if the said vehicle was abandoned in the Village. **(Neb. Rev. Stat. §60-1904)**

**SECTION 4-607: PROCEEDS OF SALE; DISPOSITION**

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

**SECTION 4-608: LIABILITY FOR REMOVAL**

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

**SECTION 4-609: DESTROY, DEFACE, OR REMOVE PARTS; UNLAWFUL; EXCEPTION; VIOLATION; PENALTY**

No person other than one authorized by the Village Board shall destroy, deface, or

remove any part of a vehicle which is left unattended on a highway or other public place without license plates affixed or which is abandoned. Anyone violating this section shall be guilty of a Class V misdemeanor. **(Neb. Rev. Stat. §60-1908)**

**SECTION 4-610: 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 – Trailers and Recreational Vehicles**

### **SECTION 4-701: TRAILER CAMP; PROHIBITED**

It shall be unlawful for any person to construct, maintain, operate, or alter any trailer camp within the corporate limits.

### **SECTION 4-702: TRAILER PARKING; PROHIBITED LOCATION**

It is unlawful for any person to park a trailer or trailer coach within the corporate limits for purposes of using said trailers as a dwelling or sleeping place for one or more persons or the conduct of any business or profession, occupation or trade or use as a selling or advertising device, except construction trailers used as offices or storage during the actual construction of buildings or facilities within the Village shall be permitted.

### **SECTION 4-703: PERMITTED EXCEPTIONS**

A. Trailers commonly referred to as "double wide" or any other trailer coach or coaches having a minimum outside width of 20 feet and containing 800 square feet or more of living space when placed upon permanent foundation or support, with axle, wheels and towing apparatus removed, on premises owned or leased by the owner of said trailer coach when used as a residence or a trade or business, shall be exempt and excepted from the provisions of this ordinance. Any such trailer shall be allowed by special permit to be granted by the Village Board at its discretion.

B. Any trailer coach which qualifies under the exceptions herein shall be so located and placed in such a manner that the same shall comply with the building code, and further, shall comply and be so placed in such a manner as to safeguard the health and safety of the occupants of the trailer and of the general public.

### **SECTION 4-704: TRAILERS AND CAMPERS; PROHIBITED PARKING**

It shall be unlawful for any person to park any trailer coach, travel trailer, camper or converted bus on any official street, avenue, road, alley, or highway within the corporate limits for a period of time in excess of two hours, and then only between the hours of sunrise and sunset, and shall be subject to any other and further prohibitions, regulations, or limitations imposed by traffic and parking regulations as any resolution of the Village Board may provide relating thereto.

### **SECTION 4-705: TRAILERS AND CAMPERS; TEMPORARY STORAGE**

It shall be lawful for any person to store or otherwise keep on upon any area of any premises travel trailers or campers propelled or drawn by their own or other motive power; provided, said trailer or camper be stored as near as possible to the rear of the premises. It shall be further lawful for any person to keep and maintain a travel

trailer or camper propelled or drawn by its own or other motive power upon any premises to be used for occupancy as dwelling or sleeping space for any period not to exceed two weeks in duration. Any travel trailer or camper propelled or drawn by its own or other motive power so temporarily placed shall be placed upon said premises or portion thereof as far away as possible from the street abutting said premises.

#### **SECTION 4-706: PARKING OF DETACHED TRUCKS OR TRAILERS**

It shall be unlawful for the owner or operator of a truck, utility trailer, boat trailer, horse trailer, or other trailer designed to be pulled behind a motor vehicle to park such trailer detached from its motor vehicle on the streets in the commercial or residential districts of the Village, except when such owner or operator is performing a service for an adjacent or abutting property owner and only then for a period of no longer than eight (8) hours, provided that the detached trailer does not impede the safe flow of traffic. A detached trailer belonging to a contractor with a current building permit may be parked in an area where vehicles can legally park on the street longer than eight (8) hours so long as the contractor is actively working on the property with the building permit and the detached trailer does not impede the safe flow of traffic.

**Article 8 – ALL-TERRAIN; UTILITY TYPE; & GOLF CART VEHICLES**

**SECTION 4-801: ALL-TERRAIN VEHICLE, DEFINED; UTILITY-TYPE VEHICLE, DEFINED; GOLF CART VEHICLES**

For purposes of this section:

A. All-terrain vehicle means any motorized off-highway vehicle which (a) is fifty inches or less in width, (b) has a dry weight of nine hundred pounds or less (c) travels on three or more low-pressure tires, (d) is designed for operator used only with no passengers or is specifically designed by the original manufacturer for the operator and one passenger, (e) has a seat or addle designed to be straddled by the operator, and (f) has handlebars or any other steering assembly for steering control. **(Ref. Neb. Rev. Stat. §60-6,355)**

B. Street or highway means the entire width between the boundary limits of any street, road, avenue, boulevard, or way which is publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel. **(Ref. Neb. Rev. Stat. §60-624)**

C. Utility-type vehicle means any motorized off-highway vehicle which (A) is not less than forty-eight inches nor more than seventy-four inches in width (B) is not more than one hundred thirty-five inches, including the bumper, in length, (C) has a dry weight of not less nine hundred nor more than two thousand pounds, (D) travels on four or more low-pressure tires, and (E) is equipped with a steering wheel and bench or bucket-type seating designed for at least two people to sit side-by-side.

(ii) Utility-type vehicles does not include golf carts or low-speed vehicles **(Ref. Neb. Rev. Stat. § 60-6,355)**

D. Golf car vehicle means a vehicle that has at least four wheels, has a maximum level ground speed of less than twenty miles per hour, has a maximum payload capacity of one thousand two hundred pounds, has a maximum passenger capacity of not more than four persons, is designed and manufactured for operation on a golf course for sporting and recreational purposes, and is not being operated within the boundaries of a golf course.

**SECTION 4-802: ALL-TERRAIN VEHICLE; UTILITY-TYPE VEHICLE; GOLF CAR VEHICLE; OPERATION; RESTRICTIONS**

A. An all-terrain vehicle, utility-type vehicle or golf cart vehicle may be operated on streets and highways within the corporate limits of the Village only if the operator and the vehicle comply with the provisions of this section.

B. An all-terrain vehicle, utility-type vehicle or golf cart vehicle may be operated only between the hours of sunrise and sunset and shall not be operated at a speed in excess of thirty miles per hour. When operating an all-terrain vehicle, utility-type vehicle or golf cart vehicle as authorized in subsection (1) of this section, the headlight and taillight of the vehicle shall be on and the vehicle shall be equipped with a bicycle safety flag which extends not less than five feet above ground attached to the rear of such vehicle. The bicycle safety flag shall be triangular in shape with an area of not less than thirty square inches and shall be day-glow in color.

C. Any person operating an all-terrain vehicle, utility-type vehicle or golf cart vehicle as authorized in subsection (1) of this section shall have:

1. A valid Class O operator's license or a farm permit as provided in Neb. Rev. Stat.60-4,126; and
2. Liability insurance coverage for the all-terrain vehicle, utility-type vehicle or golf cart vehicle while operating the all-terrain vehicle, utility-type vehicle or golf cart vehicle on a street or highway. The person operating the all-terrain vehicle, utility-type vehicle or golf cart vehicle shall provide proof of such insurance coverage to any peace officer requesting such proof within five days of such a request.

D. All-terrain vehicles, utility-type vehicles or golf cart vehicles may be operated without complying with subsections (2) and (3) of this section on streets and highways in parades which have been authorized by the State of Nebraska or any department, board, commission, or political subdivision of the state.

E. An all-terrain vehicle, utility-type vehicle or golf cart vehicle shall not be operated on any controlled-access highway with more than two marked traffic lanes shall not be permitted. Subsection (1) through (3) and (6) of this section authorize and apply to operation of an all-terrain vehicle, utility-type vehicle or golf cart vehicle only on a street or highway other than a controlled-access highway with more than two marked traffic lanes.

F. Subject to subsection (5) of this section, the crossing of a street or highway shall be permitted by an all-terrain vehicle, utility-type vehicle or golf cart vehicle without complying with subsections (2) and (3) of this section only if:

1. The crossing is made at an angle of approximately ninety degrees to the direction of the street or highway and at a place where no obstruction prevents a quick and safe crossing;
2. The vehicle is brought to a complete stop before crossing the shoulder or roadway of the street or highway;

3. The operator yields the right-of-way to all oncoming traffic that constitutes an immediate potential hazard;
4. In crossing a divided highway, the crossing is made only at an intersection of such highway and another highway; and
5. Both the headlight and taillight of the vehicle are on when the crossing is made. **(Ref. Neb. Rev. Stat. §60-6,356)**

G. No passengers shall be allowed in the cargo area of an all-terrain vehicle or utility-type vehicle.

#### **SECTION 4-803: ALL-TERRAIN VEHICLES; UTILITY-TYPE VEHICLES, GOLF CART VEHICLES; LIGHTS REQUIRED; WHEN**

Every all-terrain vehicle, utility-type vehicle or golf cart vehicle shall display a lighted headlight and taillight during the period of sunset to sunrise and at any time when visibility is reduced due to insufficient light or unfavorable atmospheric conditions. **(Ref. Neb. Rev. Stat. § 60-6,357)**

#### **SECTION 4-804: ALL-TERRAIN VEHICLE, UTILITY-TYPE VEHICLE, GOLF CART VEHICLE; EQUIPMENT REQUIRED**

Every all-terrain vehicle, utility-type vehicle or golf cart vehicle shall be equipped with (1) a brake system maintained in good operating condition; (2) an adequate muffler system in good working condition; and (3) a U.S. Forest Service qualified spark arrester. **(Ref. Neb. Rev. Stat. § 60-6,358)**

#### **SECTION 4-805: MODIFICATION OF ALL-TERRAIN VEHICLE, UTILITY-TYPE VEHICLE OR GOLF CART VEHICLE; PROHIBITED**

No person shall:

A. Equip the exhaust system of an all-terrain vehicle, utility-type vehicle or golf cart vehicle with a cutout, bypass or similar device; or

B. Operate an all-terrain vehicle, utility-type vehicle or golf cart vehicle with an exhaust system so modified; or

C. Operate an all-terrain vehicle, utility-type vehicle or golf cart vehicle with the spark arrester removed or modified except for use in closed-course competition events. **(Ref. Neb. Rev. Stat. § 60-6,359)**

**SECTION 4-806: ALL-TERRAIN VEHICLE; UTILITY-TYPE VEHICLE; GOLF CART VEHICLES; COMPETITIVE EVENTS; EXEMPTIONS**

All-terrain vehicles, utility-type vehicles or golf cart vehicles participating in competitive events may be exempted from Section 4-802 to 4-805 at the discretion of the Director of Motor Vehicles of the State of Nebraska. (Ref. Neb. Rev. Stat. § 60-6,360)

**SECTION 4-807: ALL-TERRAIN VEHICLE; UTILITY-TYPE VEHICLE; GOLF CART VEHICLES; ACCIDENT; REPORT REQUIRED**

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 all-terrain vehicle, utility-type vehicle or golf cart vehicle involved in the accident shall give notice of the accident in the same manner as provided in Neb. Rev. Stat. § 60-699. (Ref. Neb. Rev. Stat. §60-6, 361)

**SECTION 4-808: ALL-TERRAIN VEHICLE; UTILITY-TYPE VEHICLE; GOLF CART VEHICLES; CONCURRENT STATE PENALTY**

Any violation of Section 4-802 through 4-807 of this article which is also a violation under Chapter 60 of the Revised Statutes of Nebraska may be punished under the penalty provisions of such chapter. (Ref. Neb. Rev. Stat. §60-6, 362)

**SECTION 4-809: ALL-TERRAIN VEHICLE; UTILITY-TYPE VEHICLE; GOLF CART VEHICLES; REGISTRATION**

A. An all-terrain vehicle, utility-type vehicle or golf cart vehicle may be operated on streets and highways within the corporate limits of the Village of Waterloo only if such vehicle is registered by the village, displays a valid registration sticker and is maintained pursuant to the provisions of this article.

B. Upon proper execution of an application, a registration fee of Twenty-Five (\$25) Dollars shall be paid to the village. Such fee shall cover the costs of the initial inspections and issuance of a registration sticker. Such registration shall be valid for the calendar year for which such sticker is issued.

C. Upon payment of the fee, an inspection of the vehicle shall be scheduled by the village clerk at its registered location, if within the village, or at the village clerk's office. Such inspection shall be made by a village police officer.

D. Upon such inspection, and a determination by the police officer that the vehicle from a visual examination of the vehicle, appears to comply with the provisions of this chapter, the police officer shall issue and affix a registration sticker to the vehicle in an observable location on the vehicle as may be determined by the police

officer. If an inspection sticker is not issued after two inspections, the fee shall be forfeited. The inspection and issuance of a registration sticker shall not relieve the operator or registered owner from compliance with Chapter 60 of the Revised Statutes of Nebraska or the Village of Waterloo Municipal Code, nor is such inspection or issuance intended to create any obligation on the part of the village for such compliance, nor shall the operator or registered owner rely on such inspection or issuance as to such compliance.

**SECTION 4-810: ALL-TERRAIN VEHICLE; UTILITY-TYPE VEHICLE; GOLF CART VEHICLES; NON-REGISTRATION PENALTY.**

A. Notwithstanding any other provision of the Village of Waterloo Municipal Code, the sole penalty regarding failure to register or display a valid registration sticker pursuant to Section 4-809 shall be those penalties contained in this section.

B. Upon the first violation of the provisions of Section 4-809, which shall be deemed a violation by both the operator and the registered owner, a warning may be issued by the enforcement officer.

C. Upon the second violation of the provisions of Section 4-809, which shall be deemed a violation by both the operator and the registered owner, the penalty shall be a Twenty-Five (\$25) Dollar fine shall be paid by the registration holder to the village. The amount of such fine may be adjusted from time to time by village ordinance.

D. Upon either the third violation of the provisions of this article, which shall be deemed a violation by both the operator and the registered owner, or the failure to pay the fine set out in this section within 14 days of issuance, the penalties shall be (a) the immediate revocation of the particular vehicle's registration, if any; and, (b) the immediate suspension of the operator and registration holder from applying for a registration for a period of one year from the date of such violation.

E. Such penalties set out in this section may be waived by the Village Board upon a showing of unusual circumstances not within the control of the operator or registered owner.

**SECTION 4-810: ALL-TERRAIN VEHICLE; UTILITY-TYPE VEHICLE; GOLF CART VEHICLES; ENFORCEMENT.**

Any law enforcement 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 Section 4-802 to 4-808 of this article.

**Article 9 – Penal Provision**

**SECTION 4-901: VIOLATION; PENALTY**

Any person who shall violate or refuse to comply with the enforcement of any of the provisions of this chapter, set forth at full length herein or incorporated by reference, shall be deemed guilty of an offense and upon conviction thereof shall be fined not more than \$500.00 for each offense. A new violation shall be deemed to have been committed every 24 hours of such failure to comply.